

APPENDIX G: SEXUAL AND GENDER BASED MISCONDUCT PROCEDURES FOR STUDENTS

Slippery Rock University Sexual and Gender Based Misconduct Procedures for Students

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I. Introduction

Sexual and Gender Based Misconduct, as defined by these procedures, comprises a broad range of behavior that will not be tolerated in the university community. For the purposes of this policy, Sexual and Gender Based Misconduct includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse (or attempts to commit the same) and/or sexual exploitation, as more fully defined below. Slippery Rock University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct, and timely and fair resolution of sexual misconduct complaints. Creating a safe environment is the responsibility of all members of the University community, guests, and visitors. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The intention of these

procedures is to define community expectations, encourage individuals to report violations, and to establish a mechanism for responding to violations.

A. Policy Violations

Violations of this policy can impair or limit the educational and occupational opportunities of any person at Slippery Rock University and have no place in this community. These procedures apply to all Slippery Rock University students, both undergraduate and graduate. The Slippery Rock University of Pennsylvania Sexual Harassment Policy for employees (faculty, staff, and student employees) can be found at: <https://www.sru.edu/Documents/offices/diversity/Sexual-Harassment-and-Assault-Policy.docx>

B. Criminal Offenses

These procedures also define behavior and identify resources for persons who have experienced a sexual offense. Sexual offenses are prohibited under Commonwealth of Pennsylvania statutes and federal laws and may be prosecuted in the criminal justice system. Legal definitions may vary from definitions used by the Slippery Rock University community as outlined in these procedures. Pursuing a campus resolution through this policy does not preclude one from pursuing legal action now or in the future, and vice versa. (These procedures do not address civil law remedies that also may be available – through a privately-filed lawsuit against a perpetrator of a sexual offense – to those who have been the victim of a sexual offense.)

C. Context: Title IX

Anyone can experience or be a perpetrator of sexual misconduct regardless of gender or sexual orientation. Perpetrators can be anyone: a stranger, current or former intimate partner, a long-time acquaintance, or a new acquaintance. When the victim or perpetrator is a student, the violation falls under the rules and regulations of Title IX—which is a provision of federal law. Title IX [20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)] mandates that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” One of the principal purposes of this policy is to implement and enforce the requirements of Title IX. Thus, you will see it referenced throughout.

II. Information and Assistance

The Title IX Coordinator’s role is to oversee University compliance with Title IX regulations.

The Title IX Coordinator will:

1. Serve as a resource for students wishing to report any acts of sexual misconduct or gender-based discrimination, i.e. violations of Title IX.
2. Provide oversight for all Title IX complaints and identify patterns, issues or problems regarding those same complaints.
3. Review and support the informational initiatives enabling students, staff and faculty to fully understand sexual violence and sexual harassment as forms of sexual discrimination and further educate the community about University policy and procedures.

Contact the Title IX Coordinator:

Holly McCoy, JD

Assistant Vice President
Diversity and Equal Opportunity
Phone: 724-738-2650
holly.mccoy@sru.edu

If you would have experienced sexual harassment and/or sexual misconduct and would like to talk confidentially, you may contact the following:

Health Services (confidential)

McLachlan Student Health Center
Open 24 hours a day, 7 days a week during the academic year
Slippery Rock, PA 16057
(724) 738-2052

Counseling Center (confidential)

Open 8am-4:30pm during the academic year/ closed summer and breaks
Rhoads Hall
Slippery Rock, PA 16057
(724) 738-2034

Women's Center director (confidential)

Open 8am-4:30pm during the academic year/ open 8am-4pm in the summer and breaks
249 Smith Student Center
Slippery Rock, PA 16057
(724) 738-2992

Pride Center director (confidential)

Open 8am-4:30pm during the academic year/ open 8am-4pm in the summer and breaks
252 Smith Student Center
Slippery Rock, PA 16057
(724) 738-4378

VOICe (confidential)

Victim Outreach Intervention Center (VOICe)
111 S. Cliff St., Suite 1-A, Butler, PA, 16001
VOICe's 24-Hour Hotline is 1-800-400-8551

If you believe that you have experienced sexual harassment and/or sexual misconduct, you are encouraged to file a complaint with the University or with police. To file a complaint, you may contact the following:

University Police (not confidential):

145 Kiester Road
Slippery Rock, PA 16057
Phone: 724-738-3333

Office of Student Conduct (not confidential):

008 Patterson Hall

Slippery Rock University

Slippery Rock, PA 16057

Phone: 724-738-4985

Student Conduct referral: https://sru-advocate.symplicity.com/public_report (Conduct referrals are checked during normal university business hours; in an emergency contact University Police 24/7 at 724-738-3333)

Title IX Coordinator (not confidential):

Holly McCoy, JD

Assistant Vice President

Diversity and Equal Opportunity

holly.mccoy@sru.edu

Phone: 724-738-2650

All university employees (including faculty and staff) with the exception of Student Health Services staff, Women's Center Director and Pride Center Director, Student Counseling Services faculty, who become aware of an incident of sexual harassment or sexual misconduct are required to notify the Title IX Coordinator, who will initiate a campus investigation into the matter. The University is required to report incidents of sexual misconduct or sexual assault that constitute a violent felony under Pennsylvania law (18 Pa. C.S. § 3124.1), to the Slippery Rock University Police Department.

