



University Sex Discrimination and Sexual Misconduct Policy Handbook Policy No. G004

The information contained in this Policy Handbook is the University's policy regarding sex discrimination, sexual and gender-based harassment, and acts of sexual violence. This Policy Handbook supersedes University Policy G004 Sex Discrimination, Sexual Harassment, and Related Unprofessional Conduct, dated 10/7/88, 1/10/90, 12/2/92, 1/1/99, 1/1/04, 2/29/08, 4/3/08, 2/27/09, 2/14/11 & 11/12/12 and University Policy A059 Student Victims of Rape or Other Forms of Sexual Violence, dated 7/25/91, 4/8/94 & 6/13/13.

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Table of Contents

Front	Page
Policy Approval.....	1
Table of Contents.....	2
About University Sex Discrimination and Sexual Misconduct Policy Handbook.....	5
Section	Page
1. Nondiscrimination Statement.....	7
2. Background.....	7
3. University’s Commitment.....	8
4. Title IX Coordinators and Responsibilities.....	8
4.1 Designated Title IX Coordinators.....	8
4.2 Social Equity Director/Title IX Coordinator.....	8
4.2.1 Campus Title IX Communication	9
4.2.2 Central Tracking and Campus Climate.....	10
5. Title IX, The Clery Act, and Sexual Violence.....	10
5.1 Title IX of the Education Amendments of 1972.....	10
5.1.1 What is Sex Discrimination?.....	11
5.1.2 What is Sexual Harassment?.....	11
5.1.3 What is Sexual Violence?.....	12
<i>Consent</i>	12
<i>Incapacitation</i>	13
5.2 The Clery Act of 1990.....	14
5.2.1 Campus Security Authorities.....	14
5.2.2 Federal Timely Warning Requirement.....	15
6. Clery Title IX Team.....	16
7. Retaliation Prohibited.....	16
8. Responsible Employees, Notice, and Reports.....	16
8.1 Responsible Employees.....	16
8.2 Notice.....	17
8.2.1 Direct Notice.....	17
8.2.2 Indirect Notice.....	17
8.3 Reports.....	18
8.3.1 What to Report.....	18
8.3.2 Good Faith Belief in Reporting.....	19
9. Exemptions from Reporting Sexual Violence.....	19

9.1 Licensed Physicians and Psychological Counselors.....	19
9.2 Registered Nurses, Nurse Practitioners, and Secretary of Ghering Health and Wellness Center.....	19
10. Where to Make a Report.....	20
10.1 To Report Sex Discrimination and Sexual Harassment.....	20
10.2 To Report Sexual Violence.....	20
11. Confidentiality and Privacy of Report Information.....	21
12. Medical Amnesty under the Student Code of Conduct and Judicial Procedures.....	22
13. Employee Complainants of Sexual Misconduct.....	23
14. Student Complainants of Sexual Misconduct.....	23
14.1 Interim Measures.....	23
14.2 Procedure for Assisting a Student Complainant of Sexual Violence.....	23
15. Resolution and Time Frames.....	25
16. Complaints against Students.....	25
16.1 Criminal Charges and Student Judicial Proceedings.....	25
16.2 The Student Judicial Process in Brief.....	26
16.3 Sexual Violence.....	26
17. Complaints against Employees.....	26
17.1 Confidentiality and Due Process.....	26
17.2 Role of Advisors.....	27
17.3 Formal Complaint Resolution.....	27
18. Harassment by Third Parties.....	29
19. Standard of Review.....	29
20. Additional Individual Rights.....	30
21. Education and Training.....	29
21.1 Title IX and Clery Act Reporting.....	30
21.2 Bystander Intervention and Sexual Violence Prevention Programs.....	30
21.3 New Employee and Student Orientation.....	31
22. Confidential and Other Sexual Violence Resources	31
23. Related Unprofessional Conduct.....	31
24. Appendices	

24.1 A – Glossary of Terms.....	33
24.2 B – Examples of Sexual Harassing Behavior or Conduct.....	36
24.3 C – Rights of Sexual Violence Complainants.....	37
24.4 D – Confidential and Other Resources.....	41
24.5 E – Social Equity Intake Form.....	44
24.6 F – Related University Policies, Procedures, and Codes.....	47
24.7 G – Education and Training Programs.....	48

ABOUT THE UNIVERSITY SEX DISCRIMINATION AND SEXUAL MISCONDUCT POLICY

The University Sex Discrimination and Sexual Misconduct Policy Handbook contains information for University employees, students, parents, and others as required under Title IX (20 U.S.C. §1681 *et seq.*) (“Title IX”), The Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act (20 U.S.C. §1092(f) (“Clery Act”) and the Violence against Women Act (“VAWA also known as Campus SAVE” (20 U.S.C. §1092(f)).

This University Sex Discrimination and Sexual Misconduct Policy Handbook combines and updates information contained in superseded University Policy G004 – Sex Discrimination, Sexual Harassment, and Related Unprofessional Conduct that applied to students and employees and in superseded University Policy A059 – Student Victims of Rape and Other Forms of Sexual Violence that applied to students. It cross references the [Student Code of Conduct and Judicial Procedures](#). Definitions of terms used in this University Sex Discrimination and Sexual Misconduct Policy Handbook are found in 24.1 Appendix A Glossary of Terms.

The content of this University Sex Discrimination and Sexual Misconduct Policy Handbook contains the following information:

- (1) Identification and contact information of the Title IX Coordinators
- (2) How the University complies with relevant federal law and guidance on Title IX and Title VII, as well as other relevant laws
- (3) Reporting procedures
- (4) Prohibition against retaliation for reporting an incident, filing a complaint, or participating in a hearing or fact-finding investigation
- (5) Internal processes for handling allegations of sex discrimination and sexual misconduct
- (6) Related unprofessional conduct and its relation to sexual harassment
- (7) Availability of training and education about sex discrimination and sexual misconduct
- (8) Available counseling and other resources located on and off campus

This University Sex Discrimination and Sexual Misconduct Policy Handbook defines sex discrimination, sexual and gender-based harassment, and acts of sexual violence, all of which are collectively referred to as sexual misconduct, as well as defines sex discrimination. This University Sex Discrimination and Sexual Misconduct Policy Handbook addresses acts of sexual violence separately from other forms of sexual misconduct where appropriate.

Students look to coaches, professors, administrators, and other campus leaders to model and reinforce appropriate behavior. Each University student, faculty, administrator, and staff member must adhere to the University policies, procedures, and other information provided in this University Sex Discrimination and Sexual Misconduct Policy Handbook. Third parties, such as campus visitors, guests, contractors, and vendors, who come onto the main campus located in Edinboro or The Porreco College of Edinboro University in Erie must adhere to the policies, procedures, and other information contained in this University Sex Discrimination and Sexual Misconduct Policy Handbook.

Inquiries should be directed to:

Valerie O. Hayes, JD, MSW

[Social Equity Director/Title IX Coordinator](#)

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Phone: 814-732-2167 | Fax: 814-732-2153 | Email: vhayes@edinboro.edu

1. Nondiscrimination Statement

Edinboro University of Pennsylvania is an equal opportunity education institution and employer and will not discriminate on the basis of race, color, national origin, sex, sexual orientation and disability in its activities, education programs or employment practices as required by [Title VI](#), [Title VII](#), [Title IX](#), [Section 504](#), [ADEA](#) and the [ADA](#).

For information regarding civil rights or grievance procedures and for inquiries concerning the application of Title IX and its implementing regulations, contact Ms. Valerie O. Hayes, JD, MSW, [Social Equity Director/Title IX Coordinator](#), 207 Reeder Hall, 219 Meadville Street, Edinboro, PA 16444 (814-732-2167) | vhayes@edinboro.edu. Additionally, inquiries concerning Title IX and its implementing regulation can be made to the U.S. Department of Education, Office of Civil Rights, Region III, 150 S. Independence Mall West, Suite 372, Public Ledger Building, Philadelphia PA 19106-9111 | Phone: 800-368-1019 | Fax: 215-861-4431 | TDD: 800-537-7697.

For information or assistance regarding services, activities and facilities that are accessible to and used by persons with a disability, contact the, [Office for Students with Disabilities](#) at the Crawford Center (814-732-2462 V/TTY).

2. Background

Sex discrimination and sexual misconduct are violations of both Federal and State law. Edinboro University of Pennsylvania (EU) shall act in accordance with applicable laws.

[Title IX](#) protects all students at EU from sex discrimination, sexual and gender-based harassment, and acts of sexual violence. According to the [U.S. Department of Education's Office of Civil Rights](#) "any student can experience sexual violence: male and female students, straight, gay, lesbian, bisexual and transgender students, part-time and full-time students, students with and without disabilities, and students of different races and ethnicities, regardless of national origin, immigration status, or citizenship status." (April 29, 2014 Questions and Answers on Title IX and Sexual Violence)

EU recognizes that sexual misconduct, in particular, can result in trauma to the complainant and other persons associated with the complainant. Sexual violence is a crime – and while some survivors turn to the criminal justice system, others look to their schools for help or recourse. The principal aim of the criminal system is to adjudicate a defendant's guilt and serve justice. EU is charged with providing a safe learning environment for all its students – and to give survivors the help they need to reclaim their educations. That can mean a number of things – from giving a complainant a confidential place to turn for advice and support, to effectively investigating and finding out what happened, to sanctioning the perpetrator, to doing everything we can to help a survivor recover.

See section 5 for definitions of sex discrimination, sexual harassment, and sexual violence. Note that EU defines the term sexual misconduct to include sexual harassment and acts of

sexual violence. See 24.1 Appendix A Glossary of Terms for a complete list of terms contained in the University Sex Discrimination and Sexual Misconduct Policy Handbook.

