

SEXUAL ASSAULT, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT POLICY

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1. Introduction

Immaculata University (IU) is committed to establishing and maintaining a community free from all forms of discrimination and harassment by creating an environment in which the academic potential of students and professional potential of employees may be realized. The University recognizes that all who work and learn at IU are responsible for ensuring that the environment is free from discrimination based on sex or gender,

including all forms of sexual misconduct and other forms of prohibited misconduct, as defined in this policy.

The Title IX of the Education Amendments of 1972 (Title IX), is a federal civil-rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, and universities receiving any federal funds must comply with Title IX. Under this policy, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, and other forms of sexual misconduct, including stalking and intimate partner violence.

In addition, Title IX prohibits retaliation by any officer, employee or agent of Immaculata against any individual for exercising their rights or responsibilities as required under the Violence Against Women Act (VAWA).

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is federal legislation that requires educational institutions that participate in federal student aid programs to maintain and disclose non-identifying information about the crimes that occur on or near their campus and in other certain geographical areas.

In compliance with the Clery Act, the University will publish *non-identifying* information about Clery criminal offenses and annually submit the University's Annual Security Report to the U.S. Department of Education. This report is available on our website www.immaculata.edu or by contacting the Department of Campus Safety and Protection.

All members of the University community have an obligation to assist in preventing sexual misconduct. Responsibilities include:

- 1) Participating in periodic training to learn how to recognize and report concerns;
- 2) Conducting themselves in a manner that does not violate this policy;
- 3) Intervening when possible to prevent harassment of another;
- 4) Reporting incidents and notifying parties of to whom to report (i.e. Title IX Coordinator);
- 5) Respecting the privacy rights and confidentiality rights of those involved;
- 6) Cooperating in University investigative and disciplinary procedures.

When the University becomes aware of allegations of sexual misconduct and other prohibited misconduct, it will take prompt, fair, and effective action and will respond promptly and equitably to all allegations of sexual assault, sexual harassment, or other sexual misconduct.

Any person found responsible for violations of this policy will face disciplinary actions up to, and including dismissal or expulsion from the University. Acts of sexual assault or sexual misconduct may also be prosecuted under the Pennsylvania Crimes Code. Anyone making a report, filing a complaint, or participating in the investigation or resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct is protected by law and this Policy from retaliation. The University will take prompt responsive action to all reports of retaliation.

Immaculata's response will be overseen by the Title IX Coordinator.

In compliance with Title IX, the University will address reported violations of the *Sexual Assault and Harassment Policy*. The University will review the *Sexual Assault and Harassment Policy* on an annual basis in order to capture evolving legal requirements.

A. Scope of Policy

Immaculata University prohibits harassment of and discrimination against any and all community members. This policy applies to all members of our community, including students, employees, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the University.

This policy provides the framework for eliminating sexual assault, sexual harassment, and other sexual misconduct from our community, preventing its recurrence and addressing its effects.

All community members have a responsibility to adhere to IU's policies, as well as local, state, and federal laws. This policy applies to conduct occurring on Immaculata's property or at University-sanctioned events or programs that take place off campus, including study abroad, service trips, and internship programs. This policy also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the Immaculata community or the University.

B. Notice of Non-Discrimination

The University expressly prohibits any form of discrimination and harassment in any decision regarding admissions, employment, or involvement in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws.

Discrimination on the basis prohibited by law, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, disability, citizenship status or any other protected category is prohibited.

2. Prohibited Conduct and Definitions

PROHIBITED CONDUCT

Immaculata University prohibits the following forms of conduct:

- 1) Sexual Harassment
- 2) Sexual Assault
- 3) Sexual Exploitation
- 4) Intimate Partner Violence, including Dating Violence and Domestic Violence
- 5) Retaliation
- 6) Stalking
- 7) Gender-Based Harassment
 - a. Bullying and Intimidation

This prohibited conduct affects individuals of all genders, gender identities, gender expressions, and sexual orientations, and does not discriminate by racial, social, or economic background.

Some of these prohibited forms of conduct may also be crimes under Pennsylvania law.

If you believe that you have been the victim of a crime, the University can assist you with reporting criminal activity to law enforcement authorities and can also help to guide you with how to seek assistance with obtaining protective orders.

SEXUAL HARASSMENT

Sexual harassment is any unwelcome conduct of a sexual nature or based on sex or gender and can take many forms including, but is not limited to:

- unwelcomed sexual advances or request for sexual favors
- inappropriate comments
- jokes or gestures
- other unwanted verbal or physical conduct of a sexual nature

Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome, is sex or gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

Sexual Harassment occurs when at least one of the following conditions are present:

- Quid pro quo: Submission to or rejection of such conduct is an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a University program or activity.
- Hostile environment: Conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance that is:
 - Sufficiently serious, pervasive, or persistent, as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.
 - A single, isolated incident of sexual harassment alone may create which 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.