All members of the Slippery Rock University of Pennsylvania community are encouraged to promptly report any information they have pertaining to gender-based discrimination, sexual harassment or sexual misconduct offenses against any member of the University community, guests and visitors so that the matter may be addressed in a timely manner.

III. Policy

It is the policy of Slippery Rock University of Pennsylvania to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination. Sexual misconduct as defined in this policy is a form of sex discrimination prohibited by Title IX.

Sexual Misconduct Offenses

1. Sexual Harassment

Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University's educational program. The unwelcome behavior may be based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious or unwanted sexual attention; to punish a refusal to comply with sexual requests or advances; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence or stalking; gender-based bullying.

2. Non-Consensual Sexual Contact (or attempts to commit same)

Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin or genitals, or touching another with any of these body parts, or making

another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse (or attempts to commit same)

Any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration.

4. Sexual Exploitation

Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- a. Invasion of sexual privacy.
- b. Prostituting another person.
- c. Non-consensual video, photography or audio-taping of sexual activity.
- d. Going beyond the boundaries of consent (such as letting someone hide in a closet to watch you having consensual sex).
- e. Engaging in non-consensual voyeurism.
- f. Knowingly transmitting an STD or HIV to another person.
- g. Exposing one's genitals in non-consensual circumstances; or inducing another to expose their genitals.
- h. Sexually-based stalking and/or bullying.

IV. Definition(s)

1. Complainant

The person who is alleging a violation of the Sexual or Gender Based Misconduct Policy.

2. Consent

Consent is a clear, knowing, and voluntary agreement to engage in sexual activity of any type with someone of legal age:

- a. someone who is incapacitated cannot consent;
- b. past consent does not imply future consent;
- c. silence or an absence of resistance does not imply consent;
- d. consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- e. consent can be withdrawn at any time; and
- f. coercion, force, or threat of either invalidates consent.

Consent can be given by word or action, but non-verbal consent is not as clear as discussing what is or isn't sexually permissible.

3. Dating Violence

The term "dating violence" means violence committed by a person: (A.) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B.) where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship; ii) the type of relationship; iii) the frequency of interaction between the persons involved in the relationship.

- 4. Domestic Violence** The term “domestic violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction
- 5. Force**
The use of physical violence and/or imposing on someone physically to gain sexual access.
- 6. Hostile Environment Harassment**
Conduct that has the purpose or effect of unreasonably interfering with an individual’s work or learning performance or creating an intimidating, hostile or offensive work or learning environment.
- 7. Incapacitation**
The inability to provide consent due to actions or factors such as the use of drugs or alcohol, being asleep or unconscious, or due to an intellectual or other disability, any of which prevent the individual from having the capacity to provide consent.
- 8. Intimidation**
A person commits an offense if, with the intent to or with the knowledge that his or her conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice, he or she intimidates or attempts to intimidate any witness or victim.
- 9. Respondent**
The person whose actions are alleged to have violated the Sexual or Gender Based Misconduct Procedures.
- 10. Retaliation**
Retaliation is any action taken in response to a report of misconduct that restrains, interferes with, coerces, or punishes the person making the report.
Under this policy, no faculty, administrator, staff, student, applicant for employment, or member of the public may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice concerning a misconduct matter, to file a complaint, or to serve as a witness in the investigation of a misconduct complaint. Retaliation is a separate charge, and may be cause for discipline apart from the outcome of the initial complaint. That is, retaliation can be found to have occurred even if there is no finding of a policy violation under the original complaint.
- 11. Sexual Exploitation of Children** A person commits the offense of sexual exploitation of children if he or she procures for another person a child under 18 years of age for the purpose of sexual exploitation.
- 12. Sexual Harassment**
Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University’s educational program. See Section III.A. above.

13. Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that could cause a reasonable person to: fear for his or her safety or the safety of others; or suffer substantial emotional distress. A “course of conduct” includes not only actions in another’s presence, but also threats or intimidation that are made via telephone or online communications.

14. Title IX Coordinator

The Title IX Coordinator is responsible for implementing and monitoring Title IX compliance efforts on behalf of the University. The Title IX Coordinator will:

- a. Serve as a resource for students wishing to report any acts of sexual violence or sexual harassment, i.e. violations of Title IX;
- b. Provide oversight for all Title IX complaints and identify patterns, issues or problems regarding those same complaints;
- c. Review and support the informational initiatives enabling students, staff and faculty to fully understand sexual violence and sexual harassment as forms of sexual discrimination and further educate the community about University policies and procedures.

V. Confidentiality and Reporting

When consulting campus resources all parties should be aware of confidentiality and mandatory reporting order to make informed choices.