3. University Commitment

EU is committed to creating and maintaining a campus environment that is free of sex discrimination and sexual misconduct. EU expresses its commitment by engaging in the following activities:

- Continuing to foster and maintain a campus culture of reporting sex discrimination and sexual misconduct.
- Taking prompt interim steps to end sex discrimination and sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Taking every effort to maintain confidentiality.
- Taking immediate steps to protect the complainant and the accused.
- Resolving issues and complaints in a timely manner.
- Providing effective assistance to complainants of sexual violence and to bystanders.
- Offering complainants of sexual violence confidential counseling, support services, and medical assistance to the extent that such services are offered by the University.
- Providing education and training programs with the goal of raising awareness and preventing sex discrimination and sexual misconduct.

4. Title IX Coordinators and Responsibilities

4.1 Designated Title IX Coordinators

The University President has designated Valerie Hayes as the Social Equity Director as the University's Title IX Coordinator (207 Reeder Hall, 814-732-2167, vhayes@edinboro.edu).

Additionally, the University President has designated Bruce Baumgartner, Director of Athletics, as the Deputy Title IX Coordinator (McComb Field House, 814-732-1823, bbaumgartner@edinboro.edu) for matters pertaining to gender equity in athletics. The Director of Athletics/Deputy Title IX Coordinator primarily oversees the university's equitable access to athletic opportunities and benefits at all levels within intercollegiate sports.

4.2 Social Equity Director/Title IX Coordinator

The [Social Equity Director/Title IX Coordinator](#)'s responsibilities include, but may not be limited to, the following activities:

- Overseeing and receiving all [Title IX](#) reports and complaints under this policy, including complaints involving gender equity in athletics, identifying and addressing any patterns or systemic problems that arise during the review of Title IX reports and complaints.

- Ensuring that alleged complainants of sexual violence receive information on resources, on reporting the misconduct, and on accommodations to academic, housing, transportation, work, and any medical or mental health treatment and counseling.
- Reviewing all policies, procedures and codes pertaining to sex discrimination and sexual misconduct to ensure consistency and compliance.
- Reviewing the quality, content, and documentation of all campus Title IX education and training, as well as documenting the distribution and delivery of all prevention and awareness campaigns such as literature, brochures, etc.
- Evaluating requests for confidentiality in the context of EU's responsibility to provide a safe and nondiscriminatory environment for all students.
- Overseeing due process in sexual misconduct cases involving student-to-student adjudications. Even if the accused or complainant does not want to participate, the role of the Social Equity Director/Title IX Coordinator is to protect the University community and to implement interim measures, including interim suspension.
- Investigating complaints of sex discrimination and sexual misconduct lodged against University employees.
- Investigating complaints of harassment by third parties.
- Ensuring all complaints of sex discrimination and sexual misconduct are investigated against the accused student by the Director of Residence Life and Judicial Affairs or by a judicial affairs officer appointed by the Vice President for Student Affairs.
- Sending Title IX notifications to the campus community.
- Maintaining a central tracking system for Title IX reports.
- Administering a campus climate survey.

All complaints against students accused of violating the University Sex Discrimination and Sexual Misconduct Policy Handbook are investigated by the Director of Residence Life and Judicial Affairs or by a judicial affairs officer appointed by the Vice President for Student Affairs.

4.2.1 Campus Title IX Communication

In September and February, the [Social Equity Director/Title IX Coordinator](#) sends a notification email that communicates information to students and employees on Title IX, the names and contacts for EU's designated [Title IX coordinators](#) and on the Title IX coordinator responsibilities. Information about Title IX also is provided to the campus community in several other ways:

1. On the Office of Social Equity web page.
2. During training and education sessions focused on recognition and prevention of sex discrimination, as well as sexual violence and other forms of sexual harassment.
In the EU's [Diversity and Civility Statement](#) that is sent via email to students and employees and publicized at
3. In EU's brochure titled [Sexual Harassment and Sexual Violence: Information is Power](#).

4.2.2 Central Tracking and Campus Climate

The [Social Equity Director/Title IX Coordinator](#) maintains a system to track reports of campus Title IX complaints and reviews all formal and informal complaints of sex discrimination and sexual misconduct to ensure that they have been investigated and identify any patterns or systemic problems concerning campus climate with respect to these issues.

EU will conduct an annual campus climate survey designed to assess the effectiveness of the University's steps to proactively provide for an environment that is free of sex discrimination and sexual misconduct.

5. Title IX, The Clery Act, and Sexual Violence

5.1 Title IX of the Education Amendments of 1972

[Title IX](#) of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX regulations reach areas of EU such as admissions, financial aid, academic programs, rights of pregnant and parenting students, student treatment and services, counseling and guidance, discipline, grading, vocational education, housing, and employment.

Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change the EU's obligation to investigate and resolve allegations.

Sexual or gender-based harassment of students are forms of sex discrimination prohibited by Title IX. Acts of sexual violence are prohibited under Title IX, [VAWA/Campus SaVE](#), and Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322.

Title IX applies to student-on-student sexual violence, as well as employee-on-student sexual violence. In these cases, EU must (1) determine whether the alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, i.e., creates a hostile environment; and (2) upon notice, take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. The alleged conduct must be evaluated from the perspective of a reasonable person in the alleged complainant's position, considering all the circumstances. The more severe the conduct, the less the need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment (April 29, 2014 Questions and Answers on Title IX and Sexual Violence).

5.1.1 What Is Sex Discrimination?

Sex discrimination is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual's sex or gender.

5.1.2 What is Sexual Harassment?

Sexual harassment is a form of prohibited sex discrimination and a type of sexual misconduct. There are two types of sexual harassment: Quid pro quo and Hostile Environment. Sexual harassment is unwelcome sexual advances, requests for sexual favors, whether or not accompanied by promises or threats, and other sexual conduct that occur on or off campus when:

- (1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of enrollment, employment, or participation in other EU activities (Quid pro quo); or,
- (2) Submission to or rejection of such conduct by an individual is used as a basis or substantial factor in assignment, advancement, or evaluation, or in making other academic or employment decisions affecting an individual (Quid pro quo); or,
- (3) Such conduct is sufficiently severe or pervasive so as to create an intimidating or hostile work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or education opportunities (Hostile environment).

Behavior will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates that s/he finds the conduct undesirable. Acquiescence or failure to complain does not mean that the conduct is welcome. If, however, a student or employee actively participates in sexual banter or sexual discussions without giving an indication that the conduct is unwelcome, the "unwelcome" portion of the sexual harassment definition may not be met.

In the educational context, quid pro quo harassment occurs when a University employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

A single instance of sexual violence can constitute a hostile environment. Hostile environment is evaluated from the perspective of a reasonable person in the alleged complainant's position, considering all circumstances. In the educational context, hostile environment sexual harassment is sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or

pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the EU's programs. Sometimes harassment of a student by an employee in the school's program does not take place in the context of the employee's provision of aid, benefits, or services, but nevertheless is sufficiently serious to create a hostile educational environment.

Students and employees are strongly encouraged to report sexual harassment early, before such conduct becomes severe or pervasive, so that EU can take steps to prevent the harassment from creating a hostile environment.

5.1.3 What is Sexual Violence?

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving *consent* due to the complainant's *incapacitation* through the use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including dating violence, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under [Title IX](#). In this University Sex Discrimination and Sexual Misconduct Policy Handbook, an act of sexual violence is sexual misconduct.

Consent

Consent is an informed decision made freely and actively by all parties. Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. Because sexual misconduct is defined as sexual activity that is undertaken without consent, each participant must obtain and give consent to each sexual act.

Consent is an affirmative decision to engage in mutually acceptable sexual activity, and consent is given by clear actions or words. People are strongly encouraged to talk with each other before and during any sexual interaction. Relying solely upon non-verbal communication can lead to miscommunication.

It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include when an individual is significantly impaired due to alcohol or other drugs, scared, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

People with mental disabilities cannot give consent to sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves. The mental disability of the complainant must be known (or reasonably

knowable) to the non-disabled sexual partner, in order to hold them responsible for the violation.

The following are clarifying points:

- Consent is required each and every time there is sexual activity;
- At any and all times when consent is withdrawn or not verbally agreed upon, the sexual activity must stop immediately;
- Consent to some levels of sexual activity does not imply consent to all levels of sexual activity. Each new level of sexual activity requires consent;
- The person(s) who initiate(s) a new level of sexual activity is responsible for asking for consent;
- A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Being intoxicated does not diminish one's responsibility to obtain consent;
- Bodily movements and non-verbal responses such as moans are not consent;
- Silence, passivity, or lack of active resistance is not consent;
- Intentional use of alcohol/drugs does not imply consent to sexual activity;
- Seductive dancing or sexy/revealing clothing does not imply consent to sexual activity;
- Anyone under the age of 16 cannot give consent;
- Use of agreed upon forms of communication such as gestures or safe words is acceptable, but must be discussed and verbally agreed upon by all parties before sexual activity occurs.

Incapacitation

Incapacitated persons cannot give consent. One who is incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware, or otherwise helpless, is incapable of giving consent.

One must not engage in sexual activity with another whom one knows (or should reasonably know) to be incapacitated. Physically incapacitated persons are considered incapable of giving effective consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.

