

Central Penn College
Title IX and Bias-Related Incident Policy

One Policy One Process Model

2020-2021

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1.0 PHILOSOPHY OF ONE PROCESS

1.1 Introduction

Central Penn College is committed to ensuring a just and humane campus, where all community members have the ability to thrive. At Central Penn College, Student Rights and Responsibilities, under the Center for Equity and Multicultural Affairs, works in partnership with community stakeholders to support the culture of equity and inclusion that is critical to the College's mission and identity. When the behavior of one or more community members challenge the well-being of others, Student Rights and Responsibilities determines, to the extent possible, whether the College's policies related to the Title IX and gender-based misconduct, ADA and disability, race discrimination, hazing, bias and other forms of harassing conduct were violated. In addition, Student Rights and Responsibilities ensures college compliance with federal, state and local laws covering discrimination, harassment, hazing, and gender-based misconduct.

To ensure the college's ability to foster a just and humane campus for all, violations of these policies will not be tolerated. As such, the college community is asked to report incidents that may violate college anti-discrimination and sexual misconduct policies so that efforts can be made to end discriminatory and harassing conduct based on protected characteristics, prevent its reoccurrence and, where possible, address its effects. The College takes reports such as these seriously and is therefore committed to following up on reports of sexual misconduct, harassment and discrimination, of any kind.

1.2 Investigations of Bias-Related Policy Violations

Central Penn utilizes a model based on procedures for investigating alleged violations of civil rights. Civil Rights violations are highly sensitive and emotional, and require thorough investigations to properly and effectively address them. Any investigation of civil rights violations must be responsive to specific context and individual circumstances, while maintaining rigorous standards. A civil rights model is based on an active gathering of information by trained investigators. Investigations are designed to be fair, impartial, thorough and timely. It is not the job of the parties to prove whether a policy was violated, it is the responsibility of the institution to determine whether there is a preponderance of evidence that a College policy was violated.

Investigations involve an active accumulation of information from all relevant sources. Investigators must objectively and impartially collect the pertinent information, confirm its veracity, and analyze the information to understand violations, their causes and effects, and, when necessary, take corrective action. The duration and scope of investigations can vary, as well as the content of final investigative reports. All findings determine the extent to which the parties involved are responsible for violating college policy. Findings may include recommendations on ways to mitigate violations for complainants,

promote accountability for respondents found to have violated policy, stop ongoing abuses, and prevent their reoccurrence. Findings may also include recommendations to the College to address issues found to have contributed to a policy violation.

The standard used to determine whether the College's anti-discrimination and gender based and sexual misconduct policy has been violated is whether it is more likely than not that the respondent violated the policy. This evidentiary standard is often referred to as a "preponderance of the evidence."

1.3 Overview of the Investigation Process

There are stages to the process: receipt of incident reports, intake, and determination of interim measures, including an option for mediation or other options for informal resolution. For all concerns resulting in a full investigation, a Notice of Investigation, including information of rights and options for resolution, is provided to involved parties in writing.

Stage 1: In cases where a full investigation occurs, the Dean of Equity and Multicultural Affairs manages the case and investigators complete the investigative report. Investigators are typically members of the Public Safety Department, however for cases involving employees, and investigator from Human Resources will also be involved.

Stage 2: Once the investigative report is complete, and all involved parties have had the opportunity to review the report and provide comment, the case will be referred to a Hearing Board for review is deemed appropriate. The Hearing Board will consider all relevant information, evidence, and testimony before making a determination. All involved parties will be notified of the board's determination.

Stage 3: If any of the involved parties are unsatisfied with the determination of the Hearing Board, they may formally grieve the determination. Information on the Grievance Process is provided to parties in writing with the notification of determination.

Investigations of alleged violations of College anti-discrimination and/or Gender-based and Sexual Misconduct policies will be completed in as timely a manner as possible after a Notice of Investigation is issued.

1.4 Community Based Process

Members of the Central Penn College community (faculty/staff/student) who serve a role in the investigation and/or resolution process are trained to ethically and equitably implement this process and to offer support. Confidential Resources, Mediators, Investigators, and Hearing Board members may be faculty and staff members trained by the Dean of Equity and Multicultural Affairs or designee on equity, inclusion, confidentiality, and compliance. Each of the One Process roles is specialized and members of the Central Penn community should serve in only one capacity during an academic year. The roles of One Process stakeholders are defined below:

Confidential Resources (CRs): A Confidential Resource is a licensed mental health professional or an employee functioning within the scope of their employment who are supervised by a college employee with a professional license (such as a graduate-level intern). CRs cannot disclose confidential information. These employees can maintain near complete confidentiality regarding issues of discrimination and harassment, including sexual assault. Some limits to confidentiality do apply, and are detailed in [need name of Tom's form]

Mediators: Mediation is a resolution process by which both parties agree to meet with an impartial trained mediator. Impartial and trained mediators from the Central Penn community (faculty/staff/student) develop a resolution process to discuss the incident and attempt to resolve it amicably.

