

UNIVERSITY-WIDE POLICY AGAINST DISCRIMINATORY HARASSMENT, SEXUAL HARASSMENT, SEXUAL ASSAULT AND OTHER FORMS OF SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

Seton Hill University, a diverse academic community, celebrates this diversity and is committed to serving individuals and groups from all backgrounds. It strives to provide equal opportunity to all members of our community. True to its mission as a Catholic university, Seton Hill also espouses trust, civility, and a willingness to recognize the dignity of each person. Thus, it is the responsibility of each member of the University community to learn to understand the differences among us, as well as the similarities, and to demonstrate tolerance, which precludes any expression of bigotry, intimidation, violence or other types of injurious behavior. Tolerance, however, is not enough. Respect, understanding, and a basic generosity of spirit are expected. The University is also committed to freedom of thought, discourse, and speech and the attainment of the highest quality of academic and educational pursuits.

I. STATEMENT OF POLICY

Seton Hill prohibits discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, gender, gender identity, age, religion, disability and other criteria protected by applicable law. Seton Hill also prohibits discriminatory harassment, sexual harassment, sexual assault and all other forms of sexual violence, dating violence, domestic violence and stalking. Seton Hill will respond promptly and appropriately to any form of alleged misconduct under this Policy, and will take steps to prevent recurrence and to remedy its effects.

This Policy applies to all members of the Seton Hill University community (all students, faculty and staff) as well as to individuals not directly affiliated with the University (e.g., contractors, vendors, and visitors). This Policy also applies to off-campus conduct that may affect the campus community or may affect access to education of any student. Such types of off-campus activities would include, but are not limited to, University-sponsored trips, athletic events, meetings, conferences, and University-related social events. This Policy likewise applies to online behavior and social media that may affect the educational or employment experience. This Policy applies regardless of an individual's gender identity or sexual orientation.

II. DEFINITIONS

The following definitions apply to this Policy:

A. Discriminatory Harassment: Discriminatory harassment is defined as any oral, written, physical, or symbolic behavior that is based on an individual's membership (or perceived membership) in a particular demographic group, including race, color, national origin, ethnicity, sex, sexual orientation, gender, gender identity, age, religion, or disability, and interferes with a reasonable person's academic or work performance, creates an intimidating, hostile or offensive

environment for a person, or subjects a person to unwanted and unsolicited attention. Such behaviors include, but are not limited to, the use of slurs, epithets, name-calling, gestures, demeaning jokes, derogatory stereotypes, bullying, or conduct that may be physically threatening, harmful or humiliating or cause a person to feel unsafe.

B. Sexual Harassment: For purposes of this Policy, sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature. Sexual harassment may be found in a single episode as well as in persistent behavior. Sexual harassment also includes unwelcome sexual conduct when:

- such conduct has the purpose or effect of interfering with an individual's academic and/or work performance or of creating an intimidating, hostile, or offensive living, learning or working environment; or
- submission to such conduct is made (explicitly or implicitly) a term or condition of an individual's employment or education; or submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual.

C. Rape: Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Rape also occurs when a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is unaware that the act is occurring.

D. Sexual Assault: Sexual assault is defined as when a person engages in sexual intercourse or deviant sexual intercourse with a complainant without the victim's consent.

E. Sexual Exploitation: Sexual exploitation is a form of sexual harassment, and it includes taking non-consensual sexual advantage of another for one's own benefit or for the benefit of anyone other than the one being exploited. Examples include, but are not limited to, videotaping sexual acts without consent of both partners; allowing others to observe sexual activities without the consent of both partners; endangering the health of another person by knowingly exposing him/her to an STI or HIV; inducing incapacitation of another through encouragement to consume excess quantities of alcohol or giving the person alcohol or other drugs without his/her knowledge with the purpose of having sex with the other person.

F. Sexual Coercion: Sexual Coercion is the act of using pressure or force to have sexual contact with someone who has already refused or not consented.

G. Sexual Battery: Sexual battery is generally defined as the non-consensual touching of another with intent to arouse or gratify the sexual desire of the offender. Examples include groping, touching genitals over or under clothing, etc.

H. Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

I. Domestic Violence: Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state.

J. Stalking: The term "stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress. A person commits the crime of stalking when the person either: (i) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (ii) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

K. Consent: Sexual activity requires consent, which is defined for purposes of this Policy as clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and individuals are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent. Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For

all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

L. Responsible Employee: A “responsible employee” for purposes of this Policy includes *all* Seton Hill University employees except the professional counselors in the Counseling Center and Family Therapy Center, the health service providers in the Wellness Center, the Director of Campus Ministry and other priests and pastoral counselors. Responsible employees have an obligation to promptly report incidents of sexual violence or other types of misconduct prohibited by this policy to the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Section IV below. The report should include all relevant details about the alleged incident that a student or another person has shared with the responsible employee, including the name of the alleged respondent (if known), the student or other member of the campus community who experienced the alleged misconduct, others involved in the incident as well as the date, time and location of the incident. Before a student reveals this type of information to a responsible employee, the responsible employee should make every effort to ensure that the student understands the employee’s reporting obligation and the student’s option to request that the University maintain his or her confidentiality (which request would be considered by the Title IX Coordinator), and the student’s right to share the information confidentially with certain individuals on campus or with off-campus sexual assault resource centers, advocates and health care providers.

III. RIGHTS AND RESPONSIBILITIES UNDER THIS POLICY

Members of the Seton Hill community, who are aware of conduct that violates this Policy, whether they observe the conduct directly or otherwise learn about it, should report it to the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Section IV below. Responsible employees (as defined above) are obligated by this Policy to report such conduct to assure the matter is handled promptly and appropriately by trained personnel and that appropriate corrective, protective, and remedial actions may be taken as warranted, including interim measures.

Violations of this Policy can occur between members of opposite sexes and/or members of the same sex. Although sexual harassment often involves a supervisory employment relationship or faculty/student relationship, it can also be committed by a student against a faculty member, by an employee against a supervisor, by a member of one’s peer group (such as by a student against another student), or by a contractor, vendor or other visitor to the University. Every member of the Seton Hill community has both rights and responsibilities under this Policy.

Reporting Options and Student Requests for Confidentiality: A student reporting an incident of alleged sexual violence sometimes asks that his/her name not be disclosed to the alleged respondent or that no investigation or disciplinary action be pursued to address the alleged sexual violence. In such cases, the Title IX Coordinator will inform the student that honoring the

request may limit the University's ability to respond fully to the incident, including pursuing disciplinary action against the alleged respondent, and will explain that this Policy and the law include protections against retaliation. If the student still requests that his or her name not be disclosed to the alleged respondent or that the University not investigate or seek action against the alleged respondent, the Title IX Coordinator will determine whether or not the University can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the incident of alleged sexual violence. See also Section VII below regarding Other Available Actions And Resources.

IV. TITLE IX COORDINATOR AND DEPUTY COORDINATORS

The Title IX Coordinator and Deputy Coordinators listed below are responsible for, among other things, overseeing reports and complaints brought forward under this Policy to assure that these matters are handled appropriately and effectively, and for identifying and addressing patterns of misconduct and systemic problems. They also serve as resources available to anyone seeking additional information about the processes and procedures under this Policy, about other resources that may be available to victims of misconduct covered by this Policy, or to those who wish to file a complaint of an alleged violation of this Policy.

Charmaine R. Strong serves as the Title IX Coordinator for Seton Hill. Dr. Strong's contact information is as follows:

Email: strong@setonhill.edu

Phone: (724) 552-1310

Office Address: Greensburg Room Annex

The following individuals serve as Deputy Title IX Coordinators for Seton Hill:

Constance Beckel, Associate Registrar

Email: beckel@setonhill.edu

Phone: (724) 838-4219

Office Address: Administration Building 10

Deanna Buberniak, Assistant Director of Human Resources

Email: buberniak@setonhill.edu

Phone: (724) 830-1139

Office Address: Administration Annex 110

Jessica Mann, Associate Dean of Student Engagement

Email: jlmann@setonhill.edu

Phone: (724) 830-1076

Office Address: Maura Hall 223

Debra Mason, Diversity Officer/Training Manager
Email: dmason@setonhill.edu
Phone: (724) 830-4614
Office Address: Maura Hall 329

Darlene M. Sauers, Director of Human Resources
Email: sauers@setonhill.edu
Phone: (724) 838-4210
Office: Administration Annex 110

John Spurlock, Professor, History
Email: spurlock@setonhill.edu
Phone: (724) 830-1021
Office Address: St. Joseph Hall 303

Michelle Walters, Community Arts Program Director & Manager of Westmoreland
Symphonic Winds
Email: walters@setonhill.edu
Phone: (724) 552-2923
Office Address: Performing Arts Center G-07

Inquiries may also be directed to the Office for Civil Rights of the U.S. Department of Education at (800) 421-3481 or by email at OCR@ed.gov.

V. OPTIONS AND PROCESSES FOR RESOLUTION

Any student, prospective student, employee, applicant for employment, or campus visitor who believes that he/she has been subjected to conduct in violation of this Policy or who has observed, knows of, or suspects an occurrence of discriminatory or sexual harassment, sexual assault or other forms of sexual violence, dating violence, domestic violence, or stalking is strongly encouraged to immediately contact the Title IX Coordinator or one of the Deputy Title IX Coordinators listed above.

Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of the University to take prompt and appropriate action regarding a complaint or report, including the ability to take interim protective measures. Although Seton Hill does not impose a limitations period for reviewing internal complaints of alleged violations of this Policy, the University recognizes that to conduct a meaningful investigation and take prompt action as appropriate, a timely report or complaint is important. (Note: The conferral of a degree and related activities may be held until final disposition of a complaint under this Policy.)

Individuals who believe they have been subjected to alleged violations of this Policy will be informed about options for resolving potential violations. Those options include informal resolution and formal resolution pursuant to this Policy. An advocate from Blackburn Center Against Domestic and Sexual Violence will be present to offer support to complainants who have experienced domestic or sexual violence.

Certain forms of misconduct under this Policy may constitute criminal conduct. The Blackburn Center Advocate can assist the complainant with legal referrals should they be requested. Whether or not someone who has been subjected to such conduct chooses to pursue criminal charges externally, they have the right to pursue an internal complaint under this Policy, regardless of the status of any external proceedings. Further, the University may have an obligation to pursue an investigation, make a complaint, and take corrective action directly even if a victim chooses not to pursue the matter internally at the University. See also Section III above, under the subheading “Reporting Options and Student Requests for Confidentiality.” For more information about reporting a matter to law enforcement, see Section VII-A below.

A. Initiation of the Process

Usually with the complainant’s consent, the Title IX Coordinator (or designee) will initiate the process under this Policy by notifying the accused party (“respondent”) that a complaint has been filed against him/her and inform the respondent of the nature of the complaint.

The Title IX Coordinator (or Deputy Coordinator) shall explain to both parties the avenues for informal and formal action, including a description of the process and the relevant avenues of redress to the complainant and the respondent and provide each of them with a copy of this Policy.

Interim Measures. During the pendency of an investigation or other proceedings under this Policy, the University may take reasonable and prudent interim measures to ensure equal access to its education programs and activities, to protect the parties, and/or to safeguard the University community, including interim disciplinary measures if necessary and appropriate. In cases of alleged sexual violence, sexual assault, dating violence, domestic violence or other forms of sexual misconduct, the Title IX Coordinator will review with the complainant his/her options to avoid contact with the respondent. Requests for accommodations will be provided based on reasonableness and availability. Examples include but are not limited to: changing academic and extracurricular activities and/or his/her living arrangements, transportation, dining, and working situation as reasonable and appropriate. In such cases, the Title IX Coordinator will also notify the parties of available resources (such as counseling services, medical and mental health services, victim advocacy services) and of the right to report a crime to local law enforcement.

Confidentiality. Seton Hill will respect the wishes of the victim to maintain confidentiality to the greatest degree possible consistent with the University’s legal obligations to take all

reasonable steps to protect the welfare of the campus community and to otherwise comply with applicable law. See also Section III above under the subheading “Reporting Options and Student Requests for Confidentiality.”

B. Informal Resolution Process

Seton Hill provides an informal resolution process when the parties desire to resolve the situation cooperatively. Informal resolution includes an inquiry by the University into the facts, but does not typically rise to the level of a full-blown investigation. The informal process, which is overseen by the Title IX Coordinator or a Deputy Coordinator, is designed to resolve complaints quickly, efficiently, and to the mutual satisfaction of all parties involved, including the satisfaction of the University for assuring a safe and non-discriminatory environment for the overall University community. Where circumstances allow, the informal process will be initiated as soon as possible after the filing of the complaint or receipt of a report of an alleged violation, absent any unusual circumstances.

Informal resolution may include, but is not limited to, options such as meeting informally with the complainant and the respondent with the intent of bringing about resolution, meeting privately with the respondent and acting as intercessor, separation of the parties, referral of the parties to counseling programs, conducting educational and/or training programs, or other remedial measures.

Situations that are resolved through informal resolution are usually subject to follow up after a period of time. Steps taken by the Title IX Coordinator or a Deputy Title IX Coordinator to help the parties achieve informal resolution will be documented.

Some reports of alleged violations of this Policy may not be appropriate for informal resolution but may require a formal investigation at the discretion of the Title IX Coordinator. The Office for Civil Rights of the U.S. Department of Education has taken the position that mediation is not an appropriate mechanism for resolution in cases of alleged sexual assault/sexual violence.

Both the complainant and the respondent have the right to bypass or end the informal resolution process at any time in order to begin the formal complaint process.

C. Procedures for Formal Complaint Process

If the allegation of a violation of this Policy has not been resolved as a result of the informal process or is not suited for informal efforts, or if either the complainant or the respondent requests to invoke the formal complaint process, the following process will be initiated. (The lodging and processing of a formal complaint does not preclude, however, the possibility of an informal or mediated resolution of the matter.)