Examples of incapacitation include

- unconscious,
- sleeping,
- frightened,
- physically or psychologically pressured or forced,
- intimidated,
- threatened

Incapacitation can also result from

- a psychological health condition,
- voluntary intoxication,
- involuntary use of any drug, intoxicant or controlled substance

5.2 The Clery Act of 1990

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f) requires all postsecondary institutions participating in Title IV student financial assistance programs to disclose campus crime statistics and security information. Acts of sexual violence are violations of criminal laws, as well as under Title IX, and are [Clery Act](#) crimes that **must** be reported to the University Police Department, *except that a complainant of sexual violence has the right to choose not to report the incident to the police.*

The [University Police Department](#) is responsible for implementing the Clery Act, preparing the Annual Security and Fire Safety Report, training campus security and reporting authorities, providing crime prevention education, and conducting criminal investigations. Clery Act statistics provided in the [Annual Security and Fire Safety Report](#), however, do not include the identity of the complainant of sexual violence, whereas Title IX reports to the Social Equity Director/Title IX Coordinator do identify the complainant for purposes of ensuring the complainant receives resources and information on reporting the misconduct.

Additionally, police investigations may be useful for fact-gathering; however, the standard for criminal investigations are different and police investigations or reports are not determinative of whether sexual violence violates Title IX and this policy. Even if the police do not have sufficient evidence of a criminal violation, acts of sexual violence may constitute unlawful sexual harassment under Title IX, and **must** be reported to the Social Equity Director/Title IX Coordinator.

5.2.1 Campus Security Authorities

EU has identified campus security authorities based on their position responsibilities for campus security and/or significant responsibility for student and campus activities. Campus security authorities must report [Clery Act](#) crimes, which include sex offenses. (See 24.1 Appendix A Glossary of Terms for a definition of campus security authorities.)

CSAs are notified by the Chief of Police, annually and in writing, of their designation as a CSA. Individuals identified as campus security authorities are as follows:

- Sworn police in the University Police Department
- Vice President for Student Affairs
- Director of Athletics
- Team Coaches
- Faculty and Staff Advisors to student groups

- Director of Residence Life and Judicial Affairs
- Resident Assistants and Residence Hall Coordinators
- Social Equity Director/Title IX Coordinator
- Director of Campus Life and Leadership Development
- Members of the Emergency Response Team comprised of the President, Provost, Vice President of Finance and Administration, Vice President for Student Affairs, Vice President for University Advancement, Director of Communications, Director of Facilities, Environmental Health and Safety Manager, and the Chief of Police.

CSAs **must** report [Clery Act](#) crimes, which include acts of sexual violence, to the University Police Department. Clery Act crimes are enumerated below.

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault.
5. Burglary
6. Theft of a motor vehicle
7. Manslaughter
8. Arson
9. Hate crimes: above listed crimes 1-8, plus larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property; and other crimes involving bodily injury to any person, in which the complaint is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the complainant
10. Arrests (or persons referred for campus disciplinary action) for liquor law violations, drug-related violations, and weapons possession
11. Domestic violence, dating violence, and stalking incidents

5.2.2 Federal Timely Warning Requirement

Complainants of sexual violence should be aware that EU administrators must issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to members of the campus community. EU will 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 for themselves.

6. Clery Title IX Team

The Clery Title IX Team meets monthly and keeps meeting notes. The team assists the [Social Equity Director/Title IX Coordinator](#) in monitoring and ensuring campus-wide compliance with [Title IX](#).

The Clery Title IX Team is comprised of the following individuals: the Vice President for Student Affairs, the Chief of Police, the Director of Residence Life and Judicial Affairs, Director of Campus Life and Leadership, the Director of Athletics/Deputy Title IX Coordinator, the [Social Equity Director/Title IX Coordinator](#), the Associate Vice President for Human Resources and Faculty Relations or designee, the ROTC Commanding Officer, and a faculty member who is a Psychologist in charge of the Peer Educator Program.

7. Retaliation Prohibited

Retaliation is prohibited against any person who is an alleged complainant or target of sex discrimination and sexual misconduct.

Retaliation is prohibited against any person who alleges sex discrimination and sexual misconduct and who reports such acts or assists the Office of Social Equity or the Office of Human Resources and Faculty Relations in the investigation of a complaint or in a student judicial hearing.

Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination against any individual who reports or assists EU in its fact-finding investigations or hearings. Such retaliation may result in disciplinary action up to and including termination or expulsion from EU.

EU will take appropriate steps to prevent any retaliation against a student or employee who makes a complaint or any student or employee who provides information regarding the complaint. Anyone making a complaint, responding to a complaint, or participating in a fact-finding investigation or hearing will be informed of the prohibition against retaliation.

8. Responsible Employees, Notice, and Reports

8.1 Responsible Employees

Under [Title IX](#), a responsible employee includes any employee who has the authority to take action to redress the harassment, who has the duty to report sexual harassment or any other sexual misconduct by students or employees, **or** an individual who a student or employee could reasonably believe has this authority or responsibility. For example, EU has notice if a responsible employee who has the authority to take action knew or should have known of the sexual misconduct through a proper inquiry.

Employees who have the authority to take action to redress harassment are:

- The [Social Equity Director/Title IX Coordinator](#)
- The Vice President for [Student Affairs](#)
- The Associate Vice President for Human Resources
- The Associate Director for Human Resources

- The Director of Residence Life and Judicial Affairs or a judicial affairs officer appointed by the Vice President for Student Affairs
- The Chief of Police of the [University Police Department](#)
- Campus Police Officers of the University Police Department

Employees who have the duty to report sexual harassment or any other sexual misconduct by students or employees are:

- All faculty
- All staff
- All administrators

Resident assistants and residence hall coordinators are student workers who are responsible employees required to report to the Social Equity Director/Title IX Coordinator (814-732-2167, vhayes@edinboro.edu). A reasonable person would know that an undergraduate resident student or other person on campus would likely see resident advisors and residence hall coordinators as EU contacts to whom an incident may be reported.

8.2 Notice

Responsible employees and others who receive notice of an incident of sexual violence that occurs on or off campus **must** report it to the [Social Equity Director/Title IX Coordinator](#) (814-732-2167 | vhayes@edinboro.edu) and the [University Police Department](#), regardless of whether a formal complaint was filed. Once the University has notice of sex discrimination and sexual misconduct, it **must** take prompt interim steps to end the discrimination and sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

8.2.1 Direct Notice

EU has direct notice when a responsible employee knew, or in the exercise of reasonable care, should have known about the sex discrimination and sexual misconduct. EU also can receive direct notice of sex discrimination and sexual misconduct in many different ways, e.g. from students, parents, community members, and others. Public awareness events and forums for disclosure of experiences related to sexual violence, such as Tack Back the Night events, are not necessarily considered notice to trigger an investigation without a complaint by the sexual violence complainant survivor. Nonetheless, the University will respond such disclosures by ensuring survivors are aware of available resources, the ability to file a complaint, and options for reporting that could include reviewing policies, creating campus-wide educational programming, and conducting climate surveys.

8.2.2 Indirect Notice

EU also may receive indirect notice about incidents in an indirect manner from sources such as a member of the local community, social networking sites, or the media. If the University learns of incidents, an investigation will ensure to the extent possible the discovery of additional incidents.

If EU learns of an incident through other means such as a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the EU's response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. If, based on these factors, it is possible for the school to investigate and it can confirm the allegations, interim measures as appropriate, and responsive action will be taken.

8.3 Reports

Reports of sexual violence to the [Social Equity Director/Title IX Coordinator](#) may come from the Vice President of [Student Affairs](#) or designee, from the Chief of Police or designee, from the Director of Residence Life and Judicial Affairs or designee, from the Director of Athletics/Deputy Title IX Coordinator. Reports also may come from faculty and staff to whom a report might be made, or from an accuser or from a respondent or complainant, or from any student, as well as from other individuals on or off campus.

Any responsible employee, student resident assistant, or resident hall coordinator who receives a report of sex discrimination and sexual misconduct **must** contact the Social Equity Director/Title IX Coordinator either by email, phone, mail, in-person reports. However, responsible employees should make every effort to tell students, **before** the student reveals confidential information, of the responsible employee's obligation to reveal names and facts to the Social Equity Director/Title IX Coordinator, of the student's option to request confidentiality, and of their ability to share private information with designated confidential resources. See 24.4 Appendix D for a list of confidential and other sexual violence resources.

For Clery Act reporting purposes, the Social Equity Director/Title IX Coordinator also provides the Chief of Police or designee reports of sexual violence but the name of the complainant is not revealed if that is the complainant's choice. Also, if the complainant is a student, the Social Equity Director/Title IX Coordinator provides a report to the Vice President for Student Affairs or designee. Again, the name of the complainant is not revealed if that is the complainant's choice and the Social Equity Director/Title IX Coordinator believes confidentiality may be maintained.

Complainants of sexual violence are encouraged to discuss and report any actions with the University Police Department; however, a complainant has the right to choose *not* to report the act of sexual violence to law enforcement.

8.3.1 What to Report

Responsible employees **must** report “all relevant details” including (if known) the identities of the alleged perpetrator, alleged complainant, and other students involved, as well as the date, time, and location, and a brief description of the incident.

8.3.2 Good Faith Belief in Reporting

There is an assumption of good faith belief in reporting. Discrimination is a serious matter that can have far-reaching effects; therefore, false or malicious accusations may result in disciplinary action. EU may take disciplinary action against someone who knowingly provides false information during an investigation into a complaint of unlawful or prohibited discrimination; however, the burden of proving that a complainant’s allegations were false or malicious accusations is on the individual making such claims.

9. Exemptions from Reporting Sexual Violence

Certain University employees in the [Ghering Health and Wellness Center](#) are exempt from reporting incidences of sexual violence to Social Equity Director/Title IX Coordinator and the [University Police Department](#). All other employees, including those in the University Police Department, are required to report sexual violence of which they become aware to the [Social Equity Director/Title IX Coordinator](#), including the name of the complainant.

9.1 Licensed Physicians and Psychological Counselors

Licensed physicians and psychological counselors acting in the scope of their licensure and employed in the [Ghering Health and Wellness Center](#) are statutorily barred from reporting incidences of sexual violence and therefore may maintain confidentiality, including the name of the complainant of sexual violence.

