

Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking included as Regulatory Prohibited Conduct under this Policy
Addresses how the University must respond to reports of misconduct falling within the definitions of Regulatory Prohibited Conduct under this Policy, and
Mandates a grievance (or resolution) process the University must follow before issuing disciplinary sanctions against a person accused of Regulatory Prohibited Conduct under this Policy.

Throughout this Policy, violations are generally termed as “Regulatory” consistent with the Department of Education’s Final Rule under Title IX of the Education Amendments Act of 1972, when the behavior occurs in the United States, within an Education Program or Activity and when the Complainant is participating in an Education Program or Activity at the time of the filing of the Formal Complaint. For quid pro quo sexual harassment allegations, the designation of “Regulatory” is dependent on the employment of the Respondent. For hostile environment sexual harassment allegations, the designation of “Regulatory” is dependent upon the impact p(e)-6 (n)-09E(

identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law. The University will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

C. Title IX, VAWA and Nondiscrimination

The University prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-

D. Statement on Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. **Privacy, confidentiality and privilege** have distinct meanings u

prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

H. Scope of Policy

This policy applies to all on-campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the University community. There is no time limit for reporting allegations of sexual misconduct, however, the University strongly encourages the prompt reporting of sexual misconduct to allow the University to respond promptly and effectively. If the reported Respondent is not a member of the University community or is no longer associated with the University at the time of the report or at the times of (a) 13u.1 (c) 12 (-6.6 (2) 5.2 (p) 2.2 (ro) 2.3 (c)-2 (e) 7

University will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred. The preponderance of evidence standard also applies to Title IX matters where employees are respondents,

K. Effective Date

Based on the Final Rule, this Policy will be effective for all Title IX matters on or after the date of its publication in the Federal Register.

action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

D. **Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

1. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
2. **Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.
3. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at

the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute³.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

- E. **Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal ad(S)1.5.5 (ard)2.2 (J6 (n)).eSh5((341 "Om"=Eq23

6. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- F. **Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.
 - G. **Regulatory Quid Pro Quo Sexual Harassment** - An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.
 - H. **Non-Regulatory Quid Pro Quo Sexual Harassment** - An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.
 - I. **Regulatory Hostile Environment Sexual Harassment** - (nt)-46nic(n) 2d) 2

- K. Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
1. fear for their safety or the safety of others; or
 2. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an E(w)-2.9 (j)2.3 (u)2.3 (rs)-1.3 (2 (o)-6.7 (3h49)-3 (

4. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of conducting cross-examination.
5. If a Party does not attend the hearing, the Party's Advisor may appear and conduct cross-examination on the Party's behalf.
6. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination.
7. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

B. Appeals Officer – The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, Advisor to any Party or a Decision Maker in the same matter.

C. Complainant – An individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under this Policy.

D. Consent – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm.

Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent

to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have

Coordinator or designee is required to provide to the Parties following receipt of a Formal Complaint. See Notice of Allegations section below.

- N. **Notice of Hearing** – The written notice required to be provided to the Parties prior to the hearing. See Notice of Hearing section below.
- O. **Official** – A member of a Council of Trustees or of the Board of Governors or their respective designees.
- P. **Parties or Party** – A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.
- Q. **Respondent** – Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.
- R. **Student** – Any person: (1) seeking admission to the University through the formal University application process; (2) offered admission to the University, or (3) eligible to register or schedule for classes.
- S. **Supportive Measures** - Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly burdening the other Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact directives), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.
- T. **Support Person** – Optional in cases of harm and/or sexual misconduct is a person who may be present to provide support to a Party when submitting an (p)-0.831 dasi3.3 (i) (s)6.5 (o-1.3 (s)1.6 (.8

proceeding, nor advise a Party or be a

encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

The Title IX Coordinator (or designee) has authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

1. Report to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Lynn Klingensmith, Esq.

Title: Director for Equity and Compliance, West Chester University

Office Address: 114 W. Rosedale Avenue

Email Address: lklingensmith@wcupa.edu

Telephone Number: 610-436-2433

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals in accordance with Title IX of the Education Amendments of 1972.

knowledge about resources and services, both on and off campus, including the availability of Supportive Measures. If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

PLEASE NOTE: Title IX Coordinators are not a confidential source of support. While they will address reported matters with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individual designated as having confidentiality, please contact Student Health Services, Counseling & Psychological Services Center or the West Chester University Community Mental Health Center.