Some examples of potentially sexually harassing behaviors include, but are not limited to, the following:

- Unwelcome sexual advances, sexual innuendo, or requests for sexual favors in person, by phone, by electronic message or photo, written words or images such as graffiti, and social media postings;

- Unwelcome behavior of a sexual nature by a faculty member, coach, or other staff person directed towards a student, a colleague, or other community member;
- A person in a position of authority (such as a faculty member, coach, supervisor) suggesting that an educational or employment benefit will result from submission to some unwelcome behavior of a sexual nature or will be denied for refusal to engage in sexual activity;
- Repeated sexual remarks, offensive stories, remarks about sexual activity or experiences, sexual innuendoes or other suggestive comments that are unwanted and unwelcome by another;
- Displaying or showing pictures, cartoons, or other printed materials of a sexual nature in the workplace or in an educational setting where there is insufficient academic relevance;

SEXUAL ASSAULT

Sexual assault is intentional sexual contact with another person without that person's consent. Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent.

Sexual assault includes:

- *Non-consensual sexual touching* includes contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission for the purpose of sexual gratification. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- *Non-consensual sexual penetration*- includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.
- *Incest* – Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Age of Consent* –a person who is under 13 years of age is legally unable to give consent in Pennsylvania. Individuals younger than 16 years of age can never consent to intercourse with a partner more than four years their senior.

Examples of sexual assault behaviors include:

Sexual contact that usually involves:

- Force upon a person without consent
- Infliction upon a person who is incapable of giving consent (because of age or physical or mental incapacity)
- Placing the assailant (such as a doctor) in a position of trust or authority

SEXUAL EXPLOITATION

Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, 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 another'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.

Intimate-Partner Violence, including Domestic Violence and Dating Violence

INTIMATE-PARTNER VIOLENCE includes dating violence and domestic violence, as defined below.

DOMESTIC VIOLENCE is an act or series of acts, whereby one partner attempts to maintain power and control over another partner, through one or more forms of abuse that includes:

- physical
- sexual
- verbal
- non-consensual sexual penetration
- stalking

A Partner is defined as:

- a current or former spouse
- sexual or intimate partner of the alleged victim
- a spouse who lived with the alleged victim, parents and children
- persons related by blood or marriage,
- a person with whom the alleged victim shares a child

DATING VIOLENCE includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence.

Dating violence also occurs when one partner:

- Uses violence or the threat of violence in an attempt to maintain power and control over the other through one or more forms of abuse, including:
 - sexual
 - physical
 - verbal
 - emotional

Committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the Reporting Party/Complainant. The existence of such a relationship is determined based upon:

- the length of the relationship
- the type of the relationship
- the frequency of interaction between the persons involved in the relationship

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 sexual misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Reporting Party/Complainant or Responding Party/Respondent, can engage in retaliation.

STALKING

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or suffer substantial emotional distress. When a person engages in a course of conduct or repeatedly communicates and/or commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate or communicate either of the following:

- an intent to place the other person in reasonable fear of bodily injury
- an intent to cause substantial, emotional distress to the other person.

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

Stalking includes the concept of cyberstalking, 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 online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact; or
- any combination of these behaviors directed toward an individual person.

Gender-Based Harassment

Gender-based harassment is any 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, if the harassment is based on:

- gender
- sexual orientation
- gender identity or gender expression

BULLYING AND INTIMIDATION

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another person or group. Bullying conduct may not only cause a negative effect on individuals targeted, but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

- substantially interfering with a community member's education or employment;
- creating a threatening or intimidating environment;
- substantially disrupting the orderly operation of the University

Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the student or employee conduct process will be in violation of retaliation and will be subject to disciplinary action.

Definitions

COERCION

The use of 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, threats, and blackmail. 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.

Some examples of coercion may include, but are not limited to:

- Threatening to "out" someone based on sexual orientation, gender identity, or gender expression.
- Threatening to harm oneself if the other party does not engage in the sexual activity.

COMPLAINT

A verbal or written statement submitted by 3rd party, responsible employee, witness, anonymous source, or the Reporting Party/Complainant to the University for the purpose of initiating formal or informal proceedings under this policy.

CONFIDENTIALITY

Confidentiality means that information shared with a designated confidential campus or community professional, cannot be revealed to any other individual without express permission of the individual.

Campus and community professionals, including mental health providers, and religious counselors, have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes consistent with the Clery Act.

Some medical providers may be required to notify law enforcement of a sexual assault under certain circumstances according to Pennsylvania law. The medical provider will share limited information with law enforcement, and the Reporting Party/Complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution.

CONSENT

- *Consent* to engage in sexual activity must be knowing and voluntary. It must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact.
- Consent cannot be assumed.
- Consent is clear, positive, and voluntary permission that is expressed prior to engaging in and during an act.
- Consent is demonstrated through mutually understandable words and/or actions that clearly indicate an enthusiastic willingness to engage freely in sexual activity.

- Consent is active, not passive.
 - It requires constant positive communication.
 - Silence, in and of itself, cannot be interpreted as consent.
- 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 immediately.

Guidance for assessing consent:

- Prior to initiating any sexual activity, the person(s) initiating and/or changing the sexual activity is expected to obtain verbal and enthusiastic consent from a sober partner.
 - If at any time during the sexual activity, any confusion or ambiguity arises, individuals should pause and seek clarification regarding consent.
 - 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 should not be inferred solely 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.
- Consent to previous sexual activity and/or in the context of an intimate relationship does not presume consent is given in any subsequent sexual encounter.
- Consent is not present 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 their own free will.
- Consent cannot be obtained from an individual who is physically and/or mentally incapacitated.
- Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, blackout, etc):
 - Substantial impairment is a state when an individual cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
 - This also covers individuals whose substantial impairment results from physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
 - Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.