On campus, some resources can offer confidentiality, sharing options and advice without any obligation to tell anyone unless the complainant wants them to. This is limited to the counselors in the Counseling Center who have client/counselor privilege. Staff members of the Student Health Services and the Director of the Women’s Center and the Director of the Pride Center also provide confidential resources but with a limited reporting requirement. This is discussed in greater detail, in section V.A. below.

Other resources on campus (listed below) are expressly there for complainants to report crimes and policy violations, and they will take action when a violation of this policy is reported to them. Matters of confidentiality are described in greater detail below.

1. To Report Confidentially

If one desires that details of the incident be kept confidential, he or she should speak with on-campus mental health counselors, campus health service providers, director of the Women’s Center, director of the Pride Center, or off-campus rape crisis resources who can maintain confidentiality. Campus counselors are available to help free of charge and can be seen on an emergency basis. Confidential reports may also be made to Student Health Services and the director of the Women’s Center and the director of the Pride Center. Although a legally recognized privilege may not attach to these roles, the University respects the victim’s expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. Individuals authorized to have confidentiality are required to report the nature, date, time, and general location of an allegation of sexual misconduct to the Title IX Coordinator. Unless the complainant consents to the release of his/her name, the individuals authorized with confidentiality will not release the complainant’s personally identifiable information to the Title IX Coordinator. Confidentiality does not apply when the complainant is a minor (under the age of 18).

2. Non-Confidential Reporting Options

Complainants are encouraged to speak to officials of the University to make formal reports of incidents (Title IX Investigators, deans, vice presidents or other administrators with supervisory

responsibilities, campus police, human resources, etc.). The University considers these people to be “responsible employees.” **Notice to them is official notice to the University. Therefore, when these individuals receive a complaint, they are required to take action and cannot keep the matter confidential in the same manner as the individuals listed in section V.A.**

Complainants have the right and can expect to have incidents of sexual misconduct investigated by the University when reported, and to have those incidents addressed through administrative procedures. When a complaint is reported, only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses and the respondent.

3. Third-Party Reports

In cases where the sexual or gender based misconduct is reported to the Title IX Coordinator by a third party, that is someone other than the alleged victim, (e.g., faculty member, Residence Life staff member, adviser, dean, student, etc.) an information gathering investigation will be conducted concerning the allegations. Initially, all efforts will be made to meet with the alleged victim to discuss options and resources available through the University and community. At a minimum, all alleged victims will receive a list of university and community resources.

4. Federal Statistical Reporting Obligations (Clery Act)

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Individuals’ names or other identifying information are never included in the Security Report.

Mandated federal reporters include: student conduct, student affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisers to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

5. Federal Timely Warning Reporting Obligations

Complainants of sexual misconduct also should be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are the same as detailed at the end of the paragraph above (“Federal Statistical Reporting Obligations”). Campus security information is provided to members of the Slippery Rock University community through the webpage. When it has been determined that a crime creates a threat of continuing danger to the campus community, a crime alert will be posted throughout the campus, and an e-mail will be sent to the campus community. University Public Relations will be responsible for issuing the timely warnings.

VI. Retaliation Prohibited

Every person who alleges a violation of the Sexual and Gender Based Misconduct Procedures, or who reports such a violation, or who assists Slippery Rock University in the investigation of a complaint under this policy is protected against retaliatory actions. Retaliation against any such person may result in

disciplinary action up to and including termination from employment or expulsion from Slippery Rock University.

Retaliation against any person who is the complainant of sexual misconduct is prohibited as well. No retaliatory action is to be taken against any person seeking advice, filing a complaint or serving as a witness or otherwise cooperating in an investigation of harassment or discrimination.

VII. Procedure(s)

1. Complaints

There are two types of complaint-resolution mechanisms: a formal complaint process that involves investigation and hearing procedures, and an informal process (available for certain kinds of complaints) that involves less formal types of procedures. Each is described below.

a. Mediation Options (Informal Complaints)

Alternative resolution options—such as mediation, and other processes—may be available in certain situations. These options can be requested by any party who is directly involved or suggested by a hearing officer. These options may be used to avoid escalation of minor conflicts or in place of the formal conduct process in certain situations with the agreement of all involved parties and the Title IX Coordinator's approval. If the use of informal measures does not result in an agreement, the case will be referred back to the formal process for adjudication.

Be advised that non-consensual sexual intercourse complaints cannot be mediated or addressed through a mediation process.

b. Formal Complaints

Any member of the University community, guest, visitor or other interested party may make a report of an alleged violation of the University's Sexual and Gender Based Misconduct Policy.

Complaints will be submitted to the Title IX Coordinator.

While the University is firmly committed to protecting all students from harassment and discrimination in educational programs and activities, failure to file a timely complaint may adversely affect the ability of the University to investigate a complaint. The university is committed to providing all available resources regardless of when a complaint is filed.