The [Social Equity Director/Title IX Coordinator](#) will provide training to licensed physicians and licensed psychological counselors employed in the Ghering Health and Wellness Center, on (1) how to ensure the complainant has been informed of the resources available, (2) how to assess what other steps need to be taken, and (3) how to follow up with the complainant to ensure that such information has been provided to the complainant of sexual violence.

9.2 Registered Nurses, Nurse Practitioners, and Secretary of the Ghering Health and Wellness Center

Registered nurses, nurse practitioners, and the secretary in the [Ghering Health and Wellness Center](#) acting in their employed capacities **must** report an incident of sexual violence but may maintain confidentiality of the name of the complainant of sexual violence.

Nurses, nurse practitioners, and the secretary in the Ghering Health and Wellness Center **must** inform student complainants of their right to file a [Title IX](#) complaint with the school and a separate complaint with campus or local law enforcement. In addition to informing students about campus resources for counseling, medical and academic support, registered nurses, nurse practitioners, and the secretary in the Ghering Health and Wellness Center also **must** indicate that they are available to assist students in filing such complaints. They **must** also explain to student complainants that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials.

The [Social Equity Director/Title IX Coordinator](#) will provide training to registered nurses, nurse practitioners, and the secretary in the Ghering Health and Wellness Center on (1) how to ensure the complainant has been informed of the resources available, (2) how to assess what other steps need to be taken, and (3) how to follow up with the complainant to ensure that such information has been provided to the complainant of sexual violence.

10. Where to Make a Report

Any person on or off campus can make a report to the individuals listed below either by email, phone, mail, in-person reports.

Any person who is a complainant of sexual misconduct that occurs on the main campus in Edinboro PA or The Porreco College at Edinboro University in Erie PA is encouraged to report the incident to the University Police Department.

Dr. Victoria Sanders, System Title IX Coordinator (717-720-4061 | vsanders@passhe.edu | 2986 North Second Street, Harrisburg PA 17110-1201) should be contacted if the report of sex discrimination and sexual misconduct is regarding any member of the Executive Leadership Team (i.e., President, Provost, and Vice Presidents).

Anyone who has made a report or who otherwise believes that s/he has been subjected to sex discrimination and sexual misconduct is invited to provide the [Social Equity Director/Title IX Coordinator](#) with any recommendations regarding ways to improve the effectiveness of the campus' implementation of its policies and procedures on these matters.

10.1 To Report Sex Discrimination and Sexual Harassment

Who	By Email Phone	In Person
Valerie Hayes Social Equity Director/Title IX Coordinator OR	814-732-2167 vhayes@edinboro.edu	Office of Social Equity Room 207 Reeder Hall
Sid Booker Associate Vice President	814-732-2810 or 2703 sbooker@edinboro.edu	Office of Human Resources and Faculty Relations Room 216 Reeder Hall

10.2 To Report Sexual Violence

Who	By Email Phone	In Person
Angela Vincent Interim Chief of Police	814-732-2921 vincent@edinboro.edu	University Police Department 911 Scotland Road 814-732-2921 Emergency 814-732-2911
Any Campus Police Officer	814-732-2921 Emergency 814-732-2911	University Police Department 911 Scotland Road
Valerie Hayes Social Equity Director/Title IX Coordinator	814-732-2167 vhayes@edinboro.edu	Office of Social Equity Room 207 Reeder Hall
Dr. Kahan Sablo Vice President for Student Affairs	814-732-2778 ksablo@edinboro.edu	Office of Student Affairs Room 220 Dr. Frank G. Pogue Student Center
Dr. Amy Franklin-Craft Director of Residence Life and Judicial Affairs	814-732-2818 franklina@edinboro.edu	Residence Life and Housing Office Room 235 McNerney Hall
Marilyn Goellner University Ombudsperson	814-732-1710 or 814-440-1482 mgoellner@edinboro.edu	Alumni House Second Floor 210 Meadville Street

11. Confidentiality and Privacy of Report Information

In cases involving sexual misconduct, EU will make every effort to maintain confidentiality and privacy of the information it receives in a report. Every effort will be made to maintain confidentiality and the complainant will be informed if EU cannot ensure confidentiality. Private information should be disclosed only to individual's responsible for handling EU's response and information should be securely maintained. (Definitions of confidentiality and privacy are contained in Appendix A, Glossary of Terms.)

Where a student complainant requests confidentiality, i.e., that his/her identity be withheld:

- a) The Social Equity Director/Title IX Coordinator is responsible for determining whether the University can honor a request to withhold the complainant's identity while still providing a safe and nondiscriminatory environment for all students.
- b) Factors considered include the existence of other complaints about the accused or the location or group involved, use of a weapon, threats of further acts and no means of obtaining other evidence, such as through security cameras or physical evidence.
- c) The student must be informed that EU's ability to respond may be limited if confidentiality is maintained but that retaliation is prohibited.
- d) If compliance with the student complainant's request to withhold his/her identity is possible, EU must take all reasonable steps to respond consistent with confidentiality, such as increased security in specific locations, climate surveys, publicizing policies on sexual misconduct, and provide support services as available.
- e) If EU must disclose the student complainant's identity, the student will be informed in advance and interim measures taken to protect the student's safety.

12. Medical Amnesty under the Student Code of Conduct and Judicial Procedures

At EU, student health and safety are of primary concern. During a medical emergency, students are urged to seek immediate medical attention when health and/or safety are at risk. However, some students may be reluctant to seek assistance for themselves or someone else out of fear of facing disciplinary actions from the University. The intent of the EU's Medical Amnesty provision seeks to remove barriers that may prevent students from seeking emergency medical attention when needed.

Amendments regarding Medical Amnesty have been made to the Pennsylvania Crimes Code, Section 6308 (*Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverage*). As a result of these amendments, students who seek emergency assistance on behalf of a person(s) experiencing an alcohol-related medical emergency may be eligible to receive amnesty from criminal prosecution for alcohol consumption or possession for violations of Section 6308 if **all** of the following conditions are met:

- a) The only way law enforcement officers became aware of the person's violation is because the person placed a call to emergency services seeking immediate medical attention to prevent death or serious injury on behalf of another person;
- b) The person reasonably believed he/she is the first to place the call to emergency services;
- c) The person provided their own name to emergency services; and
- d) The person remained with the person in need of emergency medical assistance until emergency health care providers arrived.

Medical Amnesty from campus disciplinary actions will be reviewed on a case by case basis at the discretion of the University. Students who seek emergency assistance on behalf of a

person(s) in an alcohol-related medical emergency will not be charged with violations of the Student Code of Conduct related to that consumption under the following provisions:

- a) Students granted *Medical Amnesty* may be required to attend an educational program(s) or be referred to additional support services as appropriate.
- b) No disciplinary record will be generated for the alcohol infraction (only) as long as all required programming/support services directives have been followed.
- c) Failure to satisfy educational programming or support services referral directives within the established time frame may result in disciplinary action.
- d) Serious or repeated incidents may prompt a higher degree of concern and response. The University reserves the right to adjudicate any case that it determines (in its sole discretion) to be egregious.
- e) Student complainants of sexual violence and/or sexual misconduct will receive amnesty from campus disciplinary proceedings when reporting incidents.

Medical Amnesty only applies to those students who seek emergency medical assistance in connection with alcohol, and does not apply to individuals experiencing an alcohol-related medical emergency who are found by University employees. The University reserves the right to take disciplinary action on a case by case basis, regardless of the manner in which the incident is reported.

13. Employee Complainants of Sexual Misconduct

The Associate Vice President for [Human Resources and Faculty Relations](#) or the Social Equity Director/Title IX Coordinator must take immediate steps to protect employee complainants in the workplace. These duties are EU's responsibility, regardless of whether an employee has complained, asked the University to take action, or identified the harassment as a form of discrimination.

EU employees are encouraged to take advantage of the confidential and other sexual violence resources available listed in 24.4 Appendix D.

14. Student Complainants of Sexual Misconduct

14.1 Interim Measures

The Vice President for [Student Affairs](#) or the [Social Equity Director/Title IX Coordinator](#) must take immediate steps under law to protect student complainants/accusers in the educational setting. The steps taken must be sufficient effective action to fully eliminate a sexually hostile or violent environment, prevent its recurrence, and address its effects. These duties are EU's responsibility, regardless of whether a student has complained, asked the University to take action, or identified the harassment as a form of discrimination.

Interim measures should minimize the burden on the complainant/accuser while respecting the rights of the accused/respondent. Factors include the needs expressed by the complainant, severity of allegations, continuing effects on the complainant, any judicial measures (e.g., protection orders) and whether the complainant and accused share residence halls, classes, transportation, or job sites.

14.2 Procedure for Assisting a Student Complainant of Sexual Violence

- A. When a member of the EU community is notified of a sexual violence incident, he or she **must** inform the student complainant of the option to notify the University Police. The student complainant should be urged, but not required, to contact the [University Police Department](#) at 814-732-2911 (emergency) or 814-732-2921 (non-emergency) or other local police. EU personnel are required to promptly assist a student in contacting the University Police Department if requested by the complainant.

Further, a student complainant should be encouraged to preserve any and all physical evidence such as the clothing worn at the time of the assault. The student complainant should not bathe, douche, or shower prior to reporting an assault to the police or seeking medical attention. This may greatly assist with the investigation of the incident.

