

# Alvernia University

## Sexual Harassment and Misconduct Policy

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Applies to all forms of sexual harassment,  
sexual violence and intimate partner  
violence, including stalking, bullying and  
retaliation

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## Alvernia University Sexual Harassment and Misconduct Policy

*Applies to all forms of sexual harassment, sexual violence, and intimate partner violence, including stalking, bullying and retaliation*

### **I. Purpose and Statement of Intent**

Alvernia University is a Catholic, Franciscan, institution of higher education committed to excellence in teaching, learning, scholarship, and service. Alvernia's Core Values of Service, Humility, Peacemaking, Contemplation and Collegiality stand in direct opposition to any form of sexual harassment, sexual violence, stalking and intimate partner violence. Such acts are an affront to human dignity and fundamentally at odds with the Franciscan Core Values and the Mission of Alvernia University. Ultimately, each member of the University community is expected to assume responsibility for his/her conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent or stop acts of sexual harassment, sexual violence, stalking or intimate partner violence.

This policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment or discrimination, sexual violence or intimate partner violence. In general sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. In general, intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. Prohibited conduct that may violate this policy includes: sexual assault, sexual exploitation, physical assault, bullying, intimidation and retaliation, and stalking.

The University will not condone or tolerate any verbal or physical conduct that would constitute sexual harassment, sexual violence, stalking or intimate partner violence from any member of the University community. The University will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. Individuals found responsible under this policy may face disciplinary action up to and including expulsion or termination of employment.

The Alvernia University community has a responsibility to maintain an environment free from harassment. The University is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. The University is committed to fostering a climate free from sexual harassment, sexual violence, stalking and intimate partner violence through clear and effective policies, a coordinated education and prevention program, and open access to prompt and equitable procedures for resolution of complaints. The University encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus.

The University will not tolerate retaliation against an individual who makes a report or participates in an investigation. Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to our Franciscan environment. Alvernia University policy prohibits any form of reprisal or retaliation and community members engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

The University will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

This policy provides community members with the structure, tools, and guidance to assist those who have experienced or been affected by sexual harassment, sexual violence or intimate partner violence whether as a complainant, a respondent, or a third party. <sup>1</sup> The policy has dual purposes: 1) it serves as a guide for all community members on the expectations Alvernia has, preventatively, for sexual communication, responsibility and respect; and, 2) it serves as a measure to determine, after-the-fact, if behaviors are in conflict with community standards and/or values.

Sexual harassment, sexual violence, stalking and intimate partner violence can be committed by any member of the Alvernia University community. The University has jurisdiction to take disciplinary action against a respondent who is a current student or employee.

The University will review the Sexual Harassment and Misconduct Policy on an annual basis in order to capture evolving legal requirements and improve the delivery of services based on a review of each year's experience by the Title IX Coordinators and Title IX Team.

The Employee and Faculty Handbooks may be found in the Human Resources folder on the faculty/staff shared S drive.

The Student Handbook can be found in the Student Life section of the University web site: [www.alvernia.edu](http://www.alvernia.edu)

## **II. Scope of Policy**

This Sexual Harassment and Misconduct Policy applies to all members of the Alvernia community, including students, faculty, staff, administrators, Board members, consultants, vendors, contracted workers, and others engaged in business with the University. Each member of the community is responsible for conducting him or herself in accordance with this Policy and all other University policies and procedures.

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<sup>1</sup> *We recognize that an individual may choose to self-identify as a victim or a survivor. For consistency in the policy, the University will use the term complainant. When used in this policy, a*

*complainant refers to the individual(s) who has been the subject of sexual harassment, sexual violence or intimate partner violence, regardless of whether that individual makes a report or seeks formal disciplinary action. A respondent refers to the individual(s) who has been accused of sexual harassment, sexual violence or intimate partner violence. A third party refers to any other participant in the process, including a witness to the incident(s) and an individual who makes a report on behalf of someone else.*

2.

Visitors to and guests of Alvernia University are both protected by this Policy and subject to the restrictions herein. Visitors and guests may initiate grievances for violations of this Policy committed against them by members of the Alvernia University community. Visitors and guests may also be permanently barred from the University.

All Alvernia University community members have a responsibility to adhere to University policies and local, state, and federal law. Because this policy is based on shared values, it sets a range of expectations for Alvernia University students and employees no matter where or when their conduct may take place. Therefore, this Policy applies to behaviors that take place on or off campus, including study abroad and internship programs for students, and for employees it includes University sponsored events and, when the administration determines in its discretion that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation where it appears that the student or employee may present a danger or threat to the health or safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.

This Policy may be applied to conduct that takes place from the time a person accepts enrollment as a student or accepts employment and continues until the student withdraws or graduates or the employee ceases employment, including periods during semester breaks and between semesters. Further, this Policy applies to guests of community members whose hosts may be held accountable for the misconduct of their guests.

This Policy also applies to behavior conducted online, including via email. Blogs, web page entries on sites such as Facebook, Twitter and other similar online postings are in the public sphere and are not private. These postings can subject a community member to allegations of conduct violations. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials (See Social Media Policies in the Employee and Student Handbooks.)

### **III. Notice of Non-Discrimination and Statement of Compliance with Title IX**

#### **A. Notice of Non-Discrimination**

Alvernia University is committed to establishing and maintaining a safe and nondiscriminatory educational environment in which all individuals are treated with respect and dignity. The University does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local, or federal law.

This policy addresses all forms of sexual discrimination, including sexual harassment, sexual violence, stalking and intimate partner violence. Alvernia University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

**No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.**

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, Pennsylvania state law, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking and intimate partner violence against Alvernia community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, including hazing, stalking, and failure to provide equal opportunity in admissions, employment, or athletics.

The University, as an educational community, will promptly and equitably respond to reports of sexual harassment, sexual violence, stalking and intimate partner violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

#### **B. The Role of the Title IX Coordinators**

The University has designated the Vice President for University Life and the Director of Human Resources to serve as the University's Title IX Coordinators. The Title IX Coordinators will be informed of all reports of sexual harassment, sexual violence, stalking and intimate partner violence, and will oversee the University's centralized review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and the effective implementation of this policy.