The complaint process is outlined below:

- i. The individual who receives the complaint will obtain information from the complainant about the nature of the conduct that is being alleged, and will commence an investigation.
- ii. The respondent is provided written notification of the request for a formal investigation or otherwise given a written statement of the allegations and a copy of the Sexual and Gender Based Misconduct Procedures (Title IX).
- iii. The investigation generally includes interviews with the parties, if available, interviews with other witnesses as needed, and a review of relevant documents

as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.

- iv. Upon request, the complainant(s) and respondent(s) may each have a representative present when he or she is required by applicable University policy or collective bargaining agreement to be interviewed.
- v. At any time during the investigation, the investigator(s) may recommend to Slippery Rock University administrators that interim protections or remedies be provided to the complainant, respondent, or witnesses. Violations of these protections may be considered a separate violation of the Sexual and Gender Based Misconduct Policy (Title IX).
- vi. The investigation shall be completed as promptly as possible and, in most cases, within sixty (60) working days of the date the formal complaint was filed.
- vii. Generally, for investigations involving an employee as a respondent, an investigation results in a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence and a finding of whether the actions violated the university's Sexual Harassment & Sexual Assault Policy. For investigations involving a student as a respondent, evidence is presented to a three person hearing board. The board determines if the student is in violation and a sanction(s) if found in violation. The hearing board process is outlined in the Student Code of Conduct. This report may also be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- viii. The complainant will be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the respondent not contact the complainant.
- ix. The appropriate SRU administrator shall provide written notification to the Title IX Coordinator of what action, if any, has been taken, including the results of any appeals.

2. Formal Resolution Procedures for Complaints Against Faculty and Non-Faculty Employees

Title IX complaints filed by students against employees of Slippery Rock University of Pennsylvania will follow the procedures outlined in the Slippery Rock University of Pennsylvania's Sexual Harassment and Sexual Abuse Policy. A copy of this policy can be found online at <https://www.sru.edu/Documents/offices/diversity/Sexual-Harassment-and-Assault-Policy.docx> or a hard copy can be obtained from the Office of Diversity and Equal Opportunity/Title IX Coordinator, 305 Old Main.

3. Formal Resolution Procedures for Complaints Against Students

a. Complaints Against Students

- i. Complaints will be assigned to the Title IX Coordinator. In cases where the complainant chooses to utilize the student conduct process or the university determines that there is a threat to others in the community, the Title IX Coordinator will assign Title IX Investigators to investigate the allegation(s) and prepare an investigation report. The investigation report will be reviewed by the Title IX Coordinator and forwarded to the Director of Student Conduct. The Director of Student Conduct will then schedule a preliminary meeting with the

complainant and the respondent to review the complaint and discuss the conduct process.

- ii. If a respondent fails to attend a preliminary meeting after reasonable attempts by the University to provide notification, the University reserves the right to adjudicate the complaint based on the information available through an administrative hearing. The respondent will be notified of the hearing details and given an opportunity to participate in a hearing to address the alleged violations.
- iii. If a respondent fails to appear for a scheduled hearing without providing notice, the hearing officer or conduct board may proceed in his/her absence. Only the information available then will be considered in determining responsibility and sanctions.
- iv. Respondents and complainants shall be provided written notification of the time, place and date of a hearing board hearing at least five (5) working days in advance, following a preliminary meeting. The notice shall include the alleged violations to be adjudicated and other pertinent information about the hearing. The respondent or complainant can request a postponement of the hearing, and such a request will be reviewed and decided on by the Director of the Office of Student Conduct.
- v. Complainants and respondents have the right to have an adviser of their choice present at an administrative or board hearing. An adviser may provide support and advice, but may not actively participate in a hearing. Attorneys may act as advisers, but may not actively participate in the hearing by, for example, asking questions, arguing their client's case, submitting written legal arguments on their client's behalf, or attempting to introduce legal matters.
- vi. Hearings, both administrative and hearing board, will be closed to the public. All information presented during conduct proceedings is confidential and will only be released if required by law or subject to the agreement of the complainant and respondent, except for final results of non-consensual sexual intercourse or other violent acts, which will be released to the complainant.
- vii. Witnesses may only be present during the time that they are presenting information.
- viii. Oral and/or written statements may be considered at the discretion of the chair or hearing officer and will be weighed as deemed appropriate by the hearing authority. Complainants and respondents are responsible for ensuring witnesses or documents are available at the time of the hearing.
- ix. Respondents will be afforded an opportunity to hear and respond to all information presented against them.
- x. Board members with a conflict of interest or bias shall disclose such matters during the hearing if they intend to participate or may excuse themselves from a hearing based on such a conflict or bias. A hearing officer may request a case be assigned to another hearing officer due to a conflict of interest or bias.