Investigators: Trained investigators from the Central Penn community will interview the complainant, respondent, any witnesses, and any other relevant persons and determine the appropriate order for the interviews. Investigators are trained members of the community including faculty, staff, and external investigators who are appointed and trained by the Dean of Equity and Multicultural Affairs or designee. To the extent possible, one investigator will be the note taker and one will be the interviewer. The college, at its discretion, can contract with external investigators to ensure timely and impartial completion of investigations. It is the responsibility of the investigators to determine the facts of the situation under investigation.

Advisors: Each party has the right to choose and consult with an advisor; the advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. While advisors may provide support at any meeting or proceeding, they may not speak on behalf of the parties or otherwise participate in or in any manner disrupt such meetings and proceedings. Investigators may terminate interviews when advisors violate these terms and conditions for participation in the interviews or proceedings.

Responsible employees: Responsible employees are college employees who have a duty to report incidents of sex discrimination, including sexual assault, rape, intimate partner violence, and stalking. Central Penn College considers all college employees, including contracted staff and student employees, to be Responsible Employees, with the exception of licensed mental health professionals acting within the scope of their job responsibilities. A report to a responsible employee constitutes a report to the College and generally obligates Central Penn to document the incident and take appropriate steps to address the situation.

Mandatory Reporters: All College employees, contracted staff, designated student employees, and Trustees are required to report concerning behaviors, including threats or crimes by employees. In addition, state law requires the reporting of suspected cases of child abuse and neglect. When an employee or trustee becomes aware of an alleged employee crime, child abuse or neglect, the employee must promptly contact Public Safety. In cases of child abuse or neglect, the employee must contact the Title IX Coordinator and the Child Welfare Services hotline. If child abuse or neglect is suspected or disclosed, the reporter should not delay a call to the hotline, even if all the information about the victim or the incident is not readily available. The Pennsylvania Child Abuse Hotline is 1-800-932-0313.

When reporting abuse or neglect, reporters should be prepared to provide a phone number where they can be reached in case the Hotline needs to contact the reporter for additional information.

1.5 Confidentiality

Students who would like to report an incident or speak to someone about something that happened, and desire that details of the incident be kept confidential, should speak with the Campus Counselor or an off-campus resource, such as a rape crisis or domestic violence crisis center, who will maintain confidentiality. Counseling Services is free and available to all students who have experienced discrimination.

Counseling Services shares statistical information regarding sexual misconduct disclosures annually with

the Title IX Coordinator regarding the type of incident and its general location (on or off-campus, in the surrounding area), for publication in the Annual Campus Security Report.

All inquiries, complaints, and investigations are treated with discretion. All information pertaining to a student complaint or investigation is maintained in a secure file.

1.6 Prohibition against Retaliation

The college strictly prohibits retaliation against any person for reporting, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination or harassment. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or permanent dismissal if they are a student. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, or violent that occurs in connection to the making and follow-up of the report.

1.7 Free Expression and Academic Freedom

Central Penn College is committed to free expression and academic freedom. We are also committed to creating and maintaining a safe, healthy, and harassment free environment for all members of our community. These are both legitimate interests but discrimination, intimidation, harassment, and retaliation against members of the community are not considered as protected expression. The College will investigate any alleged retaliation that involves individual statements, expression or speech.

1.8 Immunity

The college encourages the reporting of sexual misconduct. Students who report incidents of sexual misconduct to College officials will be offered immunity from policy violations charges, such as underage drinking at the time of the incident.

1.9 Parental and Institutional Notification

The college reserves the right to notify parents/guardians regarding any health or safety emergency. The college also reserves the right to designate which officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

1.10 Educational Programming

The college offers periodic trainings and educational programs to promote awareness of sexual violence. The frequency of such programs varies per term. For more information students should contact the Title IX Coordinator.

1.11 Clery Act/Federal Statistical Reporting Obligations

All information will be considered confidential to the greatest extent possible. For federal reporting purposes, all personally identifiable information will be kept confidential, but statistical information must be reported to the relevant authorities. Such reporting protects the identity of the complainant and the respondent.

1.12 Other Grievances

The college community benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns regarding the implementation of policies and procedures that govern the institution. All student grievances not involving discrimination and/or gender-based misconduct will be addressed through College Policy 300: Student Grievance Policy. Grievance procedures are outlined in the College Catalog.

2.0 REPORTING OPTIONS AND LEVELS OF CONFIDENTIALITY

2.1 Who Must Report & What Information Must They Disclose

Central Penn's One Process policy makes students, faculty, and staff aware of the various reporting and confidential disclosure options available to them – so they can make informed choices. Central Penn College encourages anyone who experiences any kind of misconduct or discrimination to talk to someone identified in one or more of these groups but to be aware that different employees on campus have different abilities to maintain a complainant's confidentiality.