- B. If the student complainant is uncomfortable reporting the incident to the University Police Department, he or she should be urged to contact the [Ghering Health and Wellness Center](#) at 814-732-2743. The Ghering Health and Wellness Center staff is trained to respond to these matters and can provide the most comprehensive list of campus and community resources for the student complainant.
- C. If the student complainant chooses not to contact anyone in the University Police Department or the Ghering Health and Wellness Center, the faculty or staff member hearing the student complainant's report of sexual violence **must** notify the University Police Department 814-732-2911 (emergency) or 814-732-2921 (non-emergency) and Social Equity Director/Title IX Coordinator 814-732-2167 as soon as possible. The student complainant's name may be withheld, at his or her request, in the report to the University Police Department. The report that is made to the Social Equity Director/Title IX Coordinator (814-732-2167) **must** include the student complainant's name, if known. The Social Equity Director/Title IX Coordinator must ensure that alleged complainants of sexual violence receive information on resources, on reporting the misconduct, and on accommodations to academic, housing, transportation, work, and any medical or mental health treatment and counseling.

- D. If the student complainant requests that his or her name be withheld in a report to the Social Equity Director/Title IX Coordinator, the request for confidentiality must be evaluated in the context of EU's responsibility to provide a safe and nondiscriminatory environment for all students.
- E. Parents, spouses, or friends of a student complainant of sexual violence should contact the [Social Equity Director/Title IX Coordinator](#) (814-732-2167) or the Office of the Vice President for [Student Affairs](#) (814-732-2313) if unsure of how to support and help the student complainant. While confidential information may not be revealed, the Vice President for Student Affairs will designate a staff person to discuss concerns and make support recommendations.
- F. When a sex offense is reported, EU will offer to change the student complainant's academic, living, transportation, and working situation. EU will make such changes, as request, through the Vice President of Student Affairs and/or the Social Equity Director/Title IX Coordinator. Requests for changes to living and transportation should be made to the Vice President for Student Affairs. Requests for changes to academic and working situations should be made to the Social Equity Director/Title IX Coordinator.

15. Resolution and Time Frames

Mediation, even on a voluntary basis, is not an option for resolving complaints of sexual violence.

EU seeks to resolve all reports of sex discrimination and sexual misconduct within sixty (60) days. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant/accuser and respondent/accused can expect that the process will proceed according to the time frames provided in this policy handbook. In the event that the investigation and resolution exceed this time frame, EU will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

16. Complaints against Students

As described in the [Student Code of Conduct and Judicial Procedures](#), complaints against students are processed through the Office of [Student Judicial Affairs](#). Complaints against

students should be reported to the Vice President for Student Affairs or his/her designee who will inform the complainant about the student judicial process. Whether or not the offense(s) occurred on campus or off campus, student judicial proceedings may be brought against the accused student. For more detailed information about student judicial proceedings, complainant's rights in disciplinary proceedings, and medical amnesty, consult the Student Code of Conduct and Judicial Procedures.

16.1 Criminal Charges and Student Judicial Proceedings

After a proper investigation of any reported incidents, criminal charges and/or EU student judicial proceedings may be brought against the accused/respondent. Criminal charges will proceed following the Pennsylvania Crimes Code.

The standard of evidence used during any judicial proceeding will be consistent with the Student Code of Conduct and Judicial Procedures, and will not compromise any potential, current, or previous criminal proceedings.

16.2 The Student Judicial Process in Brief

Student judicial proceedings will follow the procedures outlined in the [Student Code of Conduct and Judicial Procedures](#). During judicial proceedings, the accuser/complainant and the student accused are entitled to have others present during a disciplinary proceeding. EU shall provide interim relief for the alleged student complainant, if needed.

Both the accuser and the accused will be informed in writing of the final determination and the final sanction(s) concerning the complainant imposed for any University disciplinary proceedings that are initiated in response to an alleged act of sexual violence. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act.

Both the accused/respondent and the accuser/complainant may appeal the sanctions. Further, a student complainant/accuser cannot be required to sign a nondisclosure agreement or to otherwise agree to a prohibition from discussing the case.

If a student is found to have violated the Student Code of Conduct and Judicial Procedures, the student will be disciplined in accordance with EU disciplinary procedures.

16.3 Sexual Violence

A law enforcement investigation into an act of sexual violence by a student against another student does not relieve EU from conducting an investigation and does not prevent a student judicial proceeding. If the EU judicial proceeding determines the accused to have committed an act of sexual violence, the penalty could include sanctions up to and including, academic and residential suspension and/or expulsion. See the [Student Code of Conduct and Judicial Procedures](#) for information on sanctions.

17. Complaints against Employees

In a complaint of sex discrimination and sexual misconduct against a current University employee, campus visitor or guest, the Social Equity Director/Title IX Coordinator and/or the Office of [Human Resources and Faculty Relations](#) shall conduct the internal fact-finding investigation.

A law enforcement investigation into an act of sexual violence by an employee against a student does not relieve the University from conducting an independent Title IX investigation. EU shall provide interim relief for the complainant, if needed.

17.1 Confidentiality and Due Process

For complaints requiring an internal fact-finding investigation, the Social Equity Director/Title IX Coordinator and/or the Office of [Human Resources and Faculty Relations](#) will make every effort to ensure confidentiality and protect the due process rights of the complainant and the respondent. Additionally, the complainant, respondent, and witnesses are encouraged to maintain confidentiality consistent with the EU's intent.

EU adheres to the due process rights contained within all Pennsylvania State System of Higher Education collective bargaining agreements and Board of Governors policies. Also, both parties shall be informed by the investigator of the procedural steps taken during the course of the fact finding process.

17.2 Role of Advisors

If a complainant or a respondent desires, he or she may be accompanied to the Office of [Social Equity](#) or the Office of [Human Resources and Faculty Relations](#) by another EU employee or another EU student who may advise and assist the complainant throughout the informal or formal resolution process.

A complainant or respondent and an advisor may consult with each other, but the advisor does not speak for or on behalf of the complainant or respondent.

17.3 Formal Complaint Resolution

The purpose of formal complaint resolution is to investigate complaints of sex discrimination and sexual misconduct in order to facilitate a formal resolution of the complaint based on a determination or finding of a violation of University policy. Additionally, formal complaint resolution may result in disciplinary action up to and including termination of employment.

All student complaints alleging sex discrimination and sexual misconduct against employees are investigated by the Social Equity Director/Title IX Coordinator or, as appropriate, the Office of

[Human Resources and Faculty Relations](#). A law enforcement investigation into an act of sexual violence by an employee or person other than a student against an EU student does not relieve EU from conducting its own Title IX investigation. As such, an independent Title IX investigation will occur in these instances, whether or not the criminal investigation has concluded.

The procedure for complaints of sex discrimination, and sexual misconduct calls for prompt review followed by action intended to prevent any further acts.

Formal complaints against employees, campus visitors, and guests are primarily processed through the Office of [Social Equity](#). The process described below is for complaints handled by the Office of Social Equity or, as appropriate, the Office of Human Resources and Faculty Relations.

- A. Filing a Complaint: Complaints should be filed up to 180 days after the alleged act or behavior. It is in the best interest of all, however, to conduct a timely review of the circumstances of the alleged discriminatory act or behavior; accordingly, complainants are urged to file complaints as soon as possible. Therefore, individuals who have complaints of sex discrimination and sexual misconduct are encouraged to come forward.

Complaints against University employees are filed with the Social Equity Director/Title IX Coordinator or the Associate Vice President for Human Resources and Faculty Relations.

Complaints of sex discrimination and sexual misconduct against the University President or any member of the President's Executive Leadership Team are referred to Dr. Victoria Sanders, System Title IX Coordinator in the Office of the Chancellor (717-720-4061 | vsanders@passhe.edu). The Executive Leadership Team includes the University President, the Vice President for University Advancement, the Vice President for Student Affairs, the Provost/Vice President for Academic Affairs, the Vice President for Finance and Administration, including individuals who may serve as interims or acting in these positions.

- B. Form of Complaint: EU strongly encourages that complaints be in writing in order to assure accuracy. Any person may use the intake form contained in Appendix E to file a complaint. The form must be signed and dated by the complainant.

If the complainant does not use the intake form, then, at the intake meeting with the Title IX Coordinator a summary of the complaint will be generated and reviewed by the complainant.

Unsigned written or anonymous complaints will be addressed and investigated as warranted; however, the ability to substantiate unsigned or anonymous complaints is compromised.

- C. Investigatory Reviews: The investigatory review is a fact finding process or investigation to determine whether this policy has been violated. The investigatory review will be processed without undue delay absent exigent circumstances.
- D. Investigation Completion: At the conclusion of the investigatory review, the parties in a complaint shall receive notification that an investigative report has been prepared and forwarded to the appropriate EU official for further action, if warranted.
- E. Determination or Finding: At the conclusion of the investigatory review, the parties shall receive written notification of the investigatory decision or finding from the appropriate EU official. Written notification should be made within a reasonable time but may be delayed when reasonable.
- F. Policy Violation: If there is a policy violation, timely disciplinary action will occur that may range up to and including termination of employment or expulsion from EU in accordance with EU policy.

If an employee is found to have violated the policy described in this University Sex Discrimination and Sexual Misconduct Policy Handbook, the employee will be disciplined under the appropriate [collective bargaining agreement](#), or, in the event of a management employee, as appropriate in accordance with [Board of Governors Policy 1983-01-A: Merit Principles](#).

18. Harassment by Third Parties

Third parties on the main campus in Edinboro or The Porreco College of Edinboro University in Erie must adhere to EU's commitment of maintaining a campus environment that is free of sex discrimination and sexual misconduct.

For example, sexually harassing conduct by third parties, who are not themselves EU employees or students (e.g. visiting speaker, alumnus/ae, summer camp guests, vendors, and auxiliary), also may be of a sufficiently serious nature to deny or limit a student's ability to participate in or benefit from the education program or unreasonably interfere with an employee's ability to work.