- The perspective of a reasonable person will be considered in the University's determination on whether a person knew, or reasonably should have known under the circumstances, whether the other party was incapacitated.

In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is fewer than four (4) years older than the minor.

DISCRIMINATION under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities based on sex, gender identity or expression, or sexual orientation.

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.

INCAPACITATION describes an individual who 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 the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

Warning signs that a person may be approaching incapacitation may include:

- slurred speech
- vomiting
- unsteady gait
- odor of alcohol
- combativeness
- emotional volatility

Guidance for evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual, with respect to:

- decision-making ability
- awareness of consequences
- ability to make informed judgments
- capacity to appreciate the nature and the quality of the act

Evaluating incapacitation also requires an assessment of whether a Responding Party/Respondent should have been aware of the Reporting Party/Complainant's incapacitation based on objectively and reasonably apparent indications of impairment

when viewed from the perspective of a sober, reasonable person in the Responding Party/Respondent's position.

In general, the University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. However, no one, regardless of whether or not he/she is engaging in risky behavior, deserves to be harmed in any way.

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, stop and consider if active consent is present. If you're in doubt, cease any sexual contact or activity.

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 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.

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. 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 thorough review of the allegation.

REPORTING PARTY (Complainant) refers to the person who reports that she or he has been the subject of sexual assault, sexual harassment, or other sexual misconduct.

RESPONDING PARTY (Respondent) refers to the person who is alleged to have committed acts of sexual assault, sexual harassment, or other sexual misconduct.

THIRD PARTY REPORTER refers to a person, outside of the Reporting and Responding Parties, who has witnessed or is aware of a sexual assault, sexual harassment, or other sexual misconduct as defined by this policy.

3. Filing a Report

A. Initial Evaluation

All reports of sexual misconduct will result in an immediate assessment of and risk of harm to individuals or to the campus community and will take any necessary steps to address those risks.

The Title IX Coordinator, or her/his designee, will review the initial complaint to make a determination on whether or not there is sufficient information to proceed with an

investigation of sexual misconduct. Thereafter, an investigation may continue depending on a variety of factors, such as the request of the Reporting Party/Complainant not to proceed and the risk posed to any individual or the campus community by not proceeding.

Immaculata is committed to supporting the rights of a person reporting an incident of any form of sexual misconduct or other prohibited misconduct to make an informed choice among options and services available both on and off campus. The Reporting Party/Complainant has the option to, and is encouraged to notify law enforcement including Campus Safety and/or the police department with jurisdiction. The Reporting Party may decline to notify campus or law enforcement officials.

Immaculata is also committed to supporting the rights of a person who is accused of committing an act of sexual misconduct or other form of prohibited misconduct. The Responding Party/Respondent has the option to make an informed choice among options and services available both on and off campus.

The University will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect and will take prompt responsive action to end the misconduct, prevent its recurrence, and address its effects.

B. Timeliness of Report, Location of Incident

Reporting Party/Complainant, Responding Party/Respondent, Third-Party Reporters and/or witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not limit the timeframe for reporting. If the Responding Party/Respondent is no longer a student or employee, the University may not be able to take disciplinary action against the Responding Party/Respondent, but it will still seek to meet its Title IX obligation by 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. This policy applies to all off campus educational programs or activities and work-related settings. The University will process all complaints to determine whether the conduct occurred in one of these situations or had continuing effects that create a hostile environment.

C. Confidentiality and Privacy Considerations

The University is committed to protecting the privacy of all individuals involved in a report of sexual assault, sexual harassment or other sexual misconduct. Information related to a report to the University of sexual assault, sexual harassment or other sexual misconduct will be kept private by the University unless disclosure is required by law; thus, it will be shared only with those University officials with a legitimate interest in order to assist in the investigation and/or in the resolution of the complaint. Under no

circumstances will the University release the name of the Reporting Party/Complainant to the general public without their express consent.

Requesting Confidentiality

Whenever a report of sexual assault, sexual harassment or other sexual misconduct is made, Immaculata has an obligation to take steps to ensure it is providing a safe, non-discriminatory environment for all members of our community. If a Reporting Party/Complainant reports an incident of sexual misconduct and wishes to maintain confidentiality or requests that no further investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the Reporting Party/Complainant's request against its obligation to provide a safe and nondiscriminatory environment for the University community.

When weighing a Reporting Party/Complainant's request for confidentiality, the Title IX Coordinator or designee will consider a range of factors, including:

- The risk that the Responding Party/Respondent will commit additional acts of sexual or other violence such as:
 - Whether there have been other sexual violence complaints about the same Responding Party/Respondent;
 - Whether the Responding Party/Respondent has a history of arrests or records from a prior school indicating a history of sexual and/or physical violence;
 - Whether the Responding Party/Respondent threatened further sexual violence or other violence against the Reporting Party/Complainant
 - Whether the sexual violence was committed by multiple perpetrators
- If the sexual violence was committed with a weapon
- If the Reporting Party/Complainant is a minor
- If the University possesses other means to obtain relevant evidence of sexual violence ex. Security cameras, eye-witnesses or physical evidence.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action and/or involve law enforcement. If none of these factors are present, the University will most likely respect the Reporting Party/Complainant's request for confidentiality.

If the University cannot maintain the Reporting Party/Complainant's request for confidentiality, the University will inform the Reporting Party/Complainant and will, to the extent possible, only share information with people responsible for handling the University's response to the report of sexual assault, sexual harassment or other sexual misconduct.