Licensed mental health professionals and employees functioning within the scope of their employment and who are supervised by college employees with a professional license cannot disclose confidential information. These employees can maintain near complete confidentiality regarding issues of discrimination and harassment, including sexual assault. Some limits to confidentiality do apply, and are detailed in [need name of Tom's form]

All other Central Penn employees – including faculty, staff, contracted employees, and designated student employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Dean of Equity and Multicultural Affairs/Title IX Coordinator

2.2 Confidentiality Requests

Complainants have the right to request confidentiality. When deciding how they want to proceed, complainants must weigh the fact that maintaining confidentiality can impact the college's ability to adequately investigate a particular incident or to pursue appropriate action against the respondent.

A complainant who at first requests confidentiality may later decide to file a complaint with the college or report the incident to local law enforcement, and thus have the incident fully investigated. The Title IX Coordinator will provide the complainant with assistance if the complainant decides to file a complaint.

2.3 Requesting Confidentiality from the College

If a complainant discloses an incident to an employee but wishes to maintain confidentiality or requests that no investigation be conducted or disciplinary action taken, Central Penn College must weigh that request against the college's obligation to provide a safe, non-discriminatory environment for all.

If Central Penn honors the request for confidentiality, a complainant must understand that the college's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent(s) may be limited.

Central Penn College has designated the Dean of Equity and Multicultural Affairs/Title IX Coordinator to evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or request that no investigation or discipline be pursued, the Dean of Equity and Multicultural Affairs/Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the respondent will commit additional acts of sexual or other violence, such as:

- whether there have been other sexual violence complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence;

- whether the respondent threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple respondents;
- whether violence was perpetrated with a weapon;
- whether the complainant is a minor;
- whether the university possesses other means to obtain relevant evidence of the violence (e.g., security cameras or personnel, physical evidence);
- whether the complainant's report reveals a pattern of inappropriate conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the college will likely respect the complainant's request for confidentiality.

If the College determines that it cannot maintain a complainant's confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

Central Penn College will remain mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan.

Central Penn College will also:

- assist the complainant in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the respondent pending the outcome of an investigation) or adjustments for assignments or tests;
- inform the complainant of the right to report a crime to campus or local law enforcement (or not to do so) – and provide the complainant with assistance if the complainant wishes to do so.

2.4 COMMUNITY ALERTS

2.4.1 Registered Sex Offender Information

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the college's Student Services Office is providing a link to the Pennsylvania State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the Commonwealth of Pennsylvania, an offender is required to register under 42 Pa.C.S. § 9795.1(a), (b)(1) or (2)(relating to registration). 42 Pa.C.S. § 9792.

Megan Law's is available via Internet pursuant to Section 42 Pa.C.S. § 9795.1(a), (b)(1) or (2) (relating to registration). 42 Pa.C.S. § 9792. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use

of the information for purposes of intimidating or harassing another is prohibited.

The Pennsylvania State Police does not provide information on sexually violent predators who are still in prison, unless the sexually violent predator was previously registered with the Pennsylvania State Police and subsequently incarcerated after registration.

This registry is not a complete and comprehensive listing of every person who has ever committed any sex offense in Penn, nor does it make information about every sex offender living in Penn available on the Internet. Under Pennsylvania law, before community notification takes place, offenders receive a final classification order from the court following the opportunity for a hearing.

2.4.2 Accuracy of the Information Contained within this Registry

Although the individuals listed on the sex offender registry are initially identified through fingerprinting and photograph submission to the Pennsylvania State Police, it should be understood that positive identification of any individual whose registration record has been made available on the Internet registry can be verified only through the review of a properly executed fingerprint card. By placing this information on the Internet, no representation is being made that the listed individual will not commit any specific crime in the future, nor is any representation being made that if the individual commits an offense that one of the listed offenses will be the offense committed. The Pennsylvania State Police, Megan's Law Section, verifies and updates this information regularly to try and ensure that it is complete and correct. Although efforts have been made to ensure the information is as accurate as possible, no guarantee is made or implied. You are cautioned that information provided on this site may not reflect the current residence, status, or other information regarding an offender.

Follow the link below to access the Pennsylvania State Police:
<http://www.pameganslaw.state.pa.us/EntryPage.as>

2.5 Maintaining a Healthy, Safe Campus

There are various support services available for those who have experienced sexual misconduct or sex discrimination. These support services include:

- **Counseling:** Students who experience any form of sexual misconduct may receive free and confidential counseling. The Campus Counselor offers the highest degree of confidentiality regarding sexual misconduct situations. Other offices will honor privacy, subject to required reporting mandates or concern for the safety of the campus community.
- **Accommodations:** In cases of alleged sexual misconduct, the college will work with the complainant to provide reasonable accommodations during the investigation as necessary.
- **Assistance in Reporting:** Public Safety Department can assist students in making reports to law enforcement if requested. Students can contact the Public Safety Department at 717-728-2364.