If EU knows or should have known of the harassment, EU will take prompt and effective action to eliminate the hostile environment and prevent its recurrence. The type of appropriate steps taken will differ depending on the level of control EU has over the third party harasser.

Complaints about third parties should be reported to the [Social Equity Director/Title IX Coordinator](#), vhayes@edinboro.edu, 207 Reeder Hall, 814-732-2167.

19. Standard of Review

EU uses a preponderance of the evidence standard to determine if the accused or respondent is held responsible for violating the [Student Code of Conduct and Judicial Procedures](#) or EU policy prohibiting sex discrimination and sexual misconduct.

20. Additional Individual Rights

The procedures set forth in this University Sex Discrimination and Sexual Misconduct Policy Handbook are not intended to interfere with any individual's legal rights under the statutes of the Commonwealth of Pennsylvania or the United States of America. In addition, it is not intended to interfere with any rights an employee may have under their appropriate collective bargaining agreement.

Individuals are encouraged to use these complaint procedures, but are not required to do so. Individuals may choose to pursue other civil and legal options.

For [Title IX](#) (education) matters, individuals may contact the U.S. Department of Education, Office of Civil Rights, Region III, 150 S. Independence Mall West, Suite 372, Public Ledger Building, Philadelphia PA 19106-9111 | Phone: 800-368-1019 | Fax: 215-861-4431 | TDD: 800-537-7697. For [Title VII](#), (employment) matters, individuals may contact the [U.S. Equal Employment Opportunity Commission](#) Pittsburgh Area Office, William S. Moorhead Federal Building, 1000 Liberty Avenue, Suite 1112, Pittsburgh PA 15222 | Phone: 412-395-5902 | Fax: 412-395-5749 | TTY: 412-395-5904. The [Pennsylvania Human Rights Commission](#) also takes complaints of discrimination in education and employment: PHRC Regional Office, 301 Fifth Avenue, Suite 390, Piatt Place, Pittsburgh PA | Phone: 412-565-5395 | TTY: 412-565-5711.

21. Education and Training

Attendance at educational programs about sex discrimination and sexual misconduct is required of all employees and all others who are notified by Valerie Hayes, Social Equity Director/Title IX Coordinator.

EU provides educational programs to raise awareness and prevent sex discrimination and sexual misconduct. Current employees are required to participate in training on the EU's social equity policies, which includes a more in-depth discussion of sex discrimination and sexual misconduct. Programs are offered to current students on sexual violence awareness and prevention. For a complete list of programs offered, program description, contact, target audience, and the frequency at which they are offered, see 24.7 Appendix G Education and Training.

In addition to campus programs, periodically the Pennsylvania State System of Higher Education (PASSHE) provides additional [Title IX](#) workshops for Title IX Coordinators and other individuals

with Title IX responsibilities. These workshops provide updates and clarifications on each system universities Title IX responsibilities.

21.1 Title IX and Clery Act Reporting

In an effort to educate responsible employees on their responsibilities under [Title IX](#), the [Social Equity Director/Title IX Coordinator](#) provides education programs on what constitutes sex discrimination and sexual misconduct, on what steps are taken to resolve complaints, and on each individual's reporting responsibility. The program is designed to provide individuals with an understanding of the EU's responsibilities under Title IX and Title VII and how these matters are addressed, whether or not the actions are potentially criminal in nature. Additionally, in collaboration with the Social Equity Director/Title IX Coordinator, the Police Chief of the University Police Department provides employees with information on [Clery Act](#) reporting as part of the education program on Title IX.

21.2 Bystander Intervention and Sexual Violence Prevention Programs

EU provides a program on sexual violence prevention and a program on bystander intervention. The Division of Student Affairs, Residence Life and Housing, and Counseling and Psychological Services provides the bystander intervention program and sexual violence prevention and awareness programs, primarily for students.

21.3 New Employee and Student Orientation

Within sixty (60) days of commencing employment, new employees are made aware of this University Sex Discrimination and Sexual Misconduct Policy Handbook and are educated on its contents during New Employee Orientation.

Similarly new students are made aware of [Title IX](#) and the content of this University Sex Discrimination and Sexual Misconduct Policy Handbook and the Student Code of Conduct and Judicial Procedures during new student orientation.

22. Confidential and Other Sexual Violence Resources

Upon request, counseling is available to any employee, student, or other individuals (such as bystanders) who believe that she has been subjected to or affected by sexual misconduct.

Complainants of sexual violence and other types of sexual misconduct respond in different ways. Some are ready to make a formal complaint right away and want their school to move swiftly to hold the perpetrator accountable. Others, however, aren't so sure. Sexual violence and other types of sexual misconduct can leave complainants feeling powerless – and they need support from the beginning to regain a sense of control. Some, at least at first, don't want their accused or the accused's friends, classmates, teammates or club members to know they've reported what happened. But they do want someone on campus with whom to talk –

and many want to talk in confidence, so they can sort through their options at their own pace. If complainants don't have a confidential place to go, or think a school will launch a full-scale investigation against their wishes, many will stay silent.

EU offers complainants of sexual violence confidential counseling, support services, and medical assistance. EU will make referrals for basic health care and confidential counseling to complainants of rape and other forms of sexual violence. Such services and referrals are available at Ghering Health and Wellness Center's [Student Health Services](#) and [Counseling and Psychological Services](#) located on EU's main campus, 300 Scotland Road, 814-732-2743. Current EU employees may obtain counseling services through the State Employees Assistance Program (SEAP) at 800-692-7459. However, the responsibility to seek and obtain services rests with the person who feels he/she is in need of these services.

23. Related Unprofessional Conduct

The EU's educational mission is promoted by professionalism in interpersonal relationships. Since professional relationships are central to the mission and goals of the University, it is essential to establish a standard of expected conduct in these relationships. Personal relationships should not be allowed to conflict with the academic and professional integrity of these interpersonal relationships or to interfere with an individual's work or educational experience.

An EU employee with professional responsibility for a student has real or potential power and authority over that student in a variety of roles including, but not limited to, instructor, advisor, coach, work-study supervisor, committee member, etc. Such employee shall not abuse that power.

[Title IX](#) protects students from sexual harassment by school employees. There is a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual. Absent contradictory evidence, amorous and sexual relationships between a student and an individual with professional responsibility for that student are presumed to be exploitative and constitute unprofessional conduct. The consensual nature of such a relationship does not necessarily constitute a defense to a charge of sexual harassment or sexual violence.

Therefore, any employee in a supervisory role who enters into a sexual relationship with a student or another employee enters into that relationship with risk. These persons will be subject to scrutiny if a complaint of sexual harassment or sexual violence is leveled against the "supervisory person" by the "subordinate person" or if a third party brings a complaint.

EU is responsible for remedying the effects of sexual harassment when it learns that an employee engaged in the activity in the context of providing benefits to the student, such as, but not limited to, teaching, counseling, supervising or advising.

24.1 | APPENDIX A

Glossary of Terms

Accused is a student who is alleged to have violated the [Student Code of Conduct and Judicial Procedures](#). The term “accused” is used interchangeably with the term “respondent”.

Accuser is an individual who brings forth a charge against the accused under the Student Code of Conduct and Judicial Procedures. The word accuser is used interchangeably with the word “complainant”.

Complaint is a detailed written statement of allegations of unlawful or prohibited discrimination in violation of one or more of the [University’s social equity policies](#). A complaint is signed, or otherwise authorized, and dated by the complainant. Complaints sent by electronic communication are permitted. Note that verbal and anonymous complaints also are accepted.

Complainant is a student, employee, campus visitor, guest, or applicant for employment or admission who alleges of the respondent acted in unlawful discriminatory manner in violation of one or more of the University’s social equity policies. The complainant is considered a party to a complaint.

Confidentiality is the withholding the complainant’s name while balancing the university’s need to maintain a safe and nondiscriminatory environment for all students and employees. In contrast, **privacy** is withholding information about an incident except the information will be shared with a limited group of individuals on a limited need to know basis.

Campus security authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution: (1) A campus police department or a campus security department of an institution, (2) Any individual(s) who have responsibility for campus security but who do not constitute a campus police department or a campus security department, (3) Any individuals or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, and (4) An official of an institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Respondent is an employee, campus visitor or guest whose behavior or conduct are alleged by the complainant to have violated one or more of the University’s social equity policies, including the policy described in this University Sex Discrimination and Sexual Misconduct Policy Handbook. A respondent also may be a student who is alleged to have violated one or more provisions of the Student Code of Conduct and Judicial Procedures. The respondent is considered a party to a complaint.

Report is a written account or verbal statement about an incident. The written account or verbal statement should at a minimum, if known, describe who was involved, what happened, when the incident happened, where the incident occurred, and how the incident happened.

Retaliation is adverse or negative action taken against one who reports or assists in the investigation of a complaint.

Sex discrimination is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual's sex.

Sexual harassment is a form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, whether or not accompanied by promises or threats, and other sexual conduct that occur on or off campus when:

- 1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of enrollment, employment, or participation in other University activities; or,
- 2) Submission to or rejection of such conduct by an individual is used as a basis or substantial factor in assignment, advancement, or evaluation, or in making other academic or employment decisions affecting an individual; or,
- 3) Such conduct is sufficiently severe or pervasive so as to create an intimidating or hostile work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or education opportunities.

Sexual misconduct is a term used to capture sexual harassment, as well as sexual violence. The term does not include sex discrimination which is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual's sex.

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the complainant's incapacitation through the use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including dating violence, stalking, domestic violence, rape, sexual assault, sexual battery, and sexual coercion.

- A. **Dating violence** means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. This act of sexual violence is similarly defined under the Violence against Women Act of 1994. Additionally, the EU Student Code of Conduct and Judicial Procedures refers to this act as physical abuse.