In conducting an appropriate investigation, University investigators and administrators are sensitive to the desire of individuals for privacy and will remain mindful of the well-

being of the Reporting Party/Complainant and take ongoing steps to protect the Reporting Party/Complainant and Responding Party/Respondent from retaliation.

However, to conduct an effective investigation, it is often necessary to share details which may compromise confidentiality. If the University is able to honor the request for confidentiality, the Reporting Party/Complainant must understand that Immaculata's ability to meaningfully investigate the incident and pursue disciplinary action may be limited.

D. Mandatory Reporters

With the exception of those employees who have recognized confidentiality **all University employees, are Mandatory Reporters. This includes faculty, staff, administrators, resident assistants, commuter assistants, and programming assistants who have responsibility for the welfare of other students, are required to share with the Title IX Coordinator any report of sexual misconduct about which they become aware.** These employees must promptly share all details of the reports they receive, including who, what, when and where.

The University will generally not investigate information and statements provided in classroom writing assignments or discussions, research projects, or community public awareness events related to issues of sexual misconduct, unless the Reporting Party/Complainant clearly indicates that they wish a report to be made. During such situations and if appropriate, the Title IX Coordinator or designee will provide the person making the statement with campus and community resources.

Those employees with reporting obligations do not need to report when incidents of sexual misconduct are communicated during a classroom discussion, in a writing assignment for a class, or as part of a research project.

Student employees who are required to share reports with the Title IX Coordinator include Resident Assistants, Commuter Assistants, and Programming Assistants. The reports will include all information about which they are aware, including the identities of the parties in the sexual misconduct, if known.

The University respects the privacy interests of students, faculty, and staff. Information reported to the Title IX Coordinator or Deputies will only be shared with those University officials who will assist in responding, investigating, and/or resolving a complaint. The University will document non-identifying information in the campus crime log. Should the University determine there is a serious or imminent threat a timely warning notice will be shared with the community.

The Title IX Coordinator will ensure that the University responds to all reports in a timely, fair, effective, and consistent manner. The University will approach each report with an earnest intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. The University will also

take every effort to ensure the safety of the campus community when evaluating and assessing any reported sexual misconduct.

E. Interim Measures

During the investigation and prior to the final determination, the Title IX Coordinator or designee may take appropriate Interim Measures to protect the parties involved; after a fair assessment to determine the need for such Interim Measures. Interim Measures will be individualized and appropriately based on the initial information gathered by the Title IX Coordinator or designee.

A Reporting Party/Complainant or Responding Party/Respondent may request an Interim Measure or other protection or the University may impose Interim Measures at its discretion to ensure the safety of all parties, the Immaculata community, and/or the integrity of the process.

Interim Measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator or designee. These actions are not a presumption of responsibility for violation of the Sexual Assault, Sexual Harassment, and Sexual Misconduct Policy. Interim Measures may be imposed whether or not formal disciplinary action is sought by the Reporting Party/Complainant or the University.

No Contact Order - The University may impose a No-Contact Order as deemed necessary by the Title IX Coordinator and/or the Director of Campus Safety & Protection, or their designees. Generally, No Contact is defined as having no direct or indirect contact with another party or parties at any time.

This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging, text messaging, and all forms of social media. Verbal communication is understood to include phone calls and voice mail messages.

Escort – The University may provide an escort to any individual that requests this service in order to ensure safe movement to transportation, between classes and activities.

Academic, Employment, or Living Arrangements - Interim Measures may prevent an individual from attending class and other University activities or alter their housing or class schedule. The Department of Residence Life and Housing will approve any changes to the student's living arrangements. Academic Success/Advising will be contacted by the Title IX Coordinator or designee to request alternate arrangements to support the student's completion of academic assignments.

A request for a student employment change or an employee office relocation should be directed to the Title IX or Deputy Coordinator.

The Reporting and Responding Parties will be notified in writing of any or all Interim Measures.

F. Emergency Response Resources

IU Campus Safety and Protection	610-647-4400 ext. 5555 (on campus) or 610-854-2451	Available 24 hours, 7 days
East Whiteland Police Department	610-647-1440 or 911	Available 24 hours, 7 days
Crime Victims' Center of Chester County	610-692-7273	24 hour hotline
IU Counseling Center Director, Jessica Gilpert	610-647-4400 ext. 3502 or ext. 3506 jgilpert@immaculata.edu Kate Ferlick – Counselor Ext. 3339	Open during academic year
IU Bruder Student Health Center Director, Elise Girard	Ext. 3500	Open during academic year
Paoli Hospital Forensic Kit examination for any incident(s) of sexual violence, domestic violence, or dating violence by a SANE nurse	484-565-1000	Available 24 hours, 7 days

G. Amnesty/Waiver of Violation for Good Faith Reporting

All members of the Immaculata community have an obligation to promote and protect the health, safety, and welfare of our community. The University strongly encourages all individuals to report incidents of sexual assault, sexual harassment, and other sexual misconduct so that those affected can receive support and resources.

A student who reports such misconduct in good faith, either as a Reporting Party/Complainant or third party witness, will not be subject to disciplinary action for her/his own personal consumption of alcohol or other drugs in violation of the Student Code of Conduct. The University may initiate an educational discussion about the use of alcohol and/or drugs and their impact or pursue other educational remedies.

