Cheyney University Policy SE-2010-6001

mental disability or the influence of drugs or alcohol, or is not otherwise prevented by law from
giving consent. Consent may be withdrawn at any time.
Dating Violence: Violence by a person who is or has been in a romantic or intimate relationship
with the complainant. Whether such a relationship exists or existed will be gauged by the
length, type, and frequency of interaction between the complainant and respondent. Stalking is
defined as a course of conduct directed at a specific person that would cause a reasonable
person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
Domestic Violence: Includes asserted violent misdemeanor and felony offenses committed by:
1. The complainant's current or former spouse;
2. The complainant's current or former cohabitant;
3. A person similarly situated under domestic or family violence laws; or
4. Anyone else against an individual protected under domestic or family violence laws.
Respondent:

Sexual Violence: Includes, but is not limited to: rape, sexual assault, sexual battery, and sexual
coercion. Acts of sexual violence are:
1. committed against a person's will;
2. where a person is incapable of giving consent as a result of his/her use of drugs or alcohol; or
3. where a person is unable to give consent due to an intellectual or other disability.
Stalking:

The role of the Title IX Coordinator includes the oversight of investigations involving sexual
harassment, including sexual violence. Investigative procedures are set forth in section E of this
policy. In the interest of maintaining confidentiality, the Title IX coordinator will disclose the
name of the victim only to the extent necessary to protect the rights of any party involved or as
otherwise required by law or collective bargaining agreement. The only individuals who may
participate in the investigation are the complainant, respondent, and individuals identified as
witnesses. Student complainants and respondents may be accompanied by an advocate or
advisor of their choice. With respect to the judicial

e. Avoidance of inappropriate relationships.

University employees are advised to avoid inappropriate relationships.
i. General Guidance

A personal, amorous or non-academic relationship may interfere with the faculty/student
relationship and may violate standards of conduct expected of all faculty by the university.
Personal, amorous or non-academic relationships should not be permitted to interfere with or
compromise the academic integrity of the faculty/student relationship. Sexual relations
between a faculty member and a current student of that faculty member are determined by the
university to be inappropriate and/or unethical. This determination also applies to relations
between a graduate student and an undergraduate student when the graduate student has
supervisory academic responsibility for the undergraduate. Furthermore, the determination
also applies to relations between a current student and an administrator, coach, advisor,
program director, counselor, or residential staff member who has supervisory responsibility for
the student. As with the faculty/student relationship, this policy also covers
employer/employee consensual relationships. An employee with professional responsibility or
supervision of another employee who has real or potential power and authority over that
individual in a variety of roles including, but not limited to, supervisor, mentor, committee
member, etc., shall not abuse that power.

ii. Consensual Relationships

Absent contradictory evidence, an amorous or sexual relationship between individuals where
one possesses or appears to possess authority or power over another is presumed to be
exploitative and shall constitute unprofessional conduct. The consensual nature of such a
relationship does not necessarily constitute a defense to a charge of sexual harassment, sexual
violence, domestic violence, dating violence, and/or stalking, or related unprofessional conduct
especially when the indirect result of the relationship creates a hostile workplace or academic
environment.

Therefore, any faculty member or employee in a supervisory role who enters into a sexual
relationship with a student or another employee will be subject to scrutiny if a complaint of
sexual harassment, sexual violence, domestic violence, dating violence and/or stalking, is
brought against the faculty member by a student or against the "supervisory person" by the
"subordinate person" or if a third party brings a complaint.

f. False Complaints

All individuals have a responsibility to ensure the integrity of the reporting and investigatory
process by conducting themselves honestly. Any person who knowingly files a false complaint
is subject to disciplinary action, up to and including dismissal from the university.

In the case of a complaint against an employee, the Title IX coordinator will arrange for a Title
IX investigator, who is an employee, to conduct the investigation. When the complaint is
against a student, the Title IX coordinator will coordinate with the Office of Student Affairs,

which will conduct the investigation and take appropriate action in accordance with the
Student Judicial Code.

E. University Procedures for Resolution of Complaints

STEP 1: All charges of sexual harassment, including sexual violence must be reported to the
Title IX Office.

In order to ensure the effective handling of all incidents of sexual harassment, this policy
requires that all such reports be directed to the same office on campus, namely that of the Title
IX Coordinator. At this first stage of the procedure, the individual or individuals who alert(s) the
Title IX Coordinator of a possible incident might not be the actual aggrieved party(ies). Both the
complainant and the respondent may be accompanied by an advisor, who is a member of the
campus community, when meeting with the Title IX Coordinator or any Title IX investigators. A
potentially aggrieved party may bring a complaint of sexual harassment, to a supervisor,
department chair or dean, who, in turn, shall refer the complainant to the Title IX Coordinator.