In such cases, unless a written complaint has already been submitted, the individual making the complaint (the “complainant”) should submit a written, signed complaint containing the name(s) and relevant allegations against a person (the “respondent”). The Title IX Coordinator (or Deputy Coordinator) shall share with the respondent the reported complaint.

The following general principles and procedures shall govern this process, to the extent consistent with the University’s legal obligations:

1. Procedures are to be fair, both in substance and in perception, to all persons concerned and to the University community. All persons concerned are to be treated with respect, dignity, and impartiality.
2. The Title IX Coordinator, a Deputy Title IX Coordinator, or someone will conduct the investigation with appropriate training and qualifications designated by the Title IX Coordinator. (The investigator need not be an employee of the University so long as he/she is trained and qualified.) The investigation of formal complaints generally includes interviews of the complainant, the respondent, and any witnesses who may have information relevant to the complaint as well as compilation and review of relevant documents and other materials as appropriate. Disclosure of facts to non-party witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.
3. Both the complainant and respondent will be given an opportunity to be heard during the investigation, to provide documentation and other evidence, and to suggest the names of other persons who they believe might have relevant information. The complainant and respondent will be provided equal access to relevant information and documents gathered during the investigation.
4. At any time during (or prior to) the investigation, the Title IX Coordinator may recommend interim protections or remedies be provided by University officials. These protections and remedies may include (but are not limited to) separating the parties, placing limitations on contact between the parties, or making alternative workplace, housing, co-curricular, extracurricular or academic arrangements where reasonable and feasible. *See also* Section V-A above regarding Interim Measures. Failure to comply with the terms of interim protections or remedies may be considered a separate violation of this Policy.
5. The investigation shall be completed as promptly as possible and in most cases in less than 60 days from receipt of the original complaint. However, some investigations may not be completed in this time frame due to the nature and extent of the allegations or other extenuating circumstances. In the event the investigation cannot be completed within 60 days, the complainant and respondent shall be so notified in writing.

6. After concluding his/her investigation, the Title IX Coordinator/Deputy Coordinator (or designee) will record findings and recommendations in a written report. In making any findings under this Policy, the “preponderance of the evidence” standard (i.e., more likely than not) will be used. The written report will also include recommended disciplinary and corrective actions (including remedial and protective actions if and as deemed necessary). The complainant and respondent will be notified the investigation has been completed and will be provided an opportunity to meet with the Title IX Coordinator to review the written report. If the investigator was someone other than the Title IX Coordinator, the written report will be provided to the Title IX Coordinator.

7. Where the respondent is a staff member of the University, the written report of findings and recommendations shall be submitted to the Vice President for Finance. The Vice President for Finance shall make final decisions in such cases, in consultation with the Title IX Coordinator. The Grievance Procedure for staff shall not apply to matters arising under or relating to this Policy. Final decisions of the Vice President for Finance shall be communicated in writing to the complainant and respondent simultaneously.

8. Where a faculty member or other instructional employee is the respondent, the written report of findings and recommendations shall be submitted to the Provost. The Provost, in consultation with the Title IX Coordinator, shall make final decisions in such cases. If the proposed action by the Provost includes discipline or dismissal of a faculty member, the matter will be referred to the processes described in the Faculty Handbook under Dismissal for Cause and Actions Short of Dismissal, except that the standard for proof of cause in cases arising under or relating to this Policy shall be preponderance of the evidence. The Grievance Policies for Faculty shall not apply to matters arising under or relating to this Policy. Final decisions of the Provost shall be communicated in writing to the complainant and the respondent simultaneously.

9. For cases involving student respondents, the written report and recommendations shall be submitted to the Vice President for Student Affairs. At that point, either the complainant or the respondent may request a hearing appealing the findings and recommendations contained in the written report. The request for a hearing must be in writing and be submitted to the Vice President for Student Affairs within five (5) calendar days upon reviewing the findings and recommendations. An appeal must demonstrate at least one of the following criteria:

1. New Information of a Substantive Nature: New, significant or relevant information regarding the case becomes available that could not have been discovered by a complainant or respondent at the time of the investigation. Information is not considered new if the student did not actively participate in the investigation or withheld information during the investigation.

2. Substantive Procedural Error: The specified procedural error or error in interpretation of University procedures may have substantially affected the investigation such that the

complainant or respondent was denied a fair investigation or the error prevented the Title IX Investigator/Title IX Coordinator from making a fair decision.

3. Substantive Disproportionate Sanction: The sanction appears to be significantly incongruent with the violation, given either the student's prior record or the usual action for his or her offense.