An employee or student who knowingly or willingly gives false information during an investigation will be subject to disciplinary action. A good faith complaint that is not substantiated does not constitute a false report.

4. Resources - On and Off Campus

A. The Title IX Coordinator and Deputy Coordinator

Title IX Coordinator, Geri Larsen, Villa Maria 14J, 610-647-4400 ext. 3077,
glarsen@immaculata.edu

Deputy Title IX Coordinator, Dennis Dougherty, Lourdes Hall, 610-647-4400 ext. 5555,
ddougherty@immaculata.edu

B. Department of Campus Safety & Protection

Campus Safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Campus Safety & Protection Officers can assist with connecting students to services after hours and the on-call residence life professional. They can provide assistance with contacting East Whiteland Police Department to make a report to law enforcement or obtain a Protection from Abuse order.

Director	Dennis Dougherty	610-647-4400 ext. 5555 ddougherty1@Immaculata.edu
Assistant Director	Carlos Rodriguez	610-647-4400 ext. 3598 crodriguez1@immaculata.edu .
Shift Supervisor	Available 24 hours / 7 days week	On campus -Ext. 5555 Off campus -610-854-2451

C. Campus Confidential and Semi-Confidential Resources

Department	Location	Contact Information
IU Counseling Services <i>Open during the hours of 8:30am – 4:30pm M-F. After hours please contact IU Campus Safety & Protection, they will contact the on-call counselor for you</i>	Bruder Center <i>Ask to see an available Counselor</i>	Jessica Gilpert, Director of Counseling Services 610-647-4400 ext. 3502 or ext. 3506 jgilpert@immaculata.edu Kate Ferlick, LLC. Counselor ext. 3339
Pastoral Counseling	Nazareth Hall	Fr. Kevin McCabe, Chaplain Ext. 3570
SEMI-CONFIDENTIAL RESOURCES		
IU Student Health Services <i>Open Monday – Thursday 8:30am – 5pm and Fridays 8:30 -3pm</i>	Bruder Center <i>Health Services does not provide after-hours care</i>	Elise Girard, Director of Health Services Ext. 3500 egirard@immaculata.edu

i. Confidential Counseling and Health Services Resources

For individuals who are seeking confidential consultation, there are several resources available to provide confidential support on campus. The trained professionals designated above can provide counseling, information, and support under legally protected confidentiality.

Because these relationships involve privileged conversations, these confidential resources will not share information with the Title IX Coordinator or any other employee of the University without the individual's express permission, except when there is an immediate threat of serious harm to a person.

This means that, in almost all circumstances, these individuals are not required to report any information to anyone without permission. They may, however, submit non-identifying aggregate information (nature, date, time, and general location of the incident) about the incident for purposes of making a statistical report under the Clery Act.

Nurses at the Student Health Center may talk with an individual in confidence and will only report that an incident occurred without revealing any personally identifying information about the individual. However, if public safety is at risk it may be necessary to reveal personally identifiable information.

University employees designated **as Confidential** who receive reports of such incidents may maintain confidentiality if requested by the Reporting Party/ Complainant, but will report the incident to Campus Safety for Clery Act purposes without identifying information. These reports will include the general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued.

Physicians at the Student Health Center are generally required by Pennsylvania law to make a report to the police department any time they receive a report of an injury caused by a criminal act, including sexual assault. The report does not include the name of the party.

ii. Off-Campus Resources

- Hospitals - Paoli Hospital, Chester County Hospital, Phoenixville Hospital, and Bryn Mawr Hospital 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. These are the current local hospitals, which identify as having Sexual Assault Nurse Examiners (SANE), are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse. *Due to the limited availability of SANE nurses shared among the hospitals, it is recommended that the individual call the Crime Victims' Center of Chester County 24 hour hotline (610-692-7273) to locate which hospital a SANE nurse is on duty. A call*

can then be made to that hospital to confirm time of arrival to be sure the SANE nurse remains on duty for her or his arrival.

Contact information:

Paoli Hospital	484-565-1000
Chester County Hospital	610-431-5000
Phoenixville Hospital	610-983-1222
Bryn Mawr Hospital	484-337-3000

Under Pennsylvania law, a medical provider may be required to notify law enforcement of a sexual assault under certain circumstances. The medical provider, however, will share limited information with law enforcement, and a Reporting Party/Complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution.

- Crime Victims' Center of Chester County offers free and confidential services for any crime, including sexual assault. Services include a 24/7 Hot Line to help sexual assault victims; advocacy; counseling services; accompaniment to hospital, police interviews, court hearings; legal and financial assistance. Their contact information:
 - Sexual Assault 24 hour hotline 610-692-7273
 - Other Crimes 24 hour hotline 610-692-7420
 - CVC's phone number 610-692-1926
 - Website www.cvcofcc.org
- Domestic Violence Center of Chester County - provides intervention, education, outreach, advocacy, and programs to prevent, reduce, and remedy domestic violence in Chester County. Their contact information:
 - Administration 610-431-3546
 - 24 hour hotline 610-431-1430
 - Website www.dvcc.com
- East Whiteland Police Department, 610-647-1440

D. Medical Care and Preserving Evidence

The University encourages individuals to seek medical treatment for their well-being, whether or not that individual wishes to make a report to the University or law enforcement. A medical provider can provide emergency and/or follow up medical services and diagnose and treat any injury or physical effect, and properly collect and preserve evidence.