PLEASE ALSO NOTE: Making a report is different from filing a Formal Complaint (see the section titled Filing a Formal Complaint). A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator or designee by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint; and/or (4) a request to initiate an informal resolution process after filing a Formal Complaint. Filing a Formal Complaint initiates the University's formal

Individuals may also file a report electronically by email to: tix@wcupa.edu

3. Filing a Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process, but will receive all notices issued

Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

The University may not be informed of reports made with external agencies.

6. Truthfulness

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint or making misrepresentations. If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy and collective bargaining agreements in the case of Officials, Employees or Volunteers.

7. Multiple Party Complaints

The Title IX Coordinator may consolidate Formal Complaints involving multiple parties where the allegations of sexual misconduct arise from the same facts or circumstances; in such consolidated matters, the Sexual Misconduct Resolution Process applies to more than one Complainant and/or more than one Respondent, but each party is still an "individual" and not a group or organization. The decision of the Title IX Coordinator to consolidate Formal Complaints is not subject to appeal.

B. University Reporting Obligations

1. Mandated Reporting Obligations of University Officials, Volunteers and Employees

All University Officials, Volunteers and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless: 1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see Statement on Privacy and Confidentiality); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

PLEASE NOTE: These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all the University Employees, Officials and Volunteers are required to notify the University police and the [ChildLine](#) run by the Pennsylvania Department of Human Services (1-800-932-0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the [ChildLine](#).

University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

2. University Obligations Regarding Timely Warnings

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for

e3 reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

C. Jurisdictions and Dismissals Fulat6 (t)-3

In certain circumstances where violations defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements 13.6 (o) employ

arising from the allegations of covered sexual misconduct justifies a removal.

If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

- a. The University will provide written notice of the emergency removal and applicable charges.
- b. The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.
- c. The designated University Hearing Officer will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct and that, based on that threat, removal is the appropriate course of action.

If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.

All emergency removals will also comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

2. Administrative Leave for Employees

The University retains the authority to place Employees on administrative leave consistent with applicable requirements of relevant University policies and collective bargaining agreements.

V. PROCEDURES

A. Informal Resolution Process

Volunteers.

The Parties will be notified via their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

3. Determining Jurisdiction and Mandatory Dismissal for Certain Allegations

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

- a. The conduct is alleged to have occurred in the United States;
- b. The conduct is alleged to have occurred in the University's Education Program or Activity; and
- c. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are satisfied, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of allegations categorized as Non-Regulatory or other allegations under this Policy or any other University Policy.

Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policies and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an Official or Volunteer contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

6. Notice of Dismissal

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts.

7. Investigation

a. General Rules of Investigations

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

The University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of

proof away from the University and does not indicate responsibility.

The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

Medical records of a party (or parent, if applicable) will not be considered as part of the investigation unless the party to 2.3 (u)2.2 (72 (e)-6 (n.6 (o)-3.9 (v)-2T.3 (o)-21)-4.5 ()2.2 ((id)13.1 (

additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

8. General Rules of Hearings

a. Notice of Hearing

No less than 10 days prior to the hearing, the Office of Student Conduct will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- i. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- ii. The time, date, and location of the hearing.
- iii. Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s)/Hearing Officer(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Office of Student Conduct of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.
- iv. Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.
- v. A copy of the rules of decorum for all hearing participants.

- vi. A list of the Decision Makers and/or Hearing Facilitator who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of the Decision Maker(s)/Hearing Officer(s) prior to the hearing. The President of the University shall serve as the Decision-Maker for all cases involving a Respondent who is a faculty member. In all cases involving a Respondent who is an Employee, the President may designate a Decision-

c. Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the

affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s)/Hearing Officer(s). A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s)/Hearing Officer(s) to use statements made by the Party.

f. Relevant evidence and questions

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include those that are irrelevant, immaterial, or unduly prejudicial, or that are otherwise inadmissible under the rules of evidence.

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Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in

Maker(s) must determine whether any statements or testimony from the witnesses are admissible for the Decision-Maker(s) consideration.

h. Decisions

General Considerations for Evaluating Testimony and Evidence:

- i. While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s)/Hearing Officer(s).