When reporting and filing a complaint for a violation of any of these policies, college employees and/or students have the following options:

Students who wish to report a violation of this policy may contact:

- Public Safety Department (717-728-2364)
- Chief Public Safety Director (717-728-2274)
- Title IX Coordinator (717-728-2398)

Employees of the college may report a violation of this policy should contact:

- Their immediate supervisor

- Title IX Coordinator (717-728-2398)
- Director of Human Resources (717-728-2418)

2.6 Reporting to “Responsible Employees”

All Central Penn College employees, including faculty, staff and student employees are considered “responsible employees” and must formally report the incident. Including the details of the incident and the names of the complainant or the person who discloses the incident.

When a complainant tells a Central Penn employee about an incident of misconduct, the complainant has the right to expect the university to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

Central Penn College employees must report to the Dean of Equity and Multicultural Affairs/Title IX Coordinator all relevant details about the alleged incident shared by the complainant and the college will need to determine what happened – including the names of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Central Penn employee will be shared only with people responsible for handling the college’s response to the report. Central Penn employees should not share information with law enforcement without the complainant’s consent, unless the complainant has also reported the incident to law enforcement.

Before a complainant reveals any information to a Central Penn employee, the employee should ensure that the complainant understands the employee’s reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to the Confidential Resource.

If the complainant wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complainant that the college will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Dean of Equity and Multicultural Affairs/Title IX Coordinator, the employee will inform the Coordinator of the complainant’s request for confidentiality.

Central Penn employees will honor and support the complainant’s wishes, to the extent possible. Central Penn employees will not pressure a complainant to make a full report if the complainant is not ready to do so.

3.1

3.0 STAGES OF THE ONE PROCESS COMPLAINT RESOLUTION

3.1 STAGE ONE: RECEIPT OF INCIDENT REPORTS, ENACTMENT OF SUPPORTIVE MEASURES, DETERMINATIONS REGARDING RESOLUTION PROCESS

The Title IX Coordinator, in cooperation with another assigned investigator, will conduct the investigation. The investigators will interview the complainant, respondent, any witnesses, and any other relevant persons and determine the appropriate order for interviews. The investigators may also review any relevant records; including documents, electronic texts, social media, and other information relevant to understanding the facts of the case.

3.1.1 INTAKE

Complainants of sexual misconduct should also be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or imminent danger to members of the campus community. The college will withhold the name of the complainant and will make every effort to ensure that other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

3.1.2 SUPPORTIVE MEASURES

For those who have experienced sexual misconduct or sex discrimination, the college houses various resource support services, which include:

- **Counseling:** students who experience any form of sexual misconduct may receive free and confidential services from the Counseling Office. The campus counselor offers the highest degree of confidentiality regarding sexual misconduct situations. Other offices will honor privacy, subject to required reporting mandates or concern for the safety of the campus community. Should anyone who experiences sexual misconduct, requesting the highest level of confidence, can email cpccounselor@centralpenn.edu
- **Accommodations:** in cases involving alleged sexual misconduct, the college will work with the complainant to provide reasonable accommodations during the investigation as necessary. Some accommodations can include: a change in class schedule, a no contact order, and/or placement change in campus housing.
- **Assistance in Reporting:** the Public Safety Department can assist students in making reports to law enforcement if requested. Students can contact the Public Safety Office at (717) 728-2364 or PubicSafety@centralpenn.edu.

3.1.3 DETERMINATIONS REGARDING RESOLUTION PROCESS

Under its discretion, the institution is able to offer informal resolution options, so long as both parties provide voluntary, informed, written consent to attempt informal resolution. It cannot be required that the parties participate in an informal resolution process and may not offer an informal resolution unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

3.1.4 MEDIATION OR IN/FORMAL RESOLUTION

Informal Resolution Procedures

Some complaints of sexual harassment may be resolved through informal mediation between the parties. The Title IX Coordinator and/or the Director of Human Resources may arrange for or facilitate mediation between the involved parties and coordinate other informal resolution measures.

All proceedings shall be prompt, fair, and impartial throughout the investigation and resolution. Once a report of sex discrimination has been made, informal resolution procedures shall be pursued within 14 calendar days of the completion of the investigation.

Informal Resolution Procedures are optional and may be used when the college determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.

Once the informal resolution procedure is complete, written notification to both parties shall be given by

the Title IX Coordinator (and the Director of Human Resources, in cases involving a student and employee). The college shall take reasonable steps to prevent the recurrence of discrimination or sexual misconduct in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to additional disciplinary action under the Student Conduct Process.

The college will take all necessary steps to remedy the discriminatory effects on the complainant(s) and others. Examples of such remedies may include: order of no contact, residence relocation, adjustment of schedule, etc. If the reporting party is dissatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.

Formal Resolution (Grievance Process) Procedures

Once a complaint of sexual misconduct or sex discrimination has been made by a student, an investigation of the report shall be pursued within 5 calendar days of the initial report. If the alleged incident involves an employee, the Office of Human Resources will be involved in the investigation. The formal resolution procedure will be followed when the College determines it necessary. All proceedings shall be prompt, fair, and impartial throughout the investigation and resolution.