- xi. All participants are expected to act with integrity by providing honest answers, following established procedures, and maintaining confidentiality.
- xii. Hearings will be conducted in a civil manner. Any participant disrupting the conduct process will be excluded from the remainder of the hearing. The chair is responsible for ensuring civility during a hearing.
- xiii. Pending resolution of a complaint, student status may only be altered to protect University interests and/or the safety and security of individual members of the University community. Such actions may include interim suspensions, restriction of privileges including access to certain areas of campus, and No Contact Orders. The Director of the Office of Student Conduct is responsible for determining if such actions are necessary, seeking approval if necessary.
- xiv. Determination of responsibility for violating this policy will be based on the standard of preponderance of the evidence board hearings. This means that the individual or group will make findings of fact that are more likely than not, based on the entire body of evidence presented.
- xv. Written notification of the outcome of a hearing, including the reasons for the decision, findings of fact, and an explanation of the sanctions, will be sent within a reasonable timeframe from the conclusion of the conduct proceedings by either the hearing officer or the chair of a conduct board. Notifications will be sent to the complainant and respondent. Other notifications may be sent in order for the university to comply with applicable victim notification laws for reporting the results of disciplinary proceedings.

b. Student Appeal Process

- i. The outcome of any hearing board proceeding may be appealed by either the complainant or the respondent in cases of domestic violence, dating violence, sexual assault, or stalking.
- ii. Appeals must meet all of the following criteria in order to be considered:
 - 1. it must be in writing;
 - 2. it must contain one or more valid reasons (as described in the section below); and
 - 3. it must be submitted to the Director of the Office of Student Conduct or designee within five (5) working days after receipt of the written notice of the hearing board decision.
- iii. The original determinations of the board will be considered final and conclusive if an appeal is not received within the five (5) business day time limit.
- iv. In cases not involving suspension or expulsion from the University, the written appeal is reviewed by the Associate Provost for Student Success, or their designee. The decision of the Associate Provost for Student Success or their designee is final.
- v. In cases involving separation including suspension and expulsion from the university, an appeal board, composed of a chairperson, one student, and one faculty/staff member determine whether grounds for an appeal exist. If a student is not available to serve on the appeal board, the director of the Office of Student Conduct may appoint a staff or faculty member serve as the third appeal board member. If the appeal board determines that the criteria for appeal (VII.3..b.vi) has been met, their decision shall be forwarded to the Associate Provost for Student Success or their designee for review. The Associate Provost for Student Success or

their designee will review the decision and may affirm the Hearing Board decision, reduce the sanction determined by the Hearing Board, dismiss some or all of the alleged violations, remand the case to the Hearing Board to consider new evidence, or remand the case for a new hearing.

- vi. Appeals must be based on at least one of the following reasons to be considered:
 1. whether the hearing process was conducted in accordance with prescribed procedures;
 2. whether there is new evidence or relevant information, not available at the time of the original hearing, which may alter the Hearing Authority's findings;
 3. whether the University regulations alleged to have been violated were properly interpreted or applied by the Hearing Authority;
 4. whether the sanction imposed was proportionate to the gravity of the misconduct.

c. Student Sanction Statement:

Any student found responsible for violating this policy will likely receive a recommended sanction ranging from Censure (written warning) to expulsion, depending on the severity of the incident, and taking into account any previous conduct code violations.

Range of Sanctions

The following sanctions comprise a range of official action that may be imposed for violation of this policy by individuals or groups. One or more sanctions may be imposed at the discretion of the hearing officer or conduct board in an effort to promote behavioral change and/or provide protection to members of the university community. Sanctions also may attempt to teach alternative behaviors; increase personal and social skills; increase a student's awareness of obligations to others; demonstrate implications of actions; and explain rationale behind regulations.

This list does not limit the actions available to a hearing officer or conduct board and is not inclusive of all possible actions that could be taken as a result of a violation of University policy. Students found responsible for violations will receive a minimum of disciplinary warning (censure) with expulsion being the maximum sanction.

Refer to all possible sanctions in the SRU Student Code of Conduct page 14.

4. Retention of Records Regarding the Sexual and Gender Based Misconduct Policy

The Title IX Coordinator is responsible for maintaining records relating to sexual misconduct reports, investigations and resolutions. All written records associated with the resolution of a complaint pertaining to a formal investigation will be maintained in accordance with Slippery Rock University of Pennsylvania's Record Retention Policy. The Office of Student Conduct keeps records for seven (7) years and in compliance with FERPA, and then purges the records, unless a suspension, dismissal, or No Trespass was administered, in which case the conduct record is kept indefinitely.

5. Special Complaint Process Provisions

a. Attempted violations

In most circumstances, the university will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

b. University as a Complainant

As necessary, the University reserves the right to initiate a complaint, to serve as a Complainant and to initiate complaint proceedings without a formal complaint by the victim of sexual misconduct.

c. False Reports

The University will not tolerate intentional false reporting of incidents, and it will take action against those who make such reports. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation and it may also violate Pennsylvania criminal statutes and civil defamation laws.

d. Victim and Witness Immunity

The University community encourages the reporting of sexual misconduct violations and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to University officials or participate in complaint processes because they fear that they themselves may be accused of policy violations, in particular underage drinking, at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials, and that witnesses come forward to share what they know. In circumstances when an individual may have committed a policy violation like underage drinking but makes a report, the university will focus on the more severe alleged policy violation of sexual misconduct.

e. Bystander Engagement

The welfare of students in our community is of paramount importance. At times, students on and off campus may need assistance. The university encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as a student who is underage and has been drinking might hesitate to help take a sexual misconduct victim to the University Police). The university also offers Bystander Intervention training (“Step Up”) for students, staff and faculty. For more information about Step Up, please contact Renee Bateman at 724-738-4206 or Karla Fonner at 724-738-2121.