- vi. Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker(s)/Hearing Officer(s) may draw an adverse inference as to that Party or Witness' credibility.
- vii. Decision Maker(s)/Hearing Officer(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- viii. The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s)/Hearing Officer(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
- ix. The Final Rule requires the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s)/Hearing Officer(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

j. Timeline for Decision

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement or University/System policies, may include a

gross disproportionality.

- b. All appeals must be made in writing by the published

may also violate Pennsylvania criminal statutes and civil defamation laws.

APPENDIX A: COMPLAINANT RESOURCES

The health and safety of West Chester University students is important to us. If you or someone you know has experienced an act of sexual violence, please consider the following:

Seek immediate medical attention to check for injuries, test for and/or treat sexually transmitted infections, or pregnancy.

Local Hospital options:

Chester County Hospital: 701 E. Marshall Street, West Chester, PA
610-431-5000

Paoli Hospital for the health

B A Crime Victim Advocate from the Crime Victims' Center of Chester County can accompany an individual to the hospital to

Domestic Violence Center of Chester County (1-888-711-6270) can also provide information and assistance in obtaining a PFA.

WEST CHESTER UNIVERSITY RESOURCES:

Counseling and Psychological Services (Counseling Center, 610-436-2301, Lawrence 241) offers confidential counseling to students who have been sexually assaulted or victimized, whether recently or in the past. All counseling is confidential. This means that the counselor cannot speak with others about the student's situation without the student's written permission.

Students are encouraged to contact the Counseling Center (610-436-2301) or come to the Center to schedule a triage appointment. Triage appointments will take place over the phone. During the triage session, students will discuss their concerns and options for counseling moving forward. Options may include: short-term individual counseling (either virtually or in-person) with a Counseling Center counselor, virtual group therapy via the Counseling Center, or obtaining off-campus referrals for longer-term or specialized counseling via their referral specialist. There are no fees for currently enrolled students to use the Counseling Center's services. Visit the Counseling Center website at www.wcupa.edu/counselingcenter for hours and additional information.

If a situation occurs after normal business hours, the on-call

earning a doctorate in Psychology who are closely supervised by experienced, licensed Psychologists. Assessment appointments can be

Public Safety (610-436-3311, 690 South Church Street) Public Safety is available 24 hours a day, 7 days a week. University police officers will make all efforts to investigate any crimes that occur on campus within the scope of the law and will provide support and referral options. Persons who have experienced sexual misconduct may want to consider preserving all physical evidence, regardless of whether or not they want to press charges. Choosing not to press charges immediately does not prohibit one from doing so in the future, and physical evidence will be important to the case. University police will honor all Protection From Abuse Orders and No Contact Directives, as copies of these are kept on file with the

Additional OnCampus Resources
B Department of Athletics (610-

active learners who achieve academic success. The LARC can assist in tutoring and other supports to continue to be successful academically.

On-Campus Legal Advice - currently enrolled students can use [RamConnect](#) to meet with a lawyer for free. Available appointments are scheduled for the full year and are listed on RamConnect. Please see the website at

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Domestic Violence Center of Chester County (DVC) provides support for individuals and families who have been abused, physically or sexually, by someone whom they share a residency with, and/or with whom they have had an intimate relationship. DVC can assist with emergency shelter and long-term housing needs for victims. They also provide a wide range of legal services, including assistance with obtaining a “PFA” (or Protection From Abuse order) and court accompaniment. They can be contacted on their 24 hour hotline at 610-431-1430.

National Center for Victims of Crime, Stalking Resource Center provides information and resources for victims of stalking. The helpline number is 1-800-FYI-CALL. You can also visit their website at www.ncvc.org/

Male Survivor is an organization dedicated to providing support for male victims of sexual assault. Visit their website at www.malesurvivor.org

The Network La Red is an organization committed to supporting the lesbian, gay, bisexual, and transgender community with information on and resources about battered relationships. They can be reached on their hotline (617-742-4911). Or, visit their website at www.thenetworklared.org.

APPENDIX B: RESPONDENT RESOURCES

WEST CHESTER UNIVERSITY RESOURCES:

If you have any questions about sexual misconduct or need help after receiving notification that you are accused of an act of sexual misconduct, the following University offices and staff members can

of Psychology (Psy.D.) program. CMHC serves as a training center for graduate students in the Psy.D. program and as a clinical research site for faculty in the Psychology Department. As a non-profit training and research facility, CMHS is able to provide low-cost, cutting-edge psychotherapy and testing. Services are provided by graduate students earning a doctorate in Psychology who are closely supervised by experienced, licensed Psychologists. Assessment appointments can be made by contacting the Clinic. For counseling, students will be referred from the Counseling Center for longer term therapy.