The Title IX Coordinators are:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking and intimate partner violence involving students, staff and faculty;
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, a respondent or a third party, about the courses of action available at the University and in the community, both informally and formally;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual violence or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this policy; and
- Responsible for overseeing training, prevention and education efforts and annual reviews of climate and culture.

The Title IX Coordinators are supported by the Title IX Team. Members of this interdepartmental team include the Title IX Coordinators and Title IX Deputy Coordinators, who work closely with the Director of Public Safety. In addition, based on the role of the complainant and the respondent, the members of the team could include trained representatives from Athletics and/or the Provost's Office. Composition of the team will be determined on a case-by-case basis, and limited to a small circle of individuals who "need to know" in order to implement procedures under this Policy.

Inquiries or complaints concerning the application of Title IX may be referred to the University's Title IX Coordinators and/or the United States Department of Education:

Title IX Coordinators  
**Dr. Joseph J. Cicala**  
**Vice President for University Life**  
**Campus Commons**  
**(610) 796-8211**  
**joe.cicala@alvernia.edu**

United States Department of Education  
**Office of Civil Rights**  
**(800) 421 - 3481**  
**Email: [ocr@ed.gov](mailto:ocr@ed.gov)**

**Laurel Cline**  
**Director of Human Resources**  
**Francis Hall – Human Resources Office**  
**(610) 779-3870**  
**laurel@MostellerHR.com**

### **C. Links to Relevant Federal Laws**

Additional information about Title IX, the Clery Act, the Campus SaVE Act and FERPA, federal laws referenced in this policy, can be found at the following links:

Title IX	<a href="http://dol.gov/oasam/regs/statutes/titleix.htm">http://dol.gov/oasam/regs/statutes/titleix.htm</a> <a href="http://www2.ed.gov/about/office/list/ocr/docs/tix_dis.html">http://www2.ed.gov/about/office/list/ocr/docs/tix_dis.html</a>
Clery Act	<a href="http://cleryact.info/home.html">http://cleryact.info/home.html</a>
FERPA	<a href="http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html">http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a>
Campus SaVE Act	<a href="http://www.cleryact.info/campus-save-act.html">http://www.cleryact.info/campus-save-act.html</a>

#### **IV. Privacy and Confidentiality**

The University is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual violence, stalking and intimate partner violence. In any report under this Policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the harassment, prevent its recurrence, and address its effects.

The privacy of the parties will be respected and safeguarded at all times. All University employees who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information.

Privacy and confidentiality have distinct meanings under this Policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Alvernia University will designate which University employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include licensed mental health providers, ordained clergy, and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. Medical providers on campus are required to report incidents in order to provide statistical data but do not provide information that would



identify the complainant or respondent, unless there is a threat to student, employee, or campus safety, as determined by appropriate university authorities.

Employees and students wishing to seek completely confidential assistance may speak with licensed counselors in the Student Health and Wellness Center, off-campus rape crisis resources, or ordained clergy/chaplains who will maintain confidentiality.

**Reporting on Campus:** It is important to understand that any other University employee who is not designated as a confidential resource under this policy is required to share a report of sexual harassment, sexual violence, stalking or intimate partner violence with the University's Title IX Coordinators and/or Human Resources and/or Public Safety. (Human Resources and Public Safety will inform the Title IX Coordinators of any reports made to them.) An initial assessment of the incident or behavior at issue, the complainant's desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the community will be conducted.

**Release of Information:** If a report of misconduct discloses a serious and 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 University may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with Public Safety where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

Alvernia University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly disciplinary probation, loss of housing, suspension, and expulsion.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, FERPA, state and local law, and University policy. Links to these federal laws are provided in Section III of this policy.

No information shall be released from proceedings under this policy except as required or permitted by law and University policy.

## **V. Prohibited Conduct**

The University prohibits a broad spectrum of behavior, including sexual harassment, sexual violence, stalking and intimate partner violence. Sexual harassment and sexual violence refer to verbal or physical acts that are unwelcome or without consent. Intimate partner violence, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. Intimate partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse.

Alvernia University will not tolerate sexual harassment, sexual violence, stalking or intimate partner violence in any form. Such violations are subject to any combination of sanctions, including a recommended sanction of suspension, expulsion or termination. The following conduct is specifically prohibited under this Policy:

### **A. Sexual Harassment**

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or any aspect of a University program or activity; or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is "hostile" must

be based on all the circumstances. These circumstances could include, but are not limited to:

- The frequency of the speech or conduct;
- Whether the conduct was physically threatening;
- Whether the speech or conduct was humiliating
- The effect of the speech or conduct on the complainant's mental and/or emotional state
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the complainant's educational opportunities or performance (including study abroad), University-controlled living environment, work opportunities or performance;
- Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct deserves the protections of academic freedom.

Sexual harassment can take many forms. Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting, on or off campus.
- May be a one-time event or part of a pattern of behavior.

- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

**Sexually harassing behaviors differ in type and severity and can range from subtle verbal harassment to unwelcome physical contact. There is a wide range of behaviors that fall within the general definition of sexual harassment and many differing notions about what behaviors are and are not acceptable. Key determining factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.**

### **B. Non-Consensual Sexual Intercourse**

Having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

### **C. Non-Consensual Sexual Contact:**

Having sexual contact with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.

Sexual contact includes any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

### **D. Sexual Exploitation**

Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

#### **E. Physical Harm and Intimidation**

Threatening, or causing physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person; or implied threats or acts that cause an unreasonable fear of harm in another. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Harassment and Misconduct Policy.

#### **F. Harassment, Bullying or Cyberbullying**

Harassment, bullying or cyberbullying, are defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; and/or spreading rumors with malicious intent. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Harassment and Misconduct Policy.

#### **G. Stalking**

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

- Placing the person in reasonable fear of bodily injury; or
- Reasonably causing substantial emotional distress to the person.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, 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.