3.2 STAGE TWO: INVESTIGATION

All incidents of sexual misconduct or retaliation should be reported to one of the college officials previously listed. The Title IX Coordinator will authorize a conduct hearing as appropriate based on an investigation conducted by one or more of the college's designated Title IX Investigators.

To ensure a prompt and thorough investigation, the complainant should provide, to the extent possible, the following information in a written statement:

- The name of the person or persons allegedly causing the sexual misconduct, discrimination, harassment, or retaliation;
- A description of the incident(s), including the date(s) and location(s);
- The presence and name(s) of any of any witnesses;
- Any other information the complainant believes to be relevant to the discrimination, harassment, or retaliation.

Students alleged with violating this policy may be subject to temporary measures such as adjustments to living arrangements, class schedule, etc. until the complaint is resolved. In cases where a respondent's actions may pose a serious safety risk to the campus community, the student may be subject to an Interim Separation. These actions are not a presumption of responsibility for violation of this Policy.

3.2.1 TIMELINE FOR INVESTIGATION

The investigation shall be concluded within 14 calendar days, unless reported during or immediately preceding a term break, in which case an additional 7 calendar days may be required to complete the investigation. The investigation may include any of the following: interviews of the parties involved, including witnesses, review of security camera footage and evidence, and the gathering of other relevant information.

When a formal complaint is made, a hearing shall be scheduled within 10 calendar days of the conclusion of the investigation outlined above. The purpose of the hearing is to determine

responsibility for any alleged violations. Hearings take place before a Hearing Panel, which is comprised of at least three trained faculty and staff members.

3.2.2 INVESTIGATIVE REPORT

Once an investigation is officially declared, the investigators will gather any and all evidence surrounding all allegations made. After compiling all necessary facts, the investigators will draft an investigative report, that will ultimately be used by the hearing board at the live hearing. The investigative report outlines all parties, witnesses, facts and evidence.

3.2.3 OPPORTUNITY FOR REVIEW AND COMMENT

The investigators will submit a draft of the investigative report, where it is then made available to the complainant and the respondent. Any statements of fact that need to be addressed in the report are discussed prior to the final report being issued.

3.3 STAGE THREE: HEARING BOARD

The hearing board is comprised of hand-selected college constituents, who have been trained to serve in this capacity. A copy of the investigative report is given to the hearing board prior to the live hearing, where each board member has the opportunity to review the allegations, evidence, parties and witnesses.

3.3.1 HEARING

During a hearing in relation to sexual misconduct, the institution must conduct a live hearing. At the live hearing, the hearing board must permit each party's advisor to ask the other party and any witnesses all relevant questions and appropriate follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually with technology enabling participants to simultaneously see and hear each other. The institution must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing board and parties to simultaneously see and hear the party answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other questions, the hearing board must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, the college is obligated to provide without fee or charge to that party an advisor of the school's choice, who may be, although not required to be, an attorney, to conduct cross-examination on behalf of that party. It is important to note that advisors cannot hold a personal relationship with the party in which they are representing.

In the event a party or witness does not submit to cross-examination at the live hearing, the hearing board must not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the hearing board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Title IX Coordinator or designee.

3.3.2 DETERMINATION & SANCTIONING

Standard for Determining Responsibility

The standard used to determine accountability will be a preponderance of the evidence standard - whether it is more likely than not that the respondent has violated the Sex Discrimination / Sexual Misconduct Policy. All students found responsible for violating this policy will be disciplined up to and including permanent dismissal from the college.

Consequences

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination or sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, change in schedule, or interim separation from campus pending a hearing.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions, ranging from a formal warning to permanent dismissal, depending on the severity of the offense.

Any member of the college community found responsible for a violation of the Sex Discrimination / Sexual Misconduct Policy will be subject to disciplinary action, up to and including termination of employment if they are an employee and/or permanent dismissal if they are a student.

Sanctions

Sanctions in sexual misconduct cases will be levied commensurate with the degree of misconduct and may be imposed by any authorized official of the college, namely the Title IX Coordinator or designee, or through the hearing and appeal processes. Students will be notified of sanctions in writing within three business days by the Title IX Coordinator or designee. Common sanctions are detailed below; however, hearing administrators may recommend and assign alternative sanctions.

- **Disciplinary Probation:** This is a more severe sanction than a warning that stipulates a period of time during which the student must demonstrate acceptable patterns of behavior. Further violations of any College regulations, no matter how minor, can result in more severe disciplinary action, including possible suspension from campus housing or permanent dismissal from the College. The student may need to adhere to other stipulated

requirements, such as revocation of guest privileges or removal from extracurricular activities.