4. An Arbitrary or Capricious Finding: The finding appears to be significantly incongruent with the established facts.

If no hearing is requested, the Vice President for Student Affairs (in consultation with the Title IX Coordinator) will make the final decision at that point, including imposition of disciplinary and remedial actions. Final decisions of the Vice President for Student Affairs shall be communicated in writing to the complainant and the respondent simultaneously.

a. If a hearing is requested by either complainant or respondent, a fair and impartial private hearing will be conducted before a three-member Hearing Panel (appointed by the Vice President for Student Affairs), consisting of University full-time faculty and/or administrators who have received appropriate training to hear such cases. The parties will receive at least five business days' notice of the date, time and place of the hearing. The Associate Dean of Students (or designee) shall be available to the Hearing Panel to assist with logistical matters such as coordinating scheduling, reserving rooms, collecting and distributing information, etc. The Title IX Coordinator and/or Deputy Title IX Coordinator may attend and may offer evidence deemed pertinent to the case. Both the complainant and the respondent shall have the chance to present information and documents, review information and documents ahead of time, vocalize their experience, and present witnesses to the incident(s). A copy of the investigator's report and recommendations will also be made available to the Hearing Panel. The hearing shall be voice-recorded; however, if technical difficulties occur, the hearing will continue.

b. Both the complainant and the respondent must submit to the Vice President for Student Affairs a notice of who will be attending the hearing as an advisor and who will be attending to serve as a witness. The information is to be submitted at least 24 hours prior to the hearing.

c. Both the complainant and the respondent may be accompanied at the hearing (and at all other phases of this process) by an advisor of their choice, to support and advise the student (but not to advocate on his/her behalf or to examine/cross-examine other parties or witnesses). There shall be no direct questioning between respondents and complainants or victims, and the parties need not ever be in the same room. The complainant and respondent may attend the entire hearing, but other witnesses may attend only while presenting their own testimony. There shall be no questioning of the complainant regarding prior sexual conduct with anyone other than the respondent and then only if there is a prior sexual relationship between the parties that would be

relevant to the issue of consent in the pending case. (Evidence of a prior consensual relationship by itself does not imply consent or preclude a finding of sexual misconduct.) If the advisor for any party is an attorney, the University reserves the right to have an attorney present.

d. The Hearing Panel will prepare a written report of its findings and recommendations (using the preponderance of evidence standard), and shall submit its report to the Vice President for Student Affairs, the Title IX Coordinator and each of the parties. Barring extenuating circumstances, that report should be submitted within five business days of the completion of the hearing. Following receipt of the Hearing Panel's findings and recommendations, the Dean of Students (in consultation with the Title IX Coordinator) will make the final decision on the matter, including imposition of disciplinary and remedial actions. A copy of that decision shall be communicated in writing to the complainant and respondent simultaneously.

e. The University will respect the privacy of students involved in this process by sharing information only with those who need to know the information. The privacy of student information is protected by FERPA, and nothing in this Policy or process would violate FERPA.

f. The Campus Life Resolution Board (CLRB) and the Administrative Hearing Board designated in the Student Handbook shall not apply to cases falling within this Policy.

10. In the event an applicable complaint or report is received by either Seton Hill University or the Lake Erie College of Osteopathic Medicine (LECOM), a Title IX Coordinator (including any Deputy Title IX Coordinator) of the institution that received the complaint shall immediately notify a Title IX Coordinator (including any Deputy Title IX Coordinator) of the other institution. If the respondent is a Seton Hill University student, faculty member or staff, that person will face the Title IX investigation, adjudication, and disciplinary procedures of Seton Hill University. If the respondent is a LECOM student, faculty member or staff, that person will face the Title IX investigation, adjudication, and disciplinary procedures of LECOM. (Appendix D)

11. Sanctions and corrective actions will be implemented on a case-by-case basis for violations of this Policy, and they will be appropriate to the circumstances and gravity of the violation. For employees, sanctions may include (but are not limited to) coaching/counseling, verbal or written warning, salary freeze, suspension, demotion, or termination from employment. Possible sanctions for students include (but are not limited to) counseling, verbal or written warning, suspension or expulsion from residence halls and/or dining facilities, suspension or exclusion from extracurricular or co-curricular activities, community service, or suspension or dismissal from the University. The University will take appropriate steps to prevent recurrence of any violations of this Policy and to remediate the effects on the complainant and the campus community, if and as appropriate.

12. No person shall make an allegation that he/she knows to be untrue or knowingly provide false information during the course of an investigation or other proceedings under this Policy. Making a false complaint or knowingly giving false information is a violation of this Policy and may be a basis for discipline.

D. Recordkeeping

Official records regarding complaints filed under this Policy will be securely and confidentially maintained by the Title IX Coordinator.