Examples of stalking include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on on-line bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers;
- Sending/posting unwelcome and/or unsolicited messages with another username; or;
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

#### **H. Retaliation**

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a report under this policy. Retaliation can take many forms, including continued abuse or violence, threats and intimidation. Any individual or group of individuals, including a complainant or respondent, can engage in retaliation and will be held accountable under this policy.

Actions are considered retaliatory if they are in response to a good faith disclosure of real or perceived University-related misconduct and the actions have a materially adverse effect on the working, academic or university-controlled living environment of an employee or student; or if the employee, or student can no longer effectively carry out his or her University responsibilities.

### **VI. Understanding Consent: Force, Coercion, Incapacitation, and Alcohol**

As a Catholic institution, the University does not condone engaging in sexual activity outside the confines of marriage. However, the University understands that individuals will make their own moral and ethical decision with regard to sexual activity. Individuals who choose to engage in sexual activity of any type with each other must first obtain clear consent. Consent is clear, affirmative, unambiguous, and voluntary permission to engage in a specific sexual activity and can only be given by one of legal age. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. While consent can be given by

words or actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Silence cannot be assumed to indicate consent.

Additional Guidance about Consent:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive. Under this policy, "no" always means "no" and "yes" may not always mean "yes."
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other's willingness to continue before continuing such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.
- Individuals who consent to sexual activity must be able to fully understand what they are doing. An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See Incapacitation for further discussion.
- In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given for any individual under the age of 16 to participate

in sexual activity with an individual over the age of 18. In addition, consent can never be given by minors under the age of 13.

## **B. Force**

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

## **C. Coercion**

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, expressed or implied threats and blackmail. Coercion may be emotional, intellectual, psychological or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to disclose another individual's private sexual information related to sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

## **D. Incapacitation**

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or



- Level of consciousness.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this Policy.

### **E. Alcohol or Other Drugs**

In general, the University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a reasonable person will be the basis for determining whether a respondent should have been aware of the extent and amount of the ingestion of alcohol or drugs by the complainant or of the extent to which the use of alcohol or drugs impacted a complainant's ability to give consent. For example, an individual who is in a blackout may appear to act normally and be giving consent, but may not actually have conscious awareness, the ability to consent or later recall of the events in question. In determining whether consent has been given, the University will consider both: the extent to which a complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; and, whether the respondent was aware – or reasonably should have known – of the complainant's level of alcohol consumption and/or level of impairment.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking or intimate partner violence and does not diminish one's responsibility to obtain informed and freely given consent.

## **VII. Prohibited Relationships by Persons in Authority**

Amorous, sexual or other intimate relationships in which there is an institutional power difference, such as when one is in a direct supervisory or evaluative role over the other party are not advisable, may violate Alvernia University Consensual Relations Policy,

and could lead to disciplinary action. Alvernia University's policy and its commitment to a climate free from sexual and other forms of unlawful harassment is that it is both unwise and inappropriate to permit relationships where there is an asymmetry of power caused by a direct supervisory relationship between the parties. It is incumbent on those with authority not to abuse or appear to abuse the power with which they have been entrusted.

Where a party uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the institution is clear. However, even where the relationship is consensual, there is significant potential for harm when there is an institutional power difference between the parties involved, as is the case, for example, between supervisor and employee, faculty and student, academic advisor and advisee, employee and subordinate, or coach and student. Such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

Having consensual relationships with subordinates is likely to interfere with the ability of a superior to act and make decisions fairly and without favoritism. Even if the "superior" is able to avoid being biased, other people in the workplace, learning environment, or athletic arena are likely to see themselves as being less favored and as disadvantaged by the personal relationship. In addition, the damage can continue long beyond the actual time span of the relationship and can make people suspicious of any future professional interactions between the parties.

Prudence and the best interests of the participants in the relationship and others working with them dictate that if a romantic relationship develops between persons occupying asymmetrical positions of power, the direct supervisory relationship cannot be permitted to continue. In the event of such a relationship, it is the responsibility of the person in a position of authority to notify his/her own supervisor so that a resolution consistent with University policy may be reached. Failure to comply with this requirement is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the University.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

## **VIII. Resources**

A first step for any complainant or third party witness may be choosing how to proceed following an incident of sexual harassment, sexual violence, stalking or intimate partner violence. The University provides two distinct institutional resources:

**Confidential Resources**, which do not involve notifying the University of the incident unless the complainant requests such action; and,

**Reporting Options**, which notify the University of the incident and begin the Title IX assessment and ultimate resolution of the report through remedies or investigation and imposition of any appropriate sanctions.

It is also important to note that emergency medical and campus safety/law enforcement assistance are available both on and off campus, and all individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident which poses a threat to safety or physical well-being.

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available University resources.

The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either party in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

### **A. Emergency Support Services**

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible following an incident which poses a threat to safety or physical well-being. This is the best option to provide physical safety, emotional support, and medical care to the complainant. It is also the best option to ensure preservation of evidence, which may only exist for a finite period of time, and to begin a timely investigative and remedial response. The University will escort any Alvernia community member to a safe place, provide or arrange for transportation to the hospital, assist in coordination with law enforcement, and provide information about the University's resources and complaint processes.

Assistance is available from the University and local law enforcement 24 hours a day, year-round, by calling the Office of Public Safety and/or the Reading Police Department. Any individual can request that a member of the Office of Public Safety and/or Reading Police Department respond and take a report.

**Alvernia University Office of Public Safety**  
Alvernia University  
Student Center 2<sup>nd</sup> Floor  
400 St. Bernardine Street  
Reading, PA 19607

610-796-8350  
Public.safety@alvernia.edu

**Reading Police Department**  
**610-655-6116** or **911**

**Cheltenham Township Police Department (for Philadelphia Center)**  
**(215) 885-1600** or **911**

**Pennsylvania State Police (for Schuylkill Center)**  
610-562-6885 or **911**

An individual can also contact the Health and Wellness Center, during open hours, and/or a local medical provider (24 hours/day). Both the Health and Wellness Center and local medical providers can provide emergency and/or follow-up medical services, and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. The Health and Wellness Center, however, is not equipped to conduct forensic sexual assault examinations. These are available at The Reading Hospital or Penn State Health St. Joseph.