Following a sexual assault, evidence is best preserved for proof of a criminal offense within 72 hours of the assault. The Reporting Party/Complainant is encouraged to seek medical attention before showering, changing clothing, drinking or brushing teeth. All clothing, towels, bedding, should remain untouched.

In instances of stalking, domestic violence, and dating violence, other means of evidence are important to preserve, such as text messages, emails, social media screenshots, and any other information that can provide proof of the offense.

Any employee who is not designated as a confidential resource under this policy is a Mandatory Reporter and is required to share a report of sexual misconduct with the Title IX Coordinator, the Deputy Title IX Coordinator or Campus Safety & Protection. The Title IX Coordinator or designee will conduct an initial assessment of the conduct, the Reporting Party/Complainant's desired course of action, and the necessity for any Interim Measures or accommodations to protect the safety of the Reporting Party/Complainant or the community. The goal is to eliminate any hostile environment.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Reporting Party/Complainant. 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 Reporting Party/Complainant to the general public without the express consent of the Reporting Party/Complainant or as otherwise permitted or required by law.

All proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), state and local law, and University policy. No information shall be released from such proceedings except as required or permitted by law and Immaculata policy.

E. Reporting to Law Enforcement

In addition to a University response, Immaculata also encourages the Reporting Party/Complainant to pursue criminal action for incidents of sexual misconduct that may also be crimes under Pennsylvania criminal statutes. The University will assist a Reporting Party/Complainant, at their request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Reporting Party/Complainant decides to pursue the criminal process to the extent permitted by law.

Except where the Reporting Party/Complainant is younger than 18 years old, the University will generally respect a Reporting Party/Complainant's choice not to report an incident to local law enforcement, unless the University determines that there is an overriding issue with respect to the safety or welfare of the University community. Where a report involves suspected abuse of a minor younger than 18, the University is required by state law to notify law enforcement and/or the Pennsylvania Department of Public Welfare Division of Child Welfare Services.

The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. The Reporting Party/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 to prosecute a Responding Party/Respondent nor the outcome of any criminal prosecution is determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the University's Sexual Assault, Sexual Harassment and Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

F. Reports Involving Minors

Any Immaculata University employee who has reasonable cause to suspect abuse of a child (an individual under the age of 18) that the employee has come into contact with during the course of employment must make a report to the Department of Public Safety, which will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. This requirement applies to an employee's suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the Immaculata University community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. **Do not** investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. ***If the child is in immediate danger, please call 911 immediately.***

Follow these steps to make an immediate and direct report of suspected child abuse to the PA Department of Human Services and to the University:

1. Submit an online report (preferred method): to the Pennsylvania Department of Human Services at www.compass.state.pa.us/cwis or call Pennsylvania's Child Line at 800-932-0313 (alternative method). *Please Note: If you call Childline, you must also submit a written report within 48 hours.*
2. Call Immaculata University Department of Campus Safety & Protection (610-647-440 ext. 5555) to inform Director of Campus Safety & Protection, Dennis Dougherty, who serves as the University's designee for receiving reports of child abuse. The Director of Campus Safety will inform the appropriate University officials in order to ensure the safety of the Immaculata University community.

5. Investigation

A. Timeline

The University seeks to resolve all complaints of sexual misconduct or other prohibited misconduct in a prompt and equitable manner. The University will make a good faith effort to conduct a fair and impartial investigation in a timely manner.

At the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with both the Reporting Party/Complainant and Responding Party/Respondent regarding their Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

B. Investigation Process

Annually trained investigators will oversee the investigation into all reports of sexual misconduct and other prohibited misconduct. The investigation will include interviewing the Reporting and Responding parties, interviewing witnesses as appropriate, collecting relevant evidence including electronic records such as texts, pictures, etc. The Reporting Party/Complainant and the Responding Party/Respondent will receive written notice of the investigation, including a statement of the allegation when the investigation is initiated.

Students, faculty, and staff, third party witness, or a third party reporter may be asked to participate in an investigation, and when asked, are expected to find time to meet and share information with the investigator.

At the conclusion of the initial investigation, the Title IX Coordinator and the Title IX Review Team will review the initial investigation report. The initial report will be shared with both the Reporting and Responding Parties simultaneously. Both parties will have the opportunity to review the report and submit any modifications or additional information before the determination of a policy violation.

The Title IX Review Team consists of the Title IX Coordinator, Deputy Title IX Coordinators, Investigators and others as applicable. The Title IX Review Team assists the Title IX Coordinator with the response, investigation, and/or resolution of all reports to ensure consistent responses, support individuals involved, and protect the University community.

If the final report determines there was a violation of this policy, reports will be shared with University authorities empowered to act on violations of University policy.

C. Standard of Proof

Consistent with the U.S. Department of Education's Office for Civil Rights requirements, Immaculata University uses the standard to determine a student's responsibility for violations of our policies. This means that the Title IX Review Team will decide whether it is "more likely than not," that the Responding Party/Respondent is responsible or not responsible for a violation of this policy based upon the information provided through the course of the investigation.

6. Resolutions

A. Resolution Procedures

The University has jurisdiction over complaints based on Title IX and may take disciplinary action against a Responding Party/Respondent who is a current student, employee, or third party vendor.