Parental Notification

The university’s primary relationship is with the student and not the parent. The university, in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA), reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, and, if the student is under 21 years of age, any alcohol and other drug violations. Additionally, university officials will directly inform parents when requested to do so by a student, in a life-threatening situation or if a student has signed a permission form that allows such communication. The university also reserves the right to designate which university officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

6. Notification of Outcomes

The outcome of a campus hearing is part of the educational record of respondent, and is protected from release under a federal law, FERPA. However, the university observes the legal exceptions as follows:

- a. Complainants in cases of non-consensual sexual contact or intercourse, sexual exploitation, sexual harassment, stalking, or relationship violence incidents have a right to be informed in writing of the outcome, essential findings and sanctions of the hearing.

- b. The university may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a university policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The university will release this information to the complainant in any of these offenses regardless of the outcome.

7. Alternative Testimony Options

For sexual misconduct complaints and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify outside the physical presence of the accused individual, such as in another room. These arrangements will not limit the respondent’s right to hear and address all evidence presented against the respondent.

8. Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be relevant by the university hearing board. All such information sought to be admitted will be presumed not relevant, and any request to overcome this presumption by the party seeking its admission must be included in the complaint/response or in a subsequent written request, and must be presented in advance of the hearing to the Director of Student Conduct.

While previous conduct violations by the respondent are not generally admissible as information in determining responsibility for the present alleged violation, the Director of Student Conduct may supply previous complaint information to be considered in sanctioning to the conduct board.

9. Additional Provisions: Complainant and Respondent Rights

Slippery Rock University will make every effort to ensure that the complainant and respondent receive the following:

- a. A timely investigation and response to complaints made in good faith to the university administration.
- b. That the respondent and the complainant will have an opportunity to have one other person present (in support or advisory roles) during all campus disciplinary hearings including hearings addressing incidents involving sexual assault, sexual harassment, dating violence, domestic violence, and stalking. The adviser will not have a speaking role in the hearing.
- c. The respondent and the complainant will be informed of the outcome and sanction of the disciplinary hearing they are involved in when the offense involves sexual assault, dating violence, domestic violence, stalking, or sexual harassment.
- d. The respondent and the complainant will be fully informed of the Student Code of Conduct procedures, as well as the nature and extent of all alleged violations contained within the complaint.
- e. The respondent and the complainant will be able to appeal the finding and sanction of the hearing board, in accordance with the standard for appeal established by the university in accordance with the procedures established within the Appeals section of the Student Code of Conduct (Procedures VII c2).
- f. Information will be made available for both the respondent and complainant about available services, including but not limited to counseling, mental health, medical, and other services both on and off campus.

- g. In addition to processing the incident through the Office of Student Conduct, the complainant will be given information on how to notify proper law enforcement authorities, including local police, and the option to be assisted in notifying appropriate authorities.
- h. The complainant or respondent or witness may request a No Trespass Order or No Contact Order in order to limit any stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of anyone involved in the process.
- i. The complainant or respondent may request a change in housing, work study or class arrangements after an alleged incident, providing that the request is reasonable.
- j. The respondent and complainant each have the option to be present and hear all testimony and evidence related to disciplinary charges in cases of sexual assault, dating violence, domestic violence, stalking, or sexual harassment.
- k. In a case of sexual assault, prior sexual history not relevant to the case will not be admitted as evidence.
- l. The respondent and the complainant have the option to submit an impact statement at the campus conduct proceeding and have that statement considered by the board.
- m. The respondent and complainant may request to review information regarding the complaint in accordance with confidentiality limitations imposed by state and federal law.
- n. The respondent and complainant will be informed of the names of all known witnesses who will be called to give testimony (this includes the name(s) of the complainant(s), which will always be revealed) prior to the hearing.

Frequently Asked Questions about the Sexual and Gender Based Misconduct Procedures

Some of the most commonly asked questions regarding the University's Sexual and Gender Based Misconduct Procedures are summarized below:

Does information about a complaint remain private?

Respecting the privacy and confidentiality of all individuals involved in complaints of sexual misconduct is extremely important to Slippery Rock University. The University will make every effort to ensure that only those who need to know about a complaint or administrative case have information about that matter.

In that context, however, the University has legal obligations that sometimes require employees to share information about a complaint of sexual misconduct with administrators whose job it is to enforce this policy and the laws and regulations that prohibit sexual misconduct. The purpose of those "sharing" obligations is to ensure that allegations of sexual misconduct are investigated fully and complainants and respondents are treated properly and are provided resources to assist them.