The medical exam obtained from a hospital or sexual assault response center has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or possibility of pregnancy) and, second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy, a vaginal/anal examination, collecting fingernail scrapings and/or clippings, examining for injuries, and a blood draw. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through the University's complaint processes or criminal action.

**Alvernia Health& Wellness**  
Veronica Hall Lower Level  
610-568-1467  
Monday – Friday: 8 am – 4:30 pm

**The Reading Hospital**  
610-568-3637  
(ask to speak to a SANE nurse)

**Penn State Health St. Joseph**  
610-378-2000  
(ask to be transferred to ER and  
to speak to a SANE nurse)

## **B. Confidential Resources and Support**

For individuals who are seeking confidential consultation, there are several resources available to provide confidential support, both on campus and in the local community.

The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. Because these relationships involve privileged conversations, these confidential resources will not share information about a patient/client (including whether or not that individual has received services) with the Title IX Coordinator or any other employee of the University without the individual's express written permission. These professionals may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

**On Campus Confidential Resources:**

**Alvernia University Counseling Services at the Health & Wellness Center**  
Veronica Hall Lower Level  
610-568-1467

**Alvernia University Campus Ministry (ordained clergy only)**  
Campus Commons  
610-796-8300 (Director, who can provide availability of clergy)

**Off Campus Confidential Resources:**

**Safe Berks**  
255 Chestnut Street  
Reading, PA 19602  
610-373-1206  
Safe house (open 24/7): 610-373-2053  
[www.safeberks.org](http://www.safeberks.org)

**Inroads Family Guidance Center- Employee Assistance Program**  
1235 Penn Avenue  
Wyomissing, PA 19610  
(800) 255-5998  
[www.familyguidancecenter.com](http://www.familyguidancecenter.com)

**C. Campus Resources**

In addition to the confidential resources listed above, Alvernia community members have access to a variety of resources provided by the University. The professionals listed below are trained to support individuals affected by sexual harassment, sexual violence or intimate partner violence and to coordinate with the Title IX Coordinator consistent with the University's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

**Alvernia University Title IX Coordinators**

Dr. Joseph J. Cicala, Vice President for University Life  
104G Campus Commons  
610-796-8211  
joe.cicala@alvernia.edu

Laurel Cline, Director of Human Resources  
220 Francis Hall – Human Resources Office  
610-779-3870  
laurel@MostellerHR.com

**Alvernia University Office of Public Safety**

Student Center 2<sup>nd</sup> Floor  
610-796-8350  
Public.safety@alvernia.edu  
(Available 24 hours a day/365 days a year).

Campus Safety may assist with the on-campus investigation of the incident and can assist with no-contact orders. Campus Safety can assist with contacting the appropriate law enforcement agency if the complainant requests a criminal investigation be initiated. If the complainant does not wish for law enforcement to investigate, Campus Safety officers will notify the appropriate law enforcement agency of the incident and the fact the complainant requests to remain anonymous.

**Alvernia University Office of Residence Life**

Veronica Hall 1<sup>st</sup> Floor  
610-796-8320  
Res.life@alvernia.edu  
Staff on-call 24 hours a day/365 days a year

Residential Services staff are trained to respond to all kinds of student emergencies, and can quickly connect the complainant to other resources on and off campus. A student may request an immediate change of living situations, if an alternative is reasonably available and warranted by the circumstances, by contacting “the Associate Dean of Students and Director of Residence Life”. The University also reserves the right to require alternative housing for the parties in certain circumstances.

**Alvernia University, Francis Hall - Human Resources**

Francis Hall – (610) 796-8317 – [Allyson.mullin@alvernia.edu](mailto:Allyson.mullin@alvernia.edu)  
Office Hours: Monday through Friday, 8:00 am to 4:30 pm

Human Resources can assist faculty and staff requesting information, resources and reporting options. Additionally, Human Resource Services can assist faculty and staff with requesting workplace accommodations during the mediation or

investigation process. Information shared with Human Resources will be shared with relevant administrators as necessary.

#### **D. Additional Community Resources**

Students, faculty, and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are the best suited to their needs, whether on or off campus.

### **IX. Reporting**

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence or intimate partner violence, whether or not the individual plans to pursue criminal action. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement and/or the University.

The University has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, stalking and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the University, and if it involves potential criminal conduct to law enforcement.

Making a report under this policy means telling a Reporting Option (someone in authority) what happened -- in person, by telephone, in writing or by email. At the time a report is made, a complainant does not have to decide whether or not to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist each individual in making these important decisions, and to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

Any individual who reports sexual harassment, sexual violence, stalking or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report under this Policy, the University will make an immediate assessment of any risk of harm to the University or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

#### **A. Reporting to Law Enforcement**

The University encourages complainants to pursue criminal action for incidents of sexual harassment, sexual violence, stalking and intimate partner violence that may also be crimes under state criminal statutes. The University will assist a complainant, at the complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process.

The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. A complainant may seek resolution through the University's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking or intimate partner violence has occurred under this policy. Proceedings under the University's Sexual Harassment and Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

**Reading Police Department**  
**610-655-6116 or 911**

**Cheltenham Township Police Department (for Philadelphia Center)**  
**(215) 885-1600 or 911**

**Pennsylvania State Police (for Schuylkill Center)**  
**610-562-6885 or 911**

## **B. Campus Reporting Options**

The University is committed to providing a variety of welcoming and accessible means so that all instances of sexual harassment, sexual violence, stalking and intimate partner violence will be reported. All Alvernia community members are encouraged to report all incidents of discrimination, harassment or retaliation and may request Community Standards action (if the respondent is a student) or Human Resources action (if the respondent is a faculty or staff member) before, during or after the Title IX investigation begins or is completed. Please refer to the Student Handbook or the Employee Handbook, respectively, for specific information.