Disciplinary action against a Responding Party/Respondent may only be taken through one of the University's resolution procedures. Because the relationship of students, staff, and faculty to the University differ in nature, the procedures that apply when determining disciplinary action necessarily differ as well.

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 Sexual Assault, Sexual Harassment, and Sexual Misconduct Policy.

The University will provide a prompt, fair, and impartial process from the initial assessment to the final outcome. All staff involved with the Sexual Assault, Sexual Harassment, and Sexual Misconduct resolution process, including the Title IX Coordinator, Deputy Coordinators, investigators, and advisors receive training on the issues related to dating violence, domestic violence, sexual assault, sexual harassment and stalking, as well as how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability.

The procedure followed will be determined by the relationship of the Responding Party/Respondent to the University:

- Complaints against a student will be resolved by the Procedures for Resolution of Complaints against Students.
- Complaints against an administrator, staff member, instructional staff member, including faculty will be resolved by the Procedures for Resolution of Complaints against Staff and Faculty.
- Even if the offending individual is not a student or employee, the University will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

B. Informal Resolution

The Reporting and Responding Parties may agree to pursue an informal resolution to a sexual misconduct complaint. Informal resolution is designed to officially resolve complaints promptly and with the mutual approval of all parties involved. The Title IX Coordinator may also determine that an informal resolution may be an appropriate response at the conclusion of the investigatory process.

The Reporting Party/Complainant and Responding Party/Respondent both must agree with this resolution. Either party can end the informal resolution process at any time, for any reason, and begin the formal resolution process.

Informal resolution may be used in certain cases involving sexual misconduct, such as non-consensual sexual contact and sexually inappropriate behaviors. It is never an option in instances of sexual assault, domestic violence or dating violence. There is no process of appeal for cases resolved in this manner. Formal Resolution may not be initiated after the conclusion of the Informal Resolution.

Election of Formal Resolution

Except in cases where a Formal Resolution hearing has already been denied for not meeting the threshold of an investigation, the Title IX Coordinator, Reporting Party/Complainant, or the Responding Party/Respondent may, **at any time prior to the conclusion** of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

C. Formal Resolution

The University will ensure an investigation, process and proceeding that is balanced, impartial, and fair and provides a guarantee of fundamental fairness to all parties involved without a presumption of responsibility until the completion of an administrative process or hearing. This fairness includes advanced notification of the allegations and charges, notice of all rights and responsibilities under a proceeding, and advanced and equal access to all material evidence and information.

7. Bystander Intervention

Bystanders play a critical role in the prevention of sexual violence. The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual assault, sexual harassment, or other sexual misconduct.

Each situation is unique and each person has different strengths when it comes to intervention.

- Direct intervention: approaching one of the key people involved in the situation and attempting to prevent the situation from escalating further
- Delegating: involving other people to prevent a situation from worsening. This can include recruiting friends, Campus Safety Officers or law enforcement.
- Distracting: altering the flow, interrupting or shifting a situation to prevent something from worsening.

When considering options, it is most important for all IU community members to make the safest choice available to interrupt or intervene in situations that could result in acts of sexual assault, sexual harassment or other sexual misconduct. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

Appendix A

Definition of Roles

Title IX Coordinator

The Title IX Coordinator oversees the University's centralized review, investigation, and resolution of reports of sexual misconduct and coordinates the University's compliance with Title IX. The Title IX Coordinator can be contacted by telephone, email, or in person during regular office hours.

Title IX Coordinator, Geri Larsen, Villa Maria 14J, ext. 3077, glarsen@immaculata.edu

The Title IX Coordinator is:

- Charged with responding to allegations of sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects;
- Responsible for oversight of the investigation and resolution of all reports of sexual assault and/or sexual harassment;
- Knowledgeable and trained in relevant state and federal laws and University policy and procedures;
- Available to advise any individual, including a Reporting Party/Complainant, a respondent, or a third party, about the courses of action available at the University, both informally and formally;
- Available to provide assistance to any University community member regarding how to respond appropriately to reports of sexual assault and/or harassment;
- Responsible for oversight of sexual violence prevention education and employee training;
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- Responsible for compiling annual and semiannual reports.

Deputy Title IX Coordinators

The Deputy Title IX Coordinator assists the Title IX Coordinator with various Title IX implementation activities that involve faculty, staff, and students. The Deputy Coordinator receives reports of sex discrimination and sexual misconduct and is a designated Title IX Investigator responsible for investigating complaints of sex discrimination and sexual misconduct.

Advisors

The Title IX Coordinator maintains a list of faculty and administrators who are available to assist the Reporting Party/Complainant and the Responding Party/Respondent through the investigation and conduct process.

Advisors, who have all received training on the University's student and employee conduct procedures, are available to assist an individual throughout the process. They are available only to inform both the Responding Party/Respondent and Reporting Party/Complainant about the process and assist with procedural questions.

The selection of an Advisor is up to each individual, provided that the Advisor is not be directly involved in the investigation (as a complainant, respondent, or witness, for example).

An Advisor may be present only to provide assistance or consultation, and may not speak on behalf of the Reporting Party/Complainant and/or Responding Party/Respondent or otherwise be an active participant in any meeting.

In keeping with the University's desire to resolve sexual misconduct complaints in a timely manner, the University reserves the right to proceed with any meeting regardless of the availability of the Advisor.