VI. RETALIATION IS PROHIBITED

It is a violation of this Policy for any member of the Seton Hill community to retaliate against anyone who makes a report or brings a complaint under this Policy or who cooperates with or otherwise participates in the investigation or resolution of a complaint or report under this Policy. All direct or indirect forms of retaliation (including, but not limited to, physical, written, oral, social media, etc.) are forbidden. Seton Hill will take steps to prevent retaliation and will also take strong responsive action if the University finds that retaliation has occurred.

VII. OTHER AVAILABLE ACTIONS AND RESOURCES

A. Contacting Law Enforcement

Certain forms of misconduct covered by this Policy would also be a violation of criminal law. An individual has the option of filing a criminal complaint, and may do so with the Campus Police Department, which is located in Admin Annex #115 and can be reached by telephone at (724) 830-4999 or extension x4999 from a campus phone. The Campus Police Department is staffed seven days per week, 24 hours per day. After business hours (5:00 pm – 8:00 am), the Resident Director on duty can be contacted at (724) 433-3942. A criminal complaint may also be lodged with the Greensburg City Police Department, which can be reached at (724) 834-3800. You can also contact the PA State Police at (724) 832-3288.

Telling one's experience to the Title IX Coordinator does not obligate the individual to report it to the police, nor does reporting it to the police obligate someone to file a formal complaint under this Policy – these are separate processes. University process and criminal process can occur simultaneously or they can occur independently. If a victim would like to notify law enforcement, the Title IX Coordinator (or designee) can assist with that notification. The University encourages victims of sexual assault and other forms of sexual violence, dating violence, domestic violence and stalking to report those matters to the police.

B. Other On-Campus and Off-Campus Resources

A number of on-campus and off-campus resources (some of which are listed below) are available to assist individuals who have been impacted by this Policy. Those resources include the following:

1. If the incident caused physical injury, the victim should seek medical attention immediately, and should also preserve any evidence of the incident and injuries as the evidence may assist with the investigation and/or serve as proof of a crime. The following resources are available locally to assist victims of the types of misconduct covered by this Policy:

- University Counseling Center, Room 511.02 Administration Bldg., (724) 838-4295
- University Wellness Center, Room 510 Administration Bldg., (724) 838-4234
- Seton Hill University, Center for Family Therapy, Stark Building, 41 W. Otterman Street, Greensburg, (724) 552-0339
- Emergency Room – Excelsa Health Westmoreland Hospital, 532 West Pittsburgh Street, Greensburg, (724) 832-4355
- Blackburn Center against Domestic & Sexual Violence, (888) 832-2272 (24-hrs.)

2. Additional resources:

- University Financial Aid Office, Room 104 Administration Bldg., (724) 830-4731
- University Office of Multicultural and International Services, Room 502 Administration Bldg., (724) 830-1089
- Laurel Legal Services, Inc., 306 S. Pennsylvania Ave., Greensburg, PA 15601, (724) 836-2211 or (800)-253-9558

3. In addition to reporting the misconduct to the Title IX Coordinator or to one of the Deputy Title IX Coordinators as described above (and/or to law enforcement), victims are also encouraged to take the following actions:

- **Get to a safe place.** This may mean simply getting *away* from the location of the incident, or seeking support from a friend, a Residence Life staff member, or a person with whom the victim is comfortable.
- **Seek medical attention.** The victim's well being is of primary concern. If the incident caused physical harm, the victim should seek medical attention immediately at the nearest medical facility.

- **Preserve evidence.** If the incident was a form of oral/verbal harassment, write the actual slur, joke, or comment on a sheet of paper. If it was written (for example, a flier or email message), preserve the written evidence. An individual who has been sexually or physically assaulted should do everything possible to preserve any evidence of the incident and injuries because it may be helpful in proving that the alleged criminal offense occurred or in obtaining a protection order.

- **Seek support.** The local rape crisis center is located at Blackburn Center Against Domestic and Sexual Violence, Greensburg, PA, 1-888-832-2272. The victim can also speak to a counselor at a national center by calling the RAINN hotline [800-656-HOPE]. Telling someone is the first step to healing and will help the victim re-establish control of the situation.

- If the sexual misconduct involved any type of physical contact, especially in the case of non-consensual sexual contact and/or non-consensual sexual intercourse, the victim should also consider the steps described in Appendix A to this policy.

VIII. AWARENESS AND PREVENTION EDUCATION

This Policy will be published and widely disseminated to the entire University community, included in orientation materials for all new students, faculty, staff and administrators, and made available through appropriate campus offices.