### **Offices of Residence Life and Community Standards**

Karolina Dreher, Associate Dean of Students and Director of Residence Life  
Veronica [Hall/610-796-8320/Karolina.dreher@alvernia.edu](mailto:Hall/610-796-8320/Karolina.dreher@alvernia.edu)  
Shelly Wessner, Community Standards Coordinator  
Veronica Hall/610-796-8317

In order to best resolve a complaint, multiple processes may concurrently occur such as a Title IX investigation, Community Standards and/or Human Resources action, Public Safety and/or police department investigation.



Notwithstanding the above, the University recognizes that a student or employee may choose to report to any employee of the University. For example, a student may choose to confide in an associate dean, a resident assistant, a faculty member, a director or a coach. Similarly, an employee may choose to confide in a supervisor or colleague. **Please note that all Alvernia employees (except those specified previously as “Confidential”- see Section X) are required to share such information with the Title IX Coordinators and/or Human Resources and/or Public Safety.** (Human Resources and Public Safety will inform the Title IX Coordinators of any reports made to them.) The Title IX Coordinators and/or Human Resources are specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations of sexual harassment, sexual violence, stalking and intimate partner violence to stop the harassing conduct, address its effects, and prevent its recurrence.

University employees who are required to share information with the Title IX Coordinators include, but are not limited to, individuals designated as Campus Security Authorities under the Clery Act and Responsible Employees under Title IX, any other faculty, staff, administrators, and student employees/volunteers who have responsibility for the welfare of other students. Student employees/ volunteers who are required to share reports with the Title IX Coordinators include Resident Assistants. These individuals are required to share with the Title IX Coordinators all information of which they receive or become aware, including the identities of the parties, if known.

To enable the University to respond to all reports in a prompt and equitable manner, the University encourages all individuals to directly report any incident to the Title IX Coordinators, Public Safety (24-hour availability), Residence Life and Community Standards or Human Resources.

**Alvernia University Title IX Coordinators**

Dr. Joseph J. Cicala, Vice President for University Life  
104G Campus Commons  
610-796-8211  
joe.cicala@alvernia.edu

Laurel Cline, Director of Human Resources  
220 Francis Hall – Human Resources  
610-779-3870  
laurel@MostellerHR.com

**Alvernia University Office of Public Safety**

Edward Heim, Director of Public Safety  
Student Center – 2<sup>nd</sup> Floor  
610-796-8350  
edward.heim@alvernia.edu

**Alvernia University Residence Life and Community Standards**

Karolina Dreher, Associate Dean of Students and Director of Residence Life  
Veronica Hall / 610-796-8320

**Human Resources (for issues involving employees)**

Allyson Mullin, Assistant Director of Human Resources  
220 Francis Hall / (610) 796-8317 / [Allyson.mullin@alvernia.edu](mailto:Allyson.mullin@alvernia.edu)

### **C. Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual harassment, sexual violence, stalking or intimate partner violence. A report can be made without disclosing one's own name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

For employees: anonymous reports can be made through Ethics Point, an online reporting service that allows direct interaction with the Title IX Coordinators without providing identifying information. Ethics Point can be accessed at: [secure.ethicspoint.com](http://secure.ethicspoint.com). Ethics Point can also be reached by calling [888-355-9973](tel:888-355-9973).

For students: anonymous reports can be made through the online Report It Form. The online form can be found on the following webpages:

- **Community Standards page:** <http://www.alvernia.edu/student-life/community-standards/index.html>
- **Thoughtful Assessment Group page:** <http://www.alvernia.edu/student-life/tag/index.html>

In all cases, anonymous reports go to the appropriate individual(s) for investigation, assuming there is sufficient information to do so. The University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act (if applicable).

### **D. Reporting Considerations**

#### **1. Timeliness of Report, Location of Incident**

Complainants and third party witnesses are encouraged to report sexual harassment, sexual violence, stalking and intimate partner violence as soon as possible in order to maximize the University's ability to respond promptly and effectively. There is no time limit on reporting violations of this Policy. If the respondent is no longer a student or employee, the University may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by providing support for a

complainant and taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the University. Off-campus conduct that affects a substantial University interest may be covered under this Policy.

## **2. Amnesty for Personal Use of Alcohol or Other Drugs**

The University seeks to remove any barriers to reporting. The University will generally offer any student, whether the complainant or a third party, who reports sexual harassment, sexual violence, stalking or intimate partner violence limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for such individuals.

## **3. Statement Against Retaliation**

Retaliation is a violation of University policy. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a respondent or third party may also be the subject of retaliation by another individual, including the complainant.

An individual reporting sexual harassment, sexual violence, stalking or intimate partner violence is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated. Retaliation for good faith reports is a violation of University policy and will result in disciplinary action.

## **4. False Reporting**

The University takes the validity of information very seriously as a charge of sexual harassment, sexual violence, stalking or intimate partner violence may have severe consequences.

A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, a respondent or witness who is later proven to have intentionally given false information during the course of an investigation or community standards action may be subject to further disciplinary action.

## **5. Protection of Minors and Mandatory Reporting of Suspected Child Abuse**

Under Pennsylvania law, **any persons employed by a private institution of higher education who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services.** The University also requires that the information be immediately shared with the Title IX Coordinators and the Director of Public Safety so that the University can ensure timely compliance with this law and enhance the protection of children.

The University will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Pennsylvania Department of Human Services toll-free child abuse and neglect hotline at 1-800-932-0313.

It is the University's intent to act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that you have actual evidence of abuse, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of child protective services and law enforcement authorities, who are best positioned to do so.

A report should be made as follows:

- If a child is in immediate danger, call 911.

If there is no immediate danger call:

- Alvernia University Public Safety: 610-796-8350  
Alvernia University Title IX Coordinators: 610-796-8211 and 610-779-3870

These individuals will assist in making the mandated child protective services report to:

- Reading Police Department: 610-655-6116
- Cheltenham Police Department (for Philadelphia Center): (215-885-1600
- Pennsylvania State Police (for Schuylkill Center): 610-562-6885
- Berks County Children and Youth Services: 610-478-6700
- Pennsylvania Department of Human Services: 1-800-932-0313

In the event that the abuse was not alleged to have occurred in Pennsylvania, Public Safety and the Title IX Coordinator will assist in identifying the correct jurisdiction for reporting.