As stated above, reports of sexual misconduct to certain campus personnel—campus mental health counselors, can be made completely confidentially. Those employees do not have an obligation to share the information with others. (Off-campus rape crisis resources (such as VOICe) also can maintain confidentiality.) Staff members of the Student Health Services and the Director of the Women's Center and the Director of the Pride Center also provide confidential resources but with a limited reporting requirement. This is discussed in greater detail, in section V.A. above. All other campus personnel are required to report a complaint of sexual assault to the Title IX Coordinator, so that the University may meet its legal obligations of enforcement and victim assistance.

Where privacy is not strictly kept, it still will be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the respondent may lead to conduct action by the University as it can be viewed as a form of retaliation.

In all complaints of sexual misconduct, the complainant and the respondent will be informed of the outcome and any appeals that are made.

If there is a report of an act of alleged sexual misconduct to an official representative of the University, the Title IX Coordinator will be notified. University Police may also be notified. This does not mean charges will automatically be filed or that a victim must speak with the police, but the institution may be legally required to notify law enforcement authorities.

Finally, the University must also statistically report the occurrence on campus of crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

Will complainant's or respondent's parents be told?

In accordance with FERPA, if you are a dependent student and you receive a sanction for your behavior through the Office of Student Conduct, a letter will be sent to your parents in cases involving probation or above. If you are the complainant in an incident of sexual assault, sexual harassment, dating violence, domestic violence, or stalking, information will not be sent to your parents.

Will the respondent be given the name of the complainant?

Yes, if the Complainant file a formal complaint. Sexual misconduct is a serious offense and the respondent has a right to know the identity of the complainant. If there is a hearing, the University does provide options for questioning without confrontation, including using a room divider or using separate hearing rooms. Complainants can request those accommodations during the pre-hearing meeting.

As a Complainant, do I have to identify the Respondent?

Yes, if you want formal disciplinary action to be taken; however if you wish to receive information about resources or discuss your options you are not required to share that information.

What do I do if I am accused of sexual misconduct?

DO NOT contact the Complainant.

You may want to contact someone in the campus community who may act as your adviser. If a respondent is unsure of who to contact, they can contact Student Support (724-738-2121) to discuss their options.

You also may contact the Title IX Coordinator (724-738-2016), who can explain the University's procedures for addressing sexual misconduct complaints. You may ask any question that you may have during this meeting.

It may be helpful to talk with a counselor. The Counseling Center (724-738-2034) is available Monday through Friday 8-4:30 during the academic year (it is closed in the summer). Counseling Center services are confidential.

The Student Government Association can provide a consultation with an attorney at no cost to students. To contact SGA, please call 724-738-2656.

Will I (as a victim) have to pay for counseling/medical care?

Medical care may be covered by crime victims' compensation or your Student Health Services fees. VOICE is the contact to inquire about crime victims' compensation. These services include but are not limited to medical and legal advocacy, group sessions, and one on one appointments. The services are free and confidential and can be accessed 24/7 by calling 1-800-400-8551.

When your insurance is billed from Student Health Services, the bill will only say that you had an office visit (no specifics will be provided).

Forensic (sexual assault) examinations are done at Butler Memorial or Grove City Hospital and will be covered by crime victims' compensation.

On campus counseling services are covered by your student fees, no additional costs will be accrued. Students are eligible for services through Butler County's crime victim service agency (VOICe). These services include but are not limited to medical and legal advocacy, group sessions, and one on one appointments. The services are free and confidential and can be accessed 24/7 by calling 1-800-400-8551.

Additionally, students can seek counseling from off-campus clinical service providers. These providers will bill insurance; for a list of providers and accepted insurance, please contact Student Support at 724-738-2121).

What about legal advice?

An attorney is not required for the campus conduct proceeding, but a student may choose to bring an attorney to serve as his/her advisor. Attorneys serving as advisors in the campus conduct hearing do not have a speaking role. Note that each student is only permitted to have a single advisor. Student Government Association can provide a consult with an attorney at no cost to students. To contact SGA, please call 724-738-2656.

Victims of sexual assault, dating violence, domestic violence and stalking do not need a private attorney to pursue criminal prosecution. Representation in criminal matters is handled by the District Attorney's Office. For more information contact the District Attorney's Office at (724) 284-5222 or a VOICe Advocate at 1-800-400-8551.

Respondents may retain additional counsel at their own expense if they determine that they need legal advice about criminal prosecution or other legal options.

What about changing residence hall rooms?

Occasionally students feel uncomfortable in their residence hall because the respondent or complainant lives on the same floor or in the same building. If a complainant or respondent wants to move, they may request a room change by contacting the Student Support (724-738-2121) or by contacting Residence Life's main line at 724-738-2082. Room changes can only be accommodated if space is available, but the University will make every effort to make such changes when an allegation of sexual assault, sexual harassment, dating violence, domestic violence, or stalking has occurred.

Are there other accommodations I should be aware of?