- **Social Probation:** This action stipulates a period of time during which the student must demonstrate acceptable patterns of behavior. Involvement in extracurricular activities is restricted. This would include the use of the Pool Area or other specified facilities, athletics, and/or campus organizations. When students are placed on social probation, guest privileges are suspended to the point that students may not have any guests nor may they be a guest in any other campus residences.

- **Suspension/Permanent Dismissal from Campus Housing:**
 - Suspension from his/her assigned campus residence. The student will receive a housing reassignment and be placed as near to residence life staff as possible.
 - Suspension from living in any campus residence. The student will be excluded from living in any campus housing. Prepayment for housing is forfeited. Also, the student's financial obligation of the lease continues. Any further violation will result in immediate permanent dismissal from the College. In addition to this sanction, a student may be issued a full or limited no trespass order by the Director of Public Safety, Disciplinary Officer, or Judicial Committee.
 - Suspension from entering any Central Penn residence. During the period for review and observation, a commuting student who violates a policy, rule, regulation, or order of a duly authorized Central Penn official is subject to exclusion from campus at the end of the student's academic day and prohibited from entering any campus housing. In addition to this sanction, a student may be issued a full or limited no trespass order by the Director of Public Safety, Disciplinary Officer, or Judicial Committee.

- **No Trespass Order**
 - Limited Access to College Property: This means a student is only permitted in the academic buildings for academic purposes, and is not permitted in or around other College-owned property, including any campus residence, for any reason.
 - Full No Trespass Order: This means a student is not permitted in any academic buildings and is not permitted in or around College-owned property, including any campus residences, for any reason.

- **Disciplinary Suspension:** Disciplinary suspension precludes a student from registration, class attendance, and use of Central Penn facilities for up to two terms. Disciplinary suspension is recorded for the term of suspension in the student's academic record. Upon termination of the suspension, the student shall be allowed to register in compliance with the College's standards. A student's academic eligibility to return is subject to review by the Academic Affairs office regardless of judicial standing.

- **Disciplinary Dismissal:** Disciplinary dismissal is the cancellation of the student's registration and all permissions and privileges related thereto by an authorized disciplinary official of the College. Dismissal is permanently recorded in the student's academic record. A student who has been dismissed through disciplinary action is not eligible for readmission earlier than four terms following dismissal, and then only with the approval of the Vice President of

Enrollment Management, or designee.

- **Permanent Dismissal:** Permanent dismissal is the cancellation of the student's registration and all permissions and privileges related thereto by an authorized disciplinary official of the College. Permanent dismissal does not permit the student to register, attend classes, become eligible for re-admission or use any Central Penn facilities. Permanent dismissal is permanently recorded on the student's academic record.
- **Other Possible Sanctions:** Specific sanctions may be required to correspond with specific offenses. All sanctions remain on file as part of the student's record.

Even if law enforcement authorities do not prosecute college members, the college can pursue disciplinary action. In cases when students face criminal charges or are the subject of a criminal investigation, the college's conduct procedure may be initiated at any time during such investigation or criminal proceedings. Any member of the college community found to be harassing or intimidating others who have filed sex offense complaints face additional, serious disciplinary consequences.

Notification of Outcomes

The outcome of a campus hearing is part of the education record of the accused student and is protected from release under the Family Educational Rights and Privacy Act. However, the college observes the legal exceptions as follows: Complainants in nonconsensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have a right to be informed of interim actions and the outcome and sanctions of a hearing, in writing, without condition or limitation. Notifications will be made to both the Complainant and Respondent at the same time.

3.4 STAGE FOUR: RIGHT TO APPEAL

After a determination has been made by the hearing board, both parties have the right to appeal from a determination regarding responsibility, and from the institution's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonable available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, investigator(s), or hearing board had a conflict of interest or bias that affected the outcome of the matter.

The college may offer an appeal equally to both parties on additional bases.

4.0 GENDER-BASED AND SEXUAL MISCONDUCT POLICY

Central Penn College maintains the principle that the campus should be a place of work and learning, free of all forms of gender discrimination, sexual harassment, intimidation, exploitation, and sexual misconduct. Title IX of the Educational Amendment Act of 1972 states 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 assistance. In compliance with Title IX and the Violence Against Women Act, Central Penn's policy ensures consistent procedures and provides coordinated resources

for victims of sexual violence.

The college prohibits sex discrimination in all its forms and considers it to be a serious offense. This policy includes all forms of sex discrimination, including, but not limited to: sexual harassment, sexual assault, sexual misconduct, stalking, intimate partner violence, and retaliation for reporting. In order for individuals to engage in sexual activity of any type with each other, there must be clear mutual consent.

4.1 Statement of Nondiscrimination

Central Penn College prohibits discrimination on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, protected classes, and any other criterion specified by federal, state or local laws. Any activity or behavior from a Central Penn College student, staff, or faculty member that intends to harass, marginalize, defame, or harm individuals and/or groups on the basis of any of the aforementioned criterion, within or outside of the college community will be deemed a violation under the code of conduct. Central Penn College affirms an environment of diversity, inclusion, and equity among all internal and external constituents of the college.