## **X. Interim Measures**

### **A. Overview**

Upon receipt of a report of sexual harassment, sexual violence, stalking or intimate partner violence, the University will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. The University will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the University in order to ensure the preservation of the complainant's educational experience and the overall university environment.

A complainant or respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a University-imposed measure.

### **B. Range of Measures**

The University, at its discretion, will implement interim measures. Potential remedies, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Imposition of an on-campus "no-contact directive"
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to transfer course sections or withdrawal from a course without penalty
- Change in work schedule or job assignment
- Change in student's University-sponsored or controlled housing
- Assistance from University support staff in completing housing relocation

- Limit of an individual's or organization's access to certain University facilities or activities pending resolution of the manner
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Making a referral to the University's Employee Assistance Program
- Providing academic support services, such as tutoring
- University-imposed administrative leave or separation
- Interim suspension
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this Policy.

### **C. University Imposed Interim Suspension**

If the University lead investigator decides at any point that the health and safety of a student or of the community is at stake, an interim suspension may be imposed on a student who is suspected of violating this policy. In addition, interim suspensions may be used to preserve University property; pursue an investigation and/or hearing; and/or prevent disruption of, or interference with, the normal operations of the University. Interim suspension will be used for short periods of time pending resolution of a report under this policy and assume no determination of responsibility.

During an interim suspension, a student may be denied access to University housing and/or University campuses. As determined appropriate by the "Vice President of University Life or designee", this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible.

(?) At the discretion of the lead investigator, and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

Similarly, the University may impose leave for any employee at the discretion of the Director of Human Resources (staff) and/or the Provost (faculty) and in collaboration with the appropriate department head. Such leave will be structured at the University's discretion.

## **XI. Title IX Review, Investigation and Resolution**

Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinators, who will ensure consistent application of this Policy to all individuals and allow the University to respond

promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects.

### **A. Overview of Procedural Options**

Upon receipt of a report, the University will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment, sexual violence, stalking and intimate partner violence. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the complainant's expressed preference for resolution, and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the community.

Following this assessment, the University may: 1) seek a remedies-based resolution that does not involve disciplinary action against a respondent; or, 2) initiate an investigation to determine if disciplinary action is warranted. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report for disciplinary action.

Each resolution process is guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the complainant and the respondent. Resources are available for both students and employees, whether as complainants or respondents, to provide support and guidance throughout the investigation and resolution of the complaint.

### **B. Title IX Assessment**

In the course of the University's initial Title IX assessment, the University will consider the interest of the complainant and the complainant's expressed preference for manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the University will seek action consistent with the complainant's request.

As part of the initial assessment of the facts, the University will (as applicable):

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being
- Notify the complainant of the right to contact law enforcement and seek medical treatment
- Notify the complainant of the importance of preservation of evidence
- Enter the report into the University's daily crime log
- Assess the reported conduct for the need for a timely warning under the Clery Act

- Provide the complainant with information about on and off-campus resources
- Notify the complainant of the range of interim accommodations and remedies
- Provide the complainant with an explanation of the procedural options, including remedies-based resolution and disciplinary resolution
- Identify an adviser and/or support person for the complainant and respondent
- Assess for pattern evidence or other similar conduct by respondent
- Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding
- Explain the University's policy prohibiting retaliation

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the University has sufficient information to determine the best course of action.

At the conclusion of the Title IX Assessment, the Title IX Coordinators, in coordination with the Title IX Team, will determine the appropriate manner of resolution, which may include remedies-based actions or initiate an investigation to determine if disciplinary action is warranted. It is at the discretion of the Title IX Coordinators to determine which method of resolution is appropriate. Any individual wishing to explore alternative dispute resolution methods are encouraged to discuss these options with the Title IX Coordinators.

The determination as to how to proceed will be communicated to the complainant in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. A respondent will be notified when the University seeks action that would impact a respondent, such as protective measures that restrict the respondent's movement on campus, the initiation of an investigation or the decision to involve the respondent in remedies-based resolution.

### **C. Complainant Agency and Autonomy to *Not* Proceed**

The University will seek action consistent with the complainant's request where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Alvernia University community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a respondent.

In the event that a complainant does not wish to proceed with an investigation or disciplinary resolution, the Title IX Coordinators will determine, based on the available information, including any investigative report, whether the investigation or disciplinary resolution proceedings should nonetheless go forward.



In making this determination, the University will consider, among other factors,

- Whether the complainant has requested confidentiality
- Whether the complainant wants to participate in an investigation or disciplinary hearing
- The severity and impact of the conduct
- The respective ages of the parties
- Whether the complainant is a minor under the age of 18
- Whether the respondent has admitted to the conduct
- Whether the respondent has a pattern of similar conduct
- The existence of independent evidence; and
- The extent of prior remedial methods taken with the respondent

The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. The University will assess any barriers to proceeding, including retaliation, and will inform the complainant that Title IX prohibits retaliation and the University will take strong responsive action to protect the complainant. Where the University is unable to take action consistent with the request of the complainant, the Title IX Coordinators or designee will communicate with the complainant about the University's chosen course of action, which may include the University choosing to pursue action against a respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

#### **D. Remedies-Based Resolution**

Remedies-based resolution is an approach designed to eliminate a hostile environment without taking disciplinary action against a respondent. Where the Title IX assessment concludes that remedies-based resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant's access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment. Examples of protective remedies are provided in Section X. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the respondent and/or indirect action by a Title IX Coordinator or the University. Depending on the form of remedies-based resolution used, it may be possible to maintain anonymity.

The University will offer mediation for appropriate cases, but will not compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of remedies-based resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. The decision to pursue remedies-based resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time.

The Title IX Coordinators will maintain records of all reports and conduct referred for remedies-based resolution, which will typically be completed within thirty (30) business days of the initial report.