- B. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. This act of sexual violence is similarly defined under the Violence against Women Act of 1994. Additionally, the EU Student Code of Conduct and Judicial Procedures refers to this act as physical abuse.
- C. **Rape and Sex Offenses** means sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the complainant is incapable of giving consent.
- D. **Sexual assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- E. **Sexual battery** means the unauthorized, non-consensual touching or penetration of an unwilling person.
- F. **Sexual coercion** means an act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will; persistent attempts to have sexual contact with someone who has already refused.
- G. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. This act of violence is similarly defined under the Violence against Women Act of 1994. Additionally, the EU Student Code of Conduct and Judicial Procedures refer to this act as physical abuse.

Title IX report is information based on direct or indirect notice of an incident pertaining to sex discrimination and sexual misconduct.

24.2 | APPENDIX B**Examples of Sexually Harassing Behavior or Conduct**

Examples of sexually harassing behavior or conduct are listed below, but are not limited to the examples provided below, when the act or conduct is unwelcome or unwanted creating an intimidating or hostile work or education environment that unreasonably interferes with work or educational performance, or negatively affects an individual's employment or education opportunities, including but not limited to acts through cyber means.

Sexual innuendo and comments	Sexually explicit name-calling
Sexually explicit comments	Spreading rumors about a person's sexuality
Requested request for dates or sex	Sexual jokes
Touching, patting, stroking, squeezing, brushing against a person	Sexually explicit or graphic display of pictures, calendars, etc.
Rating a person's sexuality	Attempted or actual sexual assault, sexual violence, etc.
Neck/shoulder massage	Pornographic material
Staring at a person's private parts	Kisses or embraces
Sexual letters, notes, phone calls	Sexual attention
Quid pro quo sexual conduct	Sexual harassment through cyber bullying
Sexual ridicule or insults	

24.3 | APPENDIX C



Rights of Sexual Violence Complainants

Every complainant of sexual violence has the following rights:

- The right to have any and all allegations treated with seriousness.
- The right to be treated with dignity.
- The right to pursue any and all avenues of redress.
- The right to be informed of University resources, including, but not limited to the [University Police Department](#), [Counseling and Psychological Services](#), and [Student Health Services](#).

What should I do if I am the complainant of such dating violence, domestic violence, sexual assault, and/or stalking?

First, it is important to get to a safe place.

Second, it is important to preserve any and all physical evidence such as the clothing worn at the time of the assault. The complainant should not bathe or shower prior to reporting an assault to the police or seeking medical attention. This could greatly assist any investigation of the incident.

Third, you have the option to report this crime. Even if you later decide that you do *not* want to proceed in a criminal or University judicial proceeding, prompt reporting is important for you as the complainant.

Should I seek medical attention?

Medical attention is important for an individual who has experienced a physical or sexual assault. The [Ghering Health and Wellness Center](#) is located in McNerney Hall. When a student reports a sexual or physical assault to a member of the medical staff, a medical professional will

assess physical injuries, provide information on the prevention of pregnancy and sexually transmitted infections, and/or attempt to assist with transportation to a local hospital for an exam and evidence collection. Medical staff also will try and facilitate access to campus or community sexual violence resources. Employees at the [Ghering Health and Wellness Center](#) may also coordinate temporary safe housing for students who do not feel safe returning to their place of residence. Ghering staff also will assist any complainant in obtaining needed counseling, mental health, complainant advocacy and other services available for complainants.

For a list of on-campus and off-campus sexual assault resources, see 24.4 Appendix D Confidential and Other Sexual Violence Resources.

Where should I report such a crime?

We encourage you to report to the [University Police Department](#) at 814-732-2921 or the appropriate local Law Enforcement agency. Additionally, in an effort to assist complainants in reporting, additional University authorities have been identified that can also take reports of any such crime. Those University authorities are the Vice President for Student Affairs/Dean of Student Life, the University Ombudsperson, or the Director of Residence Life and Judicial Affairs.

What if I want to file a report with the police?

The University Police Department can be contacted by calling 814-732-2921 or Emergency 814-732-2911. University Police Department officers investigate campus crimes, including sexual violence, within their scope of the law and jurisdiction. Crimes that occur off campus will be referred to the appropriate police agency.

The University Police Department may also assist by contacting campus and community support personnel for immediate emotional assistance. When possible, specific requests for a female or male police officer will be honored. Further, if a complainant of any of the above crimes notifies any University authority of the crime, that University authority *must* tell the complainant that they have the absolute right to notify the police, and that University authority *must* help the complainant contact the police.

Will the University enforce my protection or no contact order?

Yes. The [University Police Department](#) will honor all orders of protection and no contact orders as issued by recognized criminal, civil, or tribal courts. Therefore, *a copy of the order must be provided to University Police.*

What if I don't want to report the incident to the police?

An individual is *not* required to file a police report if she or he is a complainant of a sexual violence. Whether an incident occurs on campus or off campus, there are many people at the

University who are genuinely concerned about the personal well-being of an assault complainant. If you choose not to share information with a campus or community police agency, please consider reporting the incident to one of the University or community sexual violence resources. For a list of on-campus and off-campus resources, see 24.4 Appendix D Confidential and Other Sexual Violence Resources.

What if I choose NOT to file a report with the police right away?

Individuals who have experienced sexual violence are encouraged to preserve all physical evidence. Choosing not to immediately pursue criminal charges does *not* prohibit one from doing so in the future. Therefore, the collection of physical evidence is important for bringing a criminal case forward.

What if I am a student and concerned with my living, academic, working, or transportation situation as a result of the incident?

When a sex offense as defined above is reported, the University will change the student complainant's academic, working, transportation, and living situation; the University will make such changes *if* such changes are requested by the complainant, and the requested changes are reasonably available. Requests for changes to living and transportation should be made to the Vice President for Student Affairs. Requests for changes to academic and working situations should be made to the Social Equity Director/Title IX Coordinator.

Will the University take disciplinary action?

A student complainant who experiences a sexual assault and/or interpersonal violence may request that university disciplinary procedures be initiated against the accused student as a violation of the [Student Code of Conduct and Judicial Procedures](#). These procedures are initiated through the Office of [Student Judicial Affairs](#). Reports made to this office are NOT criminal charges. The filing of campus disciplinary charges does *not* prohibit criminal charges from moving forward through the criminal justice system. If an individual desires to initiate campus disciplinary proceedings, staff in the Office of Student Judicial Affairs will gather information about the incident and coordinate a campus disciplinary hearing. On-campus disciplinary hearings typically occur in a timely fashion. However, delays may occur depending on whether or not criminal charges have been filed. Interim (temporary) disciplinary actions can be imposed upon the accused student to keep him/her away from the complainant until the campus and/or criminal proceedings have formally resolved the matter. Possible disciplinary sanctions for sexual assault or interpersonal violence include, but are not limited to, removal from campus housing and suspension or expulsion from the University. Information concerning the final outcome of the campus disciplinary proceeding will be made available in writing to the complainant.

Every student complainant of such a crime has the following additional rights:

- At the student complainant's option, the right to have allegations investigated and adjudicated by the Office of Student Judicial Affairs, which may include investigation and adjudication of an allegation of domestic violence, dating violence, sexual assault, or stalking or retaliation that might arise.
- The right, upon request, to have reasonable steps taken by the Office for Student Judicial Affairs to prevent any unnecessary or unwanted contact with alleged assailants if both the complainant and the alleged perpetrator are students.
- The same right as the accused to have an advisor, as a support person, present at any University disciplinary proceeding or any related meeting or proceeding. The advisor may be a friend, student, faculty, staff, administrator, attorney, or family member. The advisor may consult and interact privately with the student complainant, but does not speak for the student complainant.
- The right to have only those questions relevant to the charges asked during the disciplinary investigation and hearing. The chairperson may exclude statements and questions concerning the prior sexual history of any party if deemed irrelevant.
- The right to provide a student complainant's impact statement verbally or in writing to the chairperson.
- The right to be present and hear all testimony and evidence related to the disciplinary charges.
- The right to be notified in writing, after a judicial proceeding, of the following:
 - The final outcome of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - The University's procedures for the complainant to appeal the results of the disciplinary proceedings which shall be the same as those of the accused. The complainant may also submit a statement to be considered in any appeal;
 - Any change to the results that occur prior to the time that such results become final;
 - When such results become final; and
 - The right to make a written request to not receive notification of the outcome.

There are several offices available to assist complainants of crime on campus including the [University Police Department](#), [Ghering Health and Wellness Center](#), [Counseling and Psychological Services](#), the [Office of Social Equity](#), the Office of the Vice President for [Student Affairs](#), and the Office of [Student Judicial Affairs](#). Off-campus referral information also may be provided by these offices.

24. 4 | APPENDIX D

CONFIDENTIAL AND OTHER SEXUAL VIOLENCE RESOURCES

Upon request, counseling is available to any employee or student who believes that she or he has been subjected to any form of sexual harassment, including sexual violence. Current University students may contact Counseling and Psychological Services or Student Health Services located in the Ghering Health & Wellness Center, 300 Scotland Road, at 814-732-2743. Current University employees may obtain counseling services through the State Employees Assistance Program (SEAP) at 800-692-7459.

On-Campus Confidential Resources

<p><u>Counseling & Psychological Services</u> 1st Floor, McNerney Hall 300 Scotland Road 814-732-2252 <i>(licensed psychological counselors employed by the University)</i></p>	<p><u>Student Health Services</u> 1st Floor, McNerney Hall 300 Scotland Road 814-732-2743 <i>(licensed physicians, registered nurses, nurse practitioners, and the secretary of the Ghering Health and Wellness Center employed by the University)</i></p>
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Confidential resources mean those resources where a complainant of sexual violence may share the incident of sexual violence with a licensed psychological counselor and licensed physicians without having the incident or the complainant’s name reported to anyone else. Registered nurses, nurse practitioners, and the secretary of the Ghering Health and Wellness Center must report the incident to the Social Equity Director/Title IX Coordinator without providing the complainant’s name.