The University may be able to assist you with other accommodations, including but not limited to:

- Assistance with or rescheduling an academic assignment (paper, exams, etc.).
- Taking an incomplete in a class.
- Assistance with transferring class sections.
- Temporary withdrawal.
- Assistance with alternative course completion options.
- Other accommodations for safety as necessary.

Please contact Student Support 724-738-2121 for more information)

What should I do about preserving evidence of a sexual assault?

Having evidence collected by a specially trained forensic nurse will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim later decide to exercise that option.

In order to collect evidence the victim should have an exam within 120 hours after the assault.

If you report to the student health center (Rhoads Hall, 724-738-2052), health center staff can provide transport to the local hospital for the exam. At this time they can also connect you with an advocate who can explain the process and be with you the entire time and answer any questions you may have. The exam will be paid for by crime victim's compensation and is not billed to your insurance.

You may also choose to report directly to the local hospital (either Grove City or Butler Memorial) for the exam. Please be advised, if you report to the local hospital, as part of their protocol, local police and a crime victim advocate will be notified. It is your decision whether to speak with police or the advocate at this time.

While at the hospital, the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections.

If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless).

If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence (this clothing will probably not be returned to you).

You can take a support person with you to the hospital, and the person can accompany you through the exam.

If you live at the site where the incident occurred try to leave everything as it was at the time of the incident – leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a complainant be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

The university will abide by the Medical Amnesty Law which states that underage intoxicated individuals who make contact with emergency personnel for themselves or another person who is in need of medical attention will be protected from prosecution.

Like many police departments, the Office of Student Conduct is primarily interested in the complainant's health and safety, not alcohol or drug violations in cases of a severe nature including cases of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Questions about alcohol or drug use may be asked at a university hearing. These questions are used to determine the complainant's ability to consent and are not used to sanction the complainant. Please note this exception: if you are violent or hostile with service providers, we may consider this to be dangerous behavior that may be sanctioned.

Can I choose to remain silent if I am a respondent in a hearing?

If a respondent chooses to participate in a hearing and chooses to remain silent, a negative inference may be drawn by the hearing board. However, the hearing board will consider all information presented in determining if the respondent is in violation of the Student Code of Conduct.

What should I do if I have any other questions?

If you have additional questions, you may contact the director of the Office of Student Conduct (not confidential) in 008 Patterson Hall (or 724-738-4985 phone) or Student Support (not confidential) in 008 Patterson Hall (724-738-2121 phone). If you would like to ask questions confidentially, you may contact Student Health Services (confidential) 24/7 in Rhoads Hall (or 724-738-2052 phone), or the Student Counseling Center (confidential) during regular business hours in Rhoads Hall (or 724-738-2034 phone).

Effective date: 12/9/2016

APPENDIX H: SEXUAL MISCONDUCT AND TITLE IX

RESOURCES

Options for individuals who have experienced sexual misconduct, dating/domestic violence or harassment/stalking.

The health and safety of our students is important to us. If you or someone you know has experienced sexual assault, rape, domestic violence, dating violence, stalking or harassment we recommend you consider the following options:

1. Seeking medical attention
 - a. A practitioner at Student Health Services can assess physical injuries, provide prevention of pregnancy and sexually transmitted infections, and offer transportation to local hospitals for an exam to collect evidence.
 - b. Student Health Services will also offer to contact a specially trained advocate to explain additional options.
 - c. Other nearby options for medical attention include: Grove City Medical Center and Butler Memorial Hospital
2. Preserving evidence
 - a. Collecting evidence may be helpful if an individual decides to press criminal charges, please note that your participation in evidence collection does not mean you must pursue charges at this time but should you choose to do so in the future there will be a record of what has occurred.
 - b. Evidence is easier to obtain if the individual has:
 - i. refrained from showering or bathing
 - ii. placed clothing or sheets from the occurrence in a paper bag
3. Talking with the Police
 - a. Where the incident occurred could change what police department has jurisdiction over the report.
 - b. Local police departments include:
 - i. University Police at 724-738-3333,
 - ii. Pennsylvania State Police at 724-284-8100,
 - iii. Slippery Rock Borough Police at 724-794-6388,
 - c. If you are unsure of the jurisdiction please contact University Police at 724-738-3333; they are available 24 hours a day, 7 days a week.
 - d. You may be assisted by campus resources (listed below) in notifying law enforcement if you choose to take this action.
 - e. You may choose not to notify the police.
4. Obtaining a No Contact Orders/No Trespass Orders/Protection Orders
 - a. No Contact Orders and No Trespass Orders are available through the Office of Student Conduct or the Office of the Associate Provost for Student Success. Both offices located in 008 Patterson Hall. Students can call 724-738-2121 or 724-738-4985 to make an appointment.
 - b. Protections from Abuse (PFAs), Sexual Violence Protection Order (SVP) or Protection from Intimidation Order (PFI) may be obtained through the Butler County Court. A Victim Outreach Intervention Center (VOICE) advocate may assist you in this process. You can contact VOICE 24/7 by calling: 1-800-400-8551.
5. Getting support