### **E. Disciplinary Resolution**

Where the Title IX assessment concludes that disciplinary action may be appropriate, the University will initiate an investigation. The University will designate an investigative team who has specific training and experience investigating allegations of sexual harassment, sexual violence, stalking and intimate partner violence. The investigative team may include an employee of the University or an external investigator engaged to assist the University in its fact gathering. The University will typically use a team of two investigators. Any investigator chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

The investigative team will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigative team will coordinate the gathering of information from the complainant, the respondent and any other individuals who may have information relevant to the determination. The investigative team will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering the facts, the investigative team may consider prior allegations of, or findings of responsibility for, similar conduct by the respondent to the extent such information is relevant. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in Section IV above, Privacy and Confidentiality, the investigation will be conducted in a manner that is respectful of individual privacy concerns. Throughout the process, a complainant or respondent may

have an advocate (as described in Section XI(H)(3) above) present at any meeting related to the investigation.

The University will seek to complete the investigation within twenty (20) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the request of law enforcement, the University may agree to defer its Title IX fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure the safety and well-being of all affected individuals. The University will promptly resume its Title IX fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

Information gathered during the review or investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the complainant and the University campus community, and take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinators will document each report or request for assistance in resolving a report under this Policy and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

### **1. Review of Investigation Report**

At the conclusion of the investigation, the investigative team will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigative team will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigative team may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigative team may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Before the report is finalized, the complainant and respondent will be given the opportunity to review their own statement and as permitted by FERPA, a summary of other information collected during the investigation, including the statements of the other party and any witnesses. A complainant and respondent may submit any additional comment or evidence to the investigative team within five (5) business days of receipt of the relevant portions of the draft report.

Upon receipt of any additional information by the complainant or respondent, or after the five (5) day comment period has lapsed without comment, the investigative team will

make a finding as to whether there is sufficient information alleged to suggest that a violation of this Policy may have occurred.

## **2. Reconsideration of the Determination Not to Proceed to Community Standards or Human Resources Action**

If the investigative team determines that there is insufficient information alleged to suggest that a violation of this Policy may have occurred, the complainant and respondent will be notified in writing. The complainant will have the opportunity to seek review by the Title IX Team by submitting a written request for review within five (5) business days. The respondent will be notified and have the opportunity to respond within five (5) business days. The Title IX Team may agree with the finding of the investigative team, reverse the finding and refer the case for disciplinary action, or request that additional investigative steps be taken. The Title IX Team will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Title IX Team is final.

## **3. Determination to Proceed to Community Standards or Human Resources Action**

If the investigative team determines that there is sufficient information alleged to suggest that a Policy violation may have occurred, the Title IX Coordinators or designee will issue a Notice of Charge to the complainant and the respondent and refer the report for Community Standards or Human Resources action as appropriate, which will then make a finding, by a preponderance of the evidence, as to whether the respondent is responsible for conduct in violation of this Policy.

University-issued email is the primary means of communication used by the University. The Title IX Coordinators may deliver notice by one or more of the following methods:

- In person by the Title IX Coordinators or designated University administrator;
- Mailed to the local or permanent address of the individual as indicated in office University records; or
- Emailed to the individual's University-issued email account.

Notice sent via email will be presumed to have been received by the respondent. In all other circumstances, the respondent must make confirmation of receipt to the Title IX Coordinators within three (3) business days. If a respondent fails to confirm receipt of the Notice of Charge, the Title IX Coordinators may initiate a complaint for failure to comply with the directives of a University official and give notice of this violation.

## **F. Community Standards or Human Resources Resolution**

Community Standards or Human Resources Resolution is the process by which the University authority designated by the University determines responsibility and if

warranted, administers sanctions and/or discipline against a respondent. Because the relationship of students, staff, and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Policy.

### **1. Designation of Appropriate University Authority**

Following a Notice of Charge, an appropriate university authority will be designated to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the respondent is responsible for conduct in violation of this Policy.

The appropriate university authority may be an internal member of the administration or an external member of the community. Any individual designated by the University must have sufficient training or experience to serve in this capacity. The appropriate university authority may also consult with a panel of individuals from the University or surrounding community in considering additional relevant factors.

For complaints against students, the appropriate university authority is typically the Director of Community Standards, or Associate Dean of Students. For complaints against staff, the appropriate university authority is typically the Director of Human Resources. For complaints against faculty, the appropriate university authority is typically a senior, tenured member of the faculty, as assigned by the Provost in consultation with the Title IX Coordinators. Either party may challenge the designation of the appropriate university authority.

For a complaint against a student employee who is acting within the scope of his/her employment at the time of the incident, the University may designate an appropriate university authority related to the student's employment in addition to or in lieu of the appropriate university authority typically assigned for complaints against students.

The appropriate university authority must be a neutral and impartial decision-maker. The complainant and the respondent may submit a written request to the Title IX Coordinator to remove the named appropriate university authority, if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business day of receipt of the Notice of Charge. A designated appropriate university authority will only be removed if the Title IX Coordinators concludes that their bias precludes an impartial hearing of the report. Additionally, any appropriate university authority who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

### **2. Finding of Responsibility by the Appropriate University Authority**

In reaching a determination of responsibility, the appropriate university authority will consult with the complainant, the respondent, the Title IX Coordinators, and other affected parties, as appropriate to ensure a full assessment of the relevant facts. Each party may also submit a written impact statement to the appropriate university authority for consideration. If a complainant or respondent meets with the appropriate university authority, they may be accompanied by an advocate .

At any time, the Respondent may choose to agree to a finding of responsibility to some or all of the charged conduct. After a consideration of all of the relevant information, the appropriate university authority will make a finding by a preponderance of the evidence, as to whether the Respondent is responsible for conduct in violation of this Policy.

### **3. Imposition of Sanction**

If the Respondent is found responsible, the appropriate university authority will consider the imposition of a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The appropriate university authority is responsible for determining the appropriate sanction. In reaching this determination, the appropriate university authority will provide the Complainant, the Respondent and other affected parties, as appropriate, to provide a written impact statement for consideration. The appropriate university authority will also consult with the Title IX Coordinator or designee.

The appropriate university authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

For students, the sanction may include removal from specific courses or activities, removal from University housing, suspension from the University, or expulsion. A full list of the range of sanctions for students is contained on page 16 of the Student Handbook.