As an educational institution, Seton Hill University recognizes its responsibility to inform students and employees about campus security and prevention of crime. Information and programs to promote awareness and prevention of sexual assault and other forms of sexual violence, dating violence, domestic violence and stalking are offered throughout the school year. The Title IX Coordinator and the Student Affairs Staff, in conjunction with faculty and other campus offices including but not limited to the Counseling Center, the Wellness Center, the Offices of Residence Life and Student Engagement, and the Campus Police Department provide education, awareness and prevention programs for the campus on topics such as date/acquaintance rape, sexual assault prevention and response, personal safety, and bystander intervention. See also Appendix B to this Policy for additional information regarding Bystander Intervention. Specific programs have included: Lasting Choices: Protecting Our Campus from Sexual Assault, Bystander Intervention Training, Sex Signals, Sex, Drugs, Alcohol, and Everything In-Between, Red Flag Project, Walk a Mile in Her Shoes, academic coursework (Senior Seminar on Violence Against Women in Westmoreland County, Gender in the Workplace, Introduction to Counseling, Female Crime and Delinquency, PhotoVoice project in Art Therapy, Race, Class and Gender, Gender and Social Media), residence hall programs coordinated by the Resident Assistants, and Coffee Talks sponsored by Campus Ministry.

Campus counseling services are available to both the complainant and the alleged respondent. Additionally, community-based services are available. See, for example, the information in

Section VII-B above. The Title IX Coordinator can provide any member of the campus community with additional information.

Appendix A

If the sexual misconduct you experienced involved any type of physical contact, you should consider taking the following steps:

1. If you can avoid bathing, showering, douching and/or changing your clothes, please do so. However, if you have done these things, it is okay and understandable - evidence can still be collected. If you changed your clothes, please bring them to the hospital - the hospital has evidence bags into which the clothes will be placed.
2. Seek medical care as soon as possible. Medical care is advised because you may have a physical injury that you are unaware of and evidence of the assault can be collected. This evidence collection is part of a Forensic Rape Examination (FRE). This testing is done at most hospital emergency room. Forensic Rape Exams can be collected anonymously. This means that the evidence is collected without speaking to the police. The police will simply collect the evidence from the hospital without speaking to you. In Pennsylvania, victims who report anonymously have at least two years to determine whether or not they wish to speak to the police. Victims choosing to report the assault to law enforcement will likely speak, at least briefly, with a police officer while at the hospital or be provided information on how to contact the officer who will be handling your case. Forensic Rape Exams can be collected up to 9 days after an assault occurs. Having a FRE completed does not obligate you to follow through on criminal charges - it just offers you this option. You have the right to decline having a FRE performed entirely or to any specific portion of the FRE. Forensic Rape Exams are provided at no cost to you or your insurance.

You can anticipate the following in connection with your medical care:

- a) If a medical advocate is not present, you have the right to request a Blackburn Center medical advocate be contacted and be present during the entire process. An advocate from Blackburn Center can meet you in the waiting room of the hospital to explain your options before you even speak with anyone at the hospital. This can be done by calling Blackburn Center's hotline at 1-888-832-2272. Advocates will come to the hospital any time, day or night.
- b) A physical examination, which may include areas of the body touched or penetrated during the assault. Other bruises or other injuries may be evaluated.
- c) If you suspect you have been drugged, please alert the nurse at the hospital and request urine testing for drugs. Testing for some drugs must be done within a shorter time frame while others are present for longer periods of time. If you are unable to seek medical care within a short time, collect your urine in a clean container with a tight fitting lid, place it in the refrigerator, and take it with you to the medical facility. The sample would likely not be usable for evidence in a criminal proceeding, but you would find out for yourself if you were drugged.

d) You have the right to ask any questions of the medical practitioner or to request a break whenever you need it. The medical staff should also advise you about follow-up treatment, including information on follow-up testing for STIs and HIV.

Appendix B

Bystander Intervention Information

You can actively help prevent incidents before they occur and help to keep your classmates, colleagues and our campus community safe. Bystander intervention empowers and mobilizes individuals to recognize, intervene, prevent and/or stop inappropriate comments, actions and behaviors. All of us play a valuable role in preventing acts that violate the dignity, safety and welfare of an individual.

The common components of Bystander Intervention are:

- Awareness. A key first step is to heighten awareness so individuals and groups are better able to identify instances of sexual violence.
- Sense of Responsibility. A sense of responsibility gives the bystander motivation to step in and take action. Bystanders are much more likely to help friends than strangers, and are more likely to help strangers if they see them as part of a group they identify with (like supporting the same sports team).
- Perceptions of norms. Perceptions of peer norms about helping (whether you think your friends are likely to help), and perceptions of authorities' (like teachers') attitudes are related to bystander attitudes. People often mistakenly think others are less supportive of doing something to address sexual violence than they actually are. Studies show links between perceptions of helping, trust, and commitment among community members; trust in campus authorities; and their willingness to take action as a bystander.
- Weighing pros and cons. People weigh the costs and benefits of getting involved in a risky situation. These include threats to their own safety, negative consequences for their relationships with others, and the potential to change the outcome of a risky situation or to help a victim.
- Confidence. People who feel more confident in their ability to help are more likely to take action. A consistent research finding is that prevention programs, particularly in-person educational and skill workshops, increase individuals' sense that they can take effective action.
- Building Skills. People need to know what to do and how to do it. Population survey data shows that many people are at a loss for specific ways to help. Survivors tell us that friends and family do not always do things that are useful or supportive, and these negative or unhelpful responses make coping with and recovering from abuse much harder. Some of the promise of bystander intervention training is that it can give motivated community members skills to intervene in ways that protect their own safety and are truly supportive to victims.
- Context. Bystanders also need safety nets for themselves – resources they can call upon and community policies that support intervention.

The goals of bystander intervention training are to:

- v Raise awareness of helping behaviors
- v Increase one's motivation to help
- v Develop skills and confidence when responding to problems or concerns
- v Ensure the safety and well-being of self and others

Why bystander intervention matters:

Often people do not intervene because they may assume the situation isn't a problem, or feel it is none of their business. They may assume that someone else will do something, or believe that other people weren't bothered by the problem. In some cases, a person might feel their personal safety is at risk. **When people do intervene in a situation, they often say it was the right thing to do, and that they would want someone to intervene if the roles were reversed.**

Research shows that this technique is an effective way to help prevent the problem of sexual violence across campuses and other communities.

Bystander Intervention Training is offered to all first-year students as part of the new student orientation, GO Weekend (Griffin Orientation). Additional trainings are available upon request. To schedule a training, contact the Vice President for Student Affairs.

Appendix C

Risk Reduction Tips

It is never the victim's fault. The following tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. Generally, an assault by a known offender will follow a four-step pattern:

1. An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
2. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
3. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
4. The victim feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in her/his interactions with others, is less likely to become a victim of rape. If the individual can assertively defend her/his rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to take the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. Make your limits known before things go too far.
2. Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
7. Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
8. Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.

9. Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow “politeness” to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
10. Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.
11. If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:
 1. Do not make assumptions about:
 - a) Consent;
 - b) Someone’s sexual availability;
 - c) Whether a person is attracted to you;
 - d) How far you can go; or
 - e) Whether a person is physically and mentally able to consent to you.
 2. Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
 3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
 4. Do not take advantage of someone’s drunkenness or drugged state, even if he/she did it to him/herself.
 5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage because of your gender or size. Do not abuse that power.
 6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
 7. On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
 8. Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

Appendix D

Lake Erie College of Osteopathic Medicine

Agreement between Seton Hill University and the Lake Erie College of Osteopathic Medicine Concerning Investigation, Adjudication and Sanctions Related to Title IX Complaints

Applicability:

This Agreement shall apply whenever a complaint or report is made to either Seton Hill University (SHU) or to the Lake Erie College of Osteopathic Medicine (LECOM), implicating either SHU's - University-Wide Policy Against Discriminatory Harassment, Sexual Harassment, Sexual Assault and Other Forms of Sexual Violence, Dating Violence, Domestic Violence and Stalking or LECOM's Title IX Policy of Prohibiting Sexual Misconduct, Relationship Violence and Stalking if at least one Complainant (alleged victim) or one Respondent (alleged perpetrator) is a member of the SHU community (faculty, staff or student) and at least one Complainant or one Respondent is a member of the LECOM community (faculty, staff or student).

Procedure:

In the event an applicable complaint or report is received by either institution, a Title IX Coordinator (including any Deputy Title IX Coordinator) of the institution that that received the complaint shall immediately notify a Title IX Coordinator (including any Deputy Title IX Coordinator) of the other institution.

If the Respondent is a Seton Hill University student, faculty member or staff, that person will face the Title IX investigation, adjudication, and disciplinary procedures of Seton Hill University. If the Respondent is a LECOM student, faculty member or staff, that person will face the Title IX investigation, adjudication and disciplinary procedures of LECOM.

Publication:

Seton Hill University agrees to publish this joint procedure as an addendum to its University-Wide Policy against Discriminatory Harassment, Sexual Harassment, Sexual Assault and Other Forms of Sexual Violence, Dating Violence, Domestic Violence and Stalking in order to provide its students, faculty and staff with notice of its contents. LECOM agrees to publish this joint procedure in its Title IX Policy of Prohibiting Sexual Misconduct, Relationship Violence and Stalking in order to provide its students, faculty and staff with notice of its contents.

John M. Ferretti, D.O.
President/CEO, Lake Erie College of Osteopathic Medicine

6/9/16
Date

Mary C. Finger, B.A., M.A., Ed.D.
President, Seton Hill University

6/22/16
Date