4.2 Definitions and Dimensions of Gender-Based and Sexual Misconduct

Definitions and Dimensions of Gender-Based Misconduct

Gender-based misconduct is the umbrella term for a wide range of behaviors that violate community standards and are therefore, inappropriate. We use the term sexual misconduct when actions are gender-based, but manifest themselves in sexual actions.

Coercion: Coercing someone into sexual activity is a violation of the college's sexual misconduct policy. Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that causes another individual to engage in unwanted sexual behavior. Coercion is differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation, and the initiator's knowledge that the pressure is unwanted.

Consent: According to the American College Health Association, consent is a voluntary, sober, enthusiastic, creative, wanted, informed, mutual, honest and verbal agreement to engage in sexual contact. Lack of consent is the critical factor in any incident of Sexual Misconduct and Sexual Violence.

- Consent must be informed, freely and actively given through clear communication between all persons involved in the sexual encounter
- Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.
- Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.
 - When alcohol or other drugs are being used, someone will be considered unable to give valid consent if they cannot appreciate who, what, when, where, why or how of a sexual

interaction.

- If you have sexual activity with someone you know to be--or should know to be--mentally or incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
- This policy also covers someone whose incapacity results from sleep, involuntary physical restraint, or from the taking of a so-called "date-rape" drug.
 - Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person for the purpose of inducing incapacity is a violation of this policy.

Gender based discrimination: actions that deprive members of the community of educational or employment access, benefits or opportunities on the bases of gender.

Gender identity: a person's identification with masculine, feminine, or other gender characteristics. These characteristics need not correspond to the sex assigned to that person at birth. A person's expression of gender identity may include manners of dress, styles, tones of speech or physical gestures.

Gender identity discrimination: denying access to College education programs, services or employment opportunities, determining opportunities for advancement and pay increases, or creating a hostile institutional environment for someone because of that person's gender identity.

Sex discrimination: includes all forms of: sexual harassment, sexual misconduct, and sexual violence by employees, students, or third parties against employees, students, or third parties. Sex discrimination also includes stalking and intimate partner violence. Students, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the college campus and whether or not the incidents occur during working hours.

Sexual misconduct, including sexual assault, is defined as deliberate contact of a sexual nature without the other parties' consent. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under College policy. These behaviors, all of which constitute sexual misconduct include:

Nonconsensual sexual contact: engaging in any sexual contact other than intercourse with another person without that person's consent and/or cognizance. It includes any non-consensual sexual contact, including sexual touching with any object by a man or a woman upon another person without consent, making any person touch you or themselves in a sexual manner, improper touching of intimate body parts (including, but not limited to, genitals, buttocks, groin, or breasts), and non-consensual removal of another's clothing.

Nonconsensual intercourse: any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent and/or cognizance. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or coercing another person to have sexual intercourse against his/her will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is under the influence of alcohol or other drugs, is undergoing physical or emotional trauma, is less than 17 years of age, or is otherwise incapable of denying or giving consent (for example, when an individual is in an unconscious or semi-conscious state).

Sexual Exploitation: non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: prostituting another person, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as letting other parties hide to watch you having consensual sex, or deceiving a partner about the presence of contraceptives such as birth control or condoms), engaging in voyeurism, and knowingly transmitting an STD or HIV to another.

Sexual and Gender-based Harassment: Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- submission to such conduct is made—either implicitly or explicitly—a term or condition of an individual's employment or academic status;
- submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
- Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an individual employment or education related opportunity, if the individual refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation or physical contact or touching another individual.
- Displaying pornographic or sexually oriented materials.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward an individual and persisting despite the individual's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal movement.
- Retaliation for making harassment reports or threatening to report harassment.

Gender-based harassment is also prohibited. It includes but is not limited to acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, including gender expression or sexual orientation, even if those acts do not involve conduct of a sexual nature.

Sexual and gender-based harassment can involve males or females being harassed by members of either sex. Although harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Sexual and gender-based harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual or gender-based harassment even if one of the incidents considered separately would not rise to the level of harassment.

Retaliation

The college strictly prohibits retaliation against any person for reporting, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination or harassment. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or permanent dismissal if they are a student. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, or violent that occurs in connection to the making and follow-up of the report.

Intimate Partner Violence

Intimate partner violence refers to violence committed by a person, (a) who is or has been in a social relationship of romantic or intimate nature with the complainant; and (b) where the existence of such a relationship shall be determined based on a consideration of the following: the length of relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Intimate partner violence also encompasses domestic violence. The term “domestic violence” includes felony or misdemeanor crimes committed by the current or former spouse of the complainant, by a person whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Other Misconduct Offenses (fall under this policy when sex or gender-based)

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm, or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as written, verbal; or physical conduct that adversely affects the ability of one or more members of the community to participate in or benefit from the school’s educational programs or activities. Such conduct places an individual in reasonable fear of physical harm. Such conduct places an individual in reasonable fear of physical harm. Workplace bullying is repeated mistreatment of one or more persons by one or more individuals. The conduct is abusive because it threatens, humiliates, intimidates, interferes with or sabotages an individual’s work. Workplace bullying results in stress-related, physical, emotional, economic or psychological harm. Bullying in violation of the College’s non-discrimination policy means that the harassing conduct is based on an individual’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression.