For employees, the sanction may include any form of responsive action or progressive discipline as set forth in the Employee Handbook, including training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.

For a student employee who is acting within the scope of his/her employment at the time of the incident, the sanction may include any permissible sanction from the Student Handbook or the Employee Handbook.

For tenured faculty or faculty whose stated period of appointment has not expired, a recommendation of termination will implicate Section "IX" Separation as set forth in the Faculty Handbook. Under these circumstances, additional steps may occur as set forth in "X"- Grievances.

#### **4. Notice of Outcome**

The University's written determination will be provided simultaneously to the complainant and the respondent. The University neither encourages nor discourages the subsequent disclosure or sharing of the written notification by either person.

The respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The complainant will be informed of any sanctions that directly relate to the complainant. The outcome letter will also provide each party with their appeal options.

The University may also notify appropriate University officials, including a direct supervisor of a respondent, as necessary to implement the outcome and/or sanctions.

#### **G. Appeal**

Either party may appeal the outcome of the matter. A review of the matter will be prompt and narrowly tailored to stated appeal grounds. The complainant and/or respondent may appeal only the parts of the determination of responsibility or sanctions directly relating to him/her. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

- The Community Standards Conference Procedures published in the Student Handbook or Human Resources procedures were violated or not followed
- The respondent or complainant believes that information presented during the process was not reviewed or taken into consideration by the respective university authority
- New evidence that was not available at the time of the process and that would have materially affected the outcome can now be presented and considered
- The respondent or complainant believes the sanction(s) imposed is/are grossly disproportionate to the violation

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be provided to the Title IX Coordinators within five (5) business days of the date of the outcome letter.

Upon receipt of the appeal, the Title IX Coordinators will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within three (3) business days from receipt of the appeal.

In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal.

Upon receipt of the appeal and any response, the Title IX Coordinators will notify the appropriate "Appellate Authority". For an appeal involving a student respondent, the Appellate Authority is typically the Vice President for University Life. For an appeal involving a respondent who is an employee, the Appellate Authority is typically a vice president or senior level administrator.

The appeal process outlined here supersedes the Grievance Procedure contained in the Faculty Handbook.

The appeal will be conducted in an impartial manner by the Appellate Authority. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The stated Appellate Authority shall consider the merits of an appeal only on the basis of the stated grounds for appeal. Except as required to explain the basis of new information unavailable at the time of an investigation, review of an investigation will be limited to the written investigation report and all supporting documents.

The Appellate Authority can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Appellate Authority can ask that a new investigation and/or adjudication occur. In the case of new and relevant information, the Appellate Authority can recommend that the case be returned to the Respective university authority to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appellate Authority will communicate the result of the appeal to the complainant and respondent within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

## **H. Additional Considerations**

### **1. Time Frames for Resolution**

Alvernia will make every effort to successfully resolve all reports within sixty (60) days. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.



In general, a complainant and respondent can expect that the process will proceed according to the time frames provided in this Policy. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint and any subsequent appeals.

## **2. Group Infractions**

When members of a student group, organization, or team or individuals acting collusively act in concert in violation of this Policy, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint respondents or against one or more involved individuals as appropriate given available information and the circumstances.

A student group, organization, or team's officers and membership may be held collectively and individually responsible when violations of this Policy by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

## **3. Advocates and Attorneys**

During any investigation, the complainant and respondent have the right to be accompanied by an advocate. The advocate may attend any meeting with an investigator or a University employee and the complainant or respondent. The advocate may be from outside the University community. Generally, the advocate should not be a witness, and/or a parent or guardian of the complainant or respondent. The advocate is a silent and non-participating presence who is there solely to observe and provide moral support during the investigative process. The Title IX Coordinators have the right at all times to determine what constitutes appropriate behavior on the part of an advocate. No written materials are to be shared with an advocate.

Any person who serves as an advocate should plan to make themselves available for meetings throughout the process, but are not permitted to actively participate in the investigation process.

A complainant or respondent may choose to seek the advice and assistance of an attorney at his or her own expense. The attorney may not actively participate in

investigatory interviews, mediation or adjudication. The University will not recognize or enforce agreements between the parties reached outside of these procedures.

#### **4. Prior Sexual History**

In general, a complainant's prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant with other individuals is typically not relevant and will not be permitted.

#### **5. Pattern Evidence**

Where there is evidence of a pattern or conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether:

- The previous incident was substantially similar to the present allegation
- The information indicates a pattern of behavior and substantial conformity with that pattern by the respondent
- The respondent was subject to a previous credible allegation and/or previously found responsible for a policy violation.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigative team at the earliest opportunity. The University, through the investigative team, may choose to consider this information, with appropriate notice to the parties.

Where a sufficient informational foundation exists, the investigative team, in consultation with the Title IX Coordinators, will assess the relevance, form, and reliability of the information (hearsay will not be permitted) and determine if it is appropriate for inclusion in the written investigation report.

#### **6. Consolidation of Investigation**

The investigative team and Title IX Coordinators have the discretion to consolidate multiple reports against a respondent into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

## **7. Records**

The Title IX Coordinators will retain records of all reports, allegations and complaints, in accordance with the University's Records Retention Policy as it may be amended from time to time (the "Records Retention Policy"), regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or disciplinary resolution. Complaints resolved by Title IX assessment or remedies-based resolution are not part of an employee file or a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through Community Standards or Human Resources resolution are part of a student's conduct record or an employee's personnel file. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record or employee's personnel records. In general, records will be maintained for the duration of the respondent's relationship with the University, and shall be retained in accordance with the Records Retention Policy.

## **XII. Education and Prevention Programs**

Alvernia University is committed to the prevention of sexual harassment, sexual violence, stalking and intimate partner violence through education and awareness programs. The University is also committed to the protection of minors and the prevention of child abuse. Throughout the year the University offers educational programs to promote awareness of sexual violence, stalking and intimate partner violence. Programs are held throughout the year, as announced. Prevention programs include an overview of the University's policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. Alvernia University's Title IX Coordinators oversee the education and prevention calendar and tailor programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.