Other On-Campus Resources

<p><u>University Police Department</u> 911 Scotland Road Emergency 814-732-2911 or 2911 (24 hour availability)</p>	<p><u>Student Judicial Affairs</u> 235 McNerney Hall 300 Scotland Road 814-732-2920</p>
<p><u>Residence Life and Housing</u> 235 McNerney Hall 300 Scotland Road 814-732-2818</p>	<p><u>Student Affairs Emergency On Call Administrator</u> <i>Contact the University Police (24 hour availability)</i></p>
<p><u>Vice President for Student Affairs</u> 220 Dr. Frank G. Pogue Student Center 405 Scotland Road 814-732-2313</p>	<p><u>Social Equity Director/Title IX Coordinator</u> 207 Reeder Hall 219 Meadville Street 814-732-2167</p>

<p><u>Human Resources & Faculty Relations</u> 2nd Floor, Reeder Hall 219 Meadville Street 814-732-2703</p>	<p><u>University Ombudsperson</u> 1st Floor, Alumni House 210 Meadville Street 814-732-1710</p>
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Community Resources

<p><u>Crisis Services/Safe Harbor Behavioral Health *</u> 1st Floor, McNerney Hall 300 Scotland Road 814-456-2014 or 800-300-9558</p>	<p><u>Edinboro Borough Police</u> 124 Meadville Street, Edinboro, PA 814-734-1712</p>
<p><u>Safe Journey *</u> (Domestic Violence Safety Network) 1st Floor, McNerney Hall 300 Scotland Road 814-438-2675 / 24 hour hotline (collect calls accepted)</p>	<p><u>SafeNet 24-Hour Hot Line *</u> 1st Floor, McNerney Hall 300 Scotland Road 814-454-8161</p>
<p><u>Saint Vincent Hospital Emergency Room</u> 232 W. 25th Street, Erie, PA 814-452-5359 (Trained forensic nurses)</p>	<p><u>Crime Victim Center of Erie County *</u> 1st Floor, McNerney Hall 300 Scotland Road 814-455-9414 (24 Hour Hotline)</p>
<p><u>Campus Ministry *</u> 1st Floor, McNerney Hall 300 Scotland Road 814-732-2601</p>	<p><u>Persad Center</u> P.O. Box 3780 Erie, PA 888-873-7723 ext. 218</p>
<p><u>The Trevor Project</u> 866-488-7386 24 Hour crisis intervention and suicide prevention hotline for LGBTQIA youth</p>	

(*indicates services are also available on campus at the Ghering Health and Wellness Center)
These community resources have their own guidelines concerning confidentiality.

24.5 | APPENDIX E

SOCIAL EQUITY INTAKE FORM

FORMAL COMPLAINTS OF UNLAWFUL OR PROHIBITED DISCRIMINATION

Complainants may use this form to file a complaint of unlawful or prohibited harassment, including sexual harassment, and other forms of prohibited discrimination, against a University employee, campus visitor, or guest. Complainants may mail, fax, or email the form to the Office of Social Equity (see specific instructions below for sending completed intake form).

COMPLAINANT(S):

Employee ___ Student ___ Service Provider ___ Visitor/Guest ___

Name	Address	Phone Number	Email Address

(Use additional paper if necessary)

ALLEGED RESPONDENT(S):

Name	Office Address	Phone Number	Email Address

(Use additional paper if necessary)

DETAILED ALLEGATIONS:

Basis for Complaint: *(circle all that apply):* Race, color, sex/gender, sexual harassment, age, religion, national origin, ancestry, disability, organizational affiliation, sexual orientation/gender

stereotype, marital status, veteran status or other federally protected category (please state:_____).

Description of Events: Please describe the events that cause you to believe the University's policy has been violated. In addition to your description of what happened please also provide information on who was involved, and dates on which the events occurred.
(Use additional paper if necessary)

Complainant has discussed this action and requested relief from the alleged violator:
Yes ___ No ___

Describe what steps, if any, have been taken for relief:
(Use additional paper if necessary)

Witnesses: If there are witnesses who have personal knowledge of or who observed the events that you have described, please complete the following information on the witnesses:

Name	Address	Phone Number	Email Address

(Use additional paper if necessary)

Requested Remedy: How would you like this matter resolved?

ATTESTATION

I, _____ (name or names) believe the above information and facts are true to the best of my knowledge.

(Complainant Signature)

(Date)

(Complainant Signature)

(Date)

(Complainant Signature)

(Date)

Mail to: Office of Social Equity, Edinboro University, Room 207, 219 Meadville Street, Edinboro PA 16444

Fax to: 814-732-2153

Email to: equalopportunity@edinboro.edu

24.6 | APPENDIX F

Related University Policies, Procedures, and Codes

Policy No.	Policy Title
A001	Alcoholic Beverages and Illegal or Controlled Drugs (Clery)
A005	University Procedures for Responding to Off-Campus Student Behavior (Clery)
C006	Harassment, Intimidation, and Institutional Vandalism
D005	Security and Access to Campus Buildings and Facilities (Clery)
D006	University Police Authority and Working Relationship with Other Law Enforcement Agencies (Clery)
D011	Ghering Health Center Utilization
D050	Timely Warning and Emergency Notification (Clery)
D051	Missing Person (Clery)
D052	Reporting and Monitoring Criminal Actions and Other Emergencies (Clery)
D053	University Protection of Minors Policy Handbook
G005	Equal Opportunity / Affirmative Action and Non-Discrimination
Procedure	STD Prevention and Control
Code	Student Code of Conduct and Judicial Procedures

24.7 | APPENDIX G**Education and Training***(In alphabetical order)*

Program	Description	Contact	Audience	Frequency
Alpha Academy	Explores all of the issues of sexual assault and sexual harassment, including university policy, definitions, education, and prevention. This program is a mandatory component of the fraternity/sorority new member process.	Director of Campus Life & Leadership Development	Fraternity & Sorority Members & New Initiates	Each semester
Sexual Assault on College Campuses	Discusses Title IX and includes the following topics: Sexual violence, including same-sex, definition of consent, how the university analyzes hostile environment and unwelcome conduct, reporting options and confidential sources, grievance procedure and disciplinary code, role of alcohol and drugs, bystander intervention, effects of trauma, retaliation, and reporting	Social Equity Director, Vice President for Student Affairs, or Interim Chief of Police	New Undergraduate Students	Fall semester
Rape Aggression Defense (RAD)	A nationally accredited, twelve-hour program designed to enhance assertiveness, foster personal safety, and provide self-defense education/instruction for women. Physical confrontation simulations are given	Chief of Police	Students Faculty Staff	Each semester and upon request

	during the final certification session.			
Residence Hall First Floor Meeting	In-depth information on sexual violence definitions, resources for complainants, reporting, consequences of sexual violence, options, complainant's rights, and the availability of campus programs.	Director of Residence Life and Judicial Affairs or designee	Students	Fall semester
Safe Zone	Identifies and trains faculty and staff who are sensitive and affirmative to the needs of gay men, lesbians, bisexuals, transgender people, and allies and promote a campus that is a safer and freer place for all, regardless of sexual orientation.	Co-chairs of the LGBTQIA Commission	Students Faculty Staff	Upon request
Self-Defense Awareness & Familiarization Exchange (SAFE)	Educational awareness and crime prevention program that encompasses Strategies, Techniques, Options and Prevention (STOP) for teen and adult women to reduce the risk of exposure to violence and introduce the physical aspects of self-defense. Provides women with public safety and awareness information to incorporate into their everyday lives.	Student Affairs	Students Faculty Staff	Each semester
Sex Discrimination &	Raises awareness of sex discrimination,	Social Equity Director/Title IX	Faculty Staff	Monthly during the fall and

Sexual Misconduct	sexual harassment and other forms of sexual misconduct with emphasis on Title IX (students) and Title VII (employees). Clery Act reporting is covered, as well as prevention and reporting.	Coordinator and Chief of Police	Student Activities and Resident Assistants and Residence Hall Coordinators	spring semesters Fall semester
Sexual Violence Victim Advocates Program (SVVA)	Peer education program designed to increase campus awareness about sexual violence and its impact on women and men through education. Provides educational information, resource information, complainant rights information, and risk reduction strategies and about sexual violence.	Counseling Center	Students	Each semester
Sexual Harassment and Assault Response and Prevention Program (SHARP)	Covers sexual harassment and sexual assault policies and prevention strategy. Teaches students to recognize potential sexual harassment and assault behavior, apply techniques to safely intervene to prevent sexual harassment and sexual assault, and to review reporting options, procedures, and the importance of reporting.	Professor of Military Science	ROTC Faculty Staff Students	Each Semester
Sexual Violence Prevention Program	Addresses sexual violence and its' prevalence on college campuses, defines	Counseling & Psychological Services	Students	Each Semester

	consent, and identifies situations that are not consensual. Rape myths will be discussed. The role alcohol plays in sexual violence along with medical amnesty also is covered.			
Bystander Intervention Program	Defines bystander intervention and variables that impede bystander intervention. Step by step intervention strategies are covered. In addition, building specific skills to recognize behaviors that are unhealthy or problematic and assess the danger in a situation is addressed.	Counseling & Psychological Services	Students	Each Semester
Campus Security Authority Role and Clery Act Reporting	Provides information on the Clery Act and reporting requirements, specifically for Clery Act crimes.	Chief of Police	Campus security authorities	Annually