Office for Student Conduct (610-436-3511, Ruby Jones 200) is responsible for enforcing violations of the Student Code of Conduct. The Office staff can provide assistance and guidance to students, staff, and faculty in submitting reports on any violation of the **Student Code of Conduct** including sexual assault, sexual harassment, dating violence, domestic violence and stalking. The Office also maintains a list (on their website) of **Process and Policy Advisors** who can provide guidance and assistance to students throughout the investigative and conduct

B

OFF-CAMPUS RESOURCES

In addition to the numerous services on campus, there are many additional services available for those accused of sexual misconduct.

Chester County Bar Association: Access to Justice Program This program provides access to free legal services for those who do not qualify for legal aid. They can be contacted at: www.chescobar.org, 15 W. Gay Street, West Chester, PA. Or call 610-692-1889.

Family Service of Chester County provides low cost or free professional counseling. Health insurance is not required and the organization is committed to eliminating financial barriers to professional care. They can be contacted at: www.familyservice.us, 310 N. Matlack Street, West Chester, PA. Or call 610-696-4900

Legal Aid of Southeastern PA offers legal aid and is located at 222 N. Walnut Street, 2nd floor, West Chester, PA. Or call 610-436-4510.

The individual who has experienced harm has the right to seek medical treatment to address physical and mental health and to preserve evidence.

Parties may also have options to file civil actions in court or with administrative agencies.

To file a Formal Complaint, please contact the Title IX Coordinator/designee.

**APPENDIX D
FREQUENTLY ASKED QUESTIONS**

Does the Sexual Misconduct Policy apply to off-campus incidents?

Additionally, all students involved in possible sexual misconduct incidents are entitled to supportive measures. These are informal, mitigating measures implemented to make students feel comfortable in the pursuit of their education. These are designed on a case-by-case basis to meet the needs of the individual student. Some supportive measures include, but are not limited to: class schedule changes, room changes, building use schedules, faculty notification, and no contact directives. Students who wish to receive supportive measures need to report the incident, but do not need to proceed with a formal complaint.

If I file a formal complaint, do I have to go to a hearing?

No. Filing a formal complaint initiates an investigative process. At the conclusion of an investigative process, either party can request an Informal Resolution (no hearing). In the alternative, in the event that a hearing takes place, the parties and witnesses are expected to be available at the hearing to provide their perspective and be cross examined.

Complainants can choose to stop an investigation at any time. Cancelling an investigation before it is complete would also result in no hearing.

Does information about a sexual misconduct report or complaint remain private?

Student Health Services offers gynecological exams, pregnancy tests, emergency contraception, HIV tests, and sexually transmitted infection tests. **All standard post-assault medical care will be free of charge.**

Forensic (sexual assault) examinations are done at Chester County Hospital or Paoli Hospital. Students can choose to have their insurance billed OR Pennsylvania's Victims Compensation Assistance Program (VCAP). There should never be a bill for the exam or medications.

An advocate from the Crime Victims' Center of Chester County can accompany the survivor to the Hospital. The Crime Victims' Center can also assist with legal advocacy. Services are free and confidential. Public Safety will provide transportation to and from the hospital.

Does the complainant have to share the name of the respondent when reporting an incident?

There is no obligation to share the name of the respondent when reporting an incident of sexual assault, stalking, sexual harassment, dating or domestic violence, sexual exploitation or other relationship abuse. If the complainant would like to move forward with a formal complaint, the respondent will be notified. 61 n C-5.9 (h) (t)8 (o)-6.7(th)16.2 (8 t)8 (o63-308.9 (o)4.3 (m)-6.4 (p)inepaue c

DO NOT CONTACT the Complainant.

It may be helpful to speak with someone in the Counseling Center (610-436-2301) which is open Monday – Friday, 8am to 4:30pm during the academic year. Counseling Center services are confidential and free. The Counseling Center can also assist with providing information on local off-

Respondents may retain private legal counsel at their own expense if they choose to engage the attorney as their advisor for the University process or need legal advice about a criminal prosecution.