Appendix B

Resources

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a victim/survivor, Reporting Party/Complainant, respondent, witness, or third party, will have equal access to support and counseling services through the University.

The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions and 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, procedural options, and assistance to any 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 and whether it is reported to the University or law enforcement.

Information about on- and off-campus resources are under section On Campus Resources of the *Sexual Assault and Sexual Harassment Policy*. They include counseling, health, mental health, legal assistance, interim measures, and other services available to the Reporting Party/Complainant and the Respondent, both within the institution and in the community.

In general, all interim measures that require action by the University are implemented through the Title IX Coordinator. A confidential resource can also assist with referrals to medical assistance, counseling, campus resources, and provide detailed information about other interim measures available.

A. Education and Prevention Programs

Immaculata University is committed to the prevention of sexual misconduct through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Immaculata's Title IX Coordinator works with the Office of Student Development & Engagement to tailor student programming to meet campus needs and climate.

Prevention and education 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, resources, and reporting options.

Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis.

This Policy is disseminated to the campus community in writing on an annual basis through email and is available on the University's website and in paper form.

B. Emergency support services in the event of sexual assault and sexual harassment and/or intimate partner violence.

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct. This option can provide for physical safety, emotional support, and medical care to the victim/survivor. It is the best option to ensure medical care, if necessary, and may assist in an investigation by preserving potential evidence. The University will offer to escort any Immaculata community member to a safe place on campus, assist in coordination with law enforcement, and provide information about the University's resources and complaint processes.

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

The Crime Victims' Center of Chester County can also assist individuals in obtaining a Protection from Abuse (PFA) order, Sexual Violence Protection order, or Protection from Intimidation order (for minors) from local Pennsylvania authorities. All University community members who obtain a protection order are requested to notify the Department of Campus Safety & Protection to enable the University to provide appropriate assistance. The University will comply with and implement applicable restrictions described in any court- issued protection order.

C. Reporting to External Agencies

Inquiries or complaints about the University's response to a discrimination complaint or its application of Title IX may be directed to one of the following external agencies:

- U.S. Department of Education, Office for Civil Rights, The Wanamaker Building, 100 Penn Square East, Suite 515 Philadelphia, PA, 19107-3323, 215-656-8541, OCR.Philadelphia@ed.gov
- U.S. Equal Employment Opportunity Commission, 1-800-669-4000
- PA Human Relations Commission, 215-560-2496

Appendix C

Accommodating Pregnant Students

Title IX is a federal law that prohibits discrimination on the basis of sex, including pregnancy and parental status in educational programs and activities.

The University cannot discriminate against a student based on pregnancy, childbirth, false pregnancy, or recovery of any these conditions. Title IX also prohibits the University from applying any rule related to a student's parental, family, or marital status that treats students differently based on their gender.

Guidelines:

1. The University and its faculty, staff, and other employees shall not require a student to limit her studies or activities due to pregnancy or pregnancy-related conditions.
2. Students with pregnancy-related disabilities, must be treated under the same policies as any other student with a temporary disability.
3. Pregnant students must be provide the same reasonable accommodations and support services available to other students with similar medical needs so the student will not be disadvantaged in the course of study, research, or activities.
4. The University requires the student to provide a doctor's note to the College Dean in order to receive accommodations.
5. Absences must be excused as long as the doctor deems the absence medically necessary. If a program or course attendance policy allows for a specific number of absences, then medically-necessary absences due to pregnancy, childbirth, or related condition must be removed from that count.
6. Pregnant students who miss classes must be given a reasonable opportunity to make up missed assignments and tests. The make-up assignments and tests must be reasonable equivalent to those missed, but need not be identical.
7. Professors who provide additional points for attendance must give the pregnant student the opportunity to earn back the credit from classes missed due to pregnancy and other related conditions.
8. Participation in internships and other off-campus opportunities or requirements cannot be limited. Professors cannot advise a pregnant student to drop out of a program, take a leave of absence, or change their educational plans due to pregnancy.

Appendix D

Notice of Respondent and Complainant Rights

Title IX is a federal law that prohibits discrimination on the basis of sex, including pregnancy and parental status in educational programs and activities.

The University cannot discriminate against a student based on pregnancy, childbirth, false pregnancy, or recovery of any these conditions. Title IX also prohibits the University from applying any rule related to a student's parental, family, or marital status that treats students differently based on their gender.

Rights of the Reporting Party and Responding Party:

1. Students participating in a Title IX investigation are afforded the same rights of fundamental fairness which are part of the University's student conduct process and include:
 - a. The right to have appropriate notice of violations
 - b. The opportunity to be assisted by an advisor of their choice
 - c. The right to present witnesses in support of or response to matters of fact
 - d. The opportunity to appeal the initial hearing outcome if grounds for appeal are met

2. Additional rights for **all parties** relevant to a Title IX investigation include:
 - a. Simultaneous written notice of investigation
 - b. Notice of Outcome of an investigation
 - c. Notice of Hearing including appeal information
 - d. Right to be informed of options for counseling and support
 - e. Investigators who are trained and have no prior relationship with either party that would render them impartial
 - f. Right to a Title IX Advisor
 - g. Right to a "no contact" order

3. Additional rights for Reporting Party:
 - a. Right to be informed of options to notify law enforcement.
 - b. Right to be notified of options for changing academic or living situation, or other remedies.