In the event there are two or more complainants and/or two or more persons (respondents)
charged with sexual harassment, sexual violence, domestic violence, dating violence and/or
stalking in the same set of circumstances, the Title IX Coordinator or his/her designee, will
decide whether the complaint will be handled jointly or separately.

The role of the Title IX Coordinator, or his/her designee is to serve as a fact finder. The Title IX
Coordinator, or his/her designee, must act in such a manner as to ensure that all parties to a
complaint are protected by appropriate due process and confidentiality. Should the Title IX
Coordinator be accused of sexual harassment, sexual violence, domestic violence, dating
violence and/or stalking, the Provost will act in his/her place. Should the University President
be accused of sexual harassment, sexual violence, domestic violence, dating violence and/or
stalking, the matter will be referred to the Pennsylvania State System of Higher Education,
Office of the Chancellor.

STEP 2: The complainant meets with the Title IX Coordinator.

The purpose of this meeting is to discuss the complaint, to gather information, and to provide
the complainant with a copy of this policy, which sets forth the rights and procedures governing
complaints. At this initial meeting, the Title IX Coordinator, or his/her designee, clarifies for the
complainant whether or not the allegations may constitute sexual harassment, sexual violence,
domestic violence, dating violence and/or stalking. The Title IX Coordinator, or his/her
designee, then reviews the appropriate complaint procedure for the benefit of the
complainant. Complainants are not required to file a written complaint, but have the right to do
so in the manner specified in Step 4.

STEP 3: The complainant will receive additional clarification regarding university procedures
regarding the alleged violation and general information regarding counseling.

If requested by the complainant, the Title IX Coordinator, or his/her designee, will provide
general guidance for the complainant in order to:

(a) clarify the nature of the alleged violation.
(b) review the university's complaint procedure.
(c) review the complainant's responsibilities of filing a written or oral complaint.
(d) give guidelines for what a written complaint should contain, in the event the complainant
chooses to file his/her complaint in writing.
(e) apprise the complainant, in writing, of counseling, health, mental health, advocacy and
other relevant services.*
(f) apprise the complainant, in writing, of possible remedial actions (to reduce the likelihood of
contact with respondent) with respect to changing transportation, academic, residence or
working situations, if reasonably available.*

**More information on the services and remedial actions is provided in the document, Sexual
Assault & Relationship Violence: What Everyone Needs to Know! Available at:
http://www.cheyney.edu/president/Title-IX.cfm

STEP 4: The complainant files a complaint.

A complainant may file a complaint either orally or in writing. The complainant will be given the
opportunity to provide the names of any witnesses and/or documentation in support of his/her
complaint. In the event that a complainant does not wish to file a signed complaint him or
herself, the Title IX Coordinator, or his/her designee, will prepare a written statement with the
following information: the names of the complainant and the respondent, a brief description of
the alleged violation as stated by the complainant, and the date(s) of the alleged violation.
Whether the complainant submits a written complaint or the Title IX Coordinator prepares a
written statement, the allegations will be investigated.

STEP 5: The Title IX Coordinator must decide on an appropriate course of action regarding the
complaint.

There are two possible courses of action following the filing of a complaint:

A. Based on the complainant's written or spoken account of alleged sexual harassment
which may include sexual violence, domestic violence, dating violence, and/or
stalking the Title IX Coordinator, or his/her designee, determines there is insufficient
reason to proceed with a complaint and counsels the complainant regarding this
decision. In this case, the investigation would stop at this point, and the complainant
would be notified of the determination of the Title IX Coordinator.

B. Based on the complainant's account of alleged harassment (which may include
sexual violence, domestic violence, dating violence and/or stalking) and a finding of
sufficient reason to proceed, the Title IX Coordinator or his/her designee, will
promptly initiate an impartial fact- finding investigation.

STEP 6: The respondent is notified of the complaint.
Absent unusual circumstances, within 14 calendar days of a complaint being filed, the Title IX
Coordinator will notify the respondent that a complaint of sexual harassment, sexual violence,
domestic violence, dating violence and/or stalking has been filed against him/her. Depending
on the circumstances, the respondent will be notified either orally or in writing. If the
notification is in writing, for reasons of confidentiality, the notification will be mailed to the
respondent’s home address, unless the respondent is a student who resides on campus.
Furthermore, if the notification is in writing, it will be sent by certified mail so that only the
respondent can sign for it personally.
STEP 7:

b. A mediated solution could be achieved which is satisfactory to the complainant and
the respondent. A record of the resolution would be kept in the Office of the Title IX
Coordinator for three years.
c. If the complaint cannot be resolved for any reason, including the nature of the
allegations, the investigation will proceed as explained in Step 9. If the complaint
involves an allegation of sexual violence, domestic