5.0 BIAS-MOTIVATED OFFENSEIVE CONDUCT, DISCRIMINATION AND HATE CRIMES

5.1 Introduction

The College is committed to fostering an environment, both work and educational, free of racial harassment, discrimination, and hateful conduct. Our community is called by mission, values, and law to reject all forms of racial and/or ethnic harassment, discrimination, hate, and violence. Central Penn College prohibits any member of the community, including faculty, staff, administration, students or campus visitors, whether they are guests, patrons, independent contractors or clients, from discriminating against another person or member of the College community. The policy of non-discrimination aligns with federal and state laws including Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, and the Pennsylvania Human Relations Act.

All members of the college community should be aware that whether any conduct constitutes harassment or bias motivated conduct may depend, in part, on how that conduct is viewed by the person who is subject to the adverse conduct. Any person who initiates or persists in this type of prohibited conduct assumes the risk that the person who is the object of the conduct may view such behavior as unwelcome or offensive. Thus, a person who initiates or persists in this type of conduct could be subject to discipline even if such behavior might not have been intended to be offensive, provided that the conduct meets the definitions of prohibited discrimination, harassment or bias-motivated conduct as defined in these policies.

The College's non-discrimination policy covers faculty, staff, students and administrators. The policy as applied to employees prohibits discrimination based on race, color religion, sex, gender, national origin, disability or gender identity. These policies apply equally to all members of our community regardless of sex, gender, sexual orientation, gender identity, race, ethnicity, nationality, disability or age of any of the individuals involved.

5.2 Definitions

Discrimination is any distinction, advantage or detriment to an individual compared to others that is based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, religion or sexual orientation. Under this policy, discrimination is defined as conduct that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the institution's educational program, activities or work obligations.

Discrimination may also involve a supervisor or person in authority making employment decisions related to hiring, firing, transferring, promoting, demoting, changing benefits, compensation or other terms and conditions of employment because of an employees' protected class status.

Racial and/or ethnic harassment, including hate crimes and racial/ethnic discrimination, is conduct directed against any person or group of persons based on race, ethnicity, color or national origin that harms or creates an offensive, demeaning, intimidating or hostile environment for that person or group of persons. Harassment may be oral, written, and/or physical conduct. Such conduct includes but is not limited to objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm.

Hate Crimes are criminal offenses that are motivated in whole or in part by the offender's bias toward the victim's actual or perceived race, religion, disability, sexual orientation, nationality, gender or

ethnicity. Hate crimes are not limited to actual crimes but may also be threatened or attempted crimes; and may include assault and battery, vandalism, or other destruction of property, or verbal threats of physical harm. Harassment or intimidation may also be a hate crime when intended to deprive or interfere with a person's civil rights. A person who initiates or persists in this type of conduct could be subject not only to disciplinary proceeding of the university, but also to criminal prosecution.

Racial and/or ethnic discrimination is conduct that serves to limit the social, political, economic, employment or educational opportunities of particular groups or individuals solely on the basis of their race and/or ethnicity.

Racial and/or ethnic harassment is further defined as conduct that:

- Is directed at an identifiable person(s), and insults or demeans the person(s) to whom the conduct is directed, or abuses a power or authority relationship with that person on the basis of race, color, ethnicity, or national origin by the use of slurs, epithets, hate words, demeaning jokes, derogatory stereotypes, and similar action; and/or
- Is intended to inflict direct injury on that person or persons to whom the conduct is directed; and/or
- Is sufficiently abusive or demeaning so severe or pervasive as to create a hostile environment; and/or
- Occurs in any context or location such that an intent to inflict direct injury may reasonably be inferred; and/or
- Is intended to affect negatively the work or educational environment in a way that makes the treatment of the affected party unequal with respect to his or her proper functioning, opportunities for promotion and development because of his or her race, color, ethnicity, or national origin; and/or
- Is intended to damage or destroy, or damages or destroys private property of any member of the college community or guest because of that person's race or ethnicity with the purpose of making the educational, work or living environment hostile for the person whose property was damaged or destroyed.

5.3 Notification of One Process concern

Following a recommendation from the Office of Equity and Multicultural Affairs, a Notice of One Process Concern (NOC) will be issued in response to a discrimination complaint that is not scheduled for investigation. The notice summarizes the complaint and offers the respondent the opportunity to respond to the allegations in writing. A Notice of Concern is sent to both parties. A NOC may trigger an investigation if either the complainant or the respondent makes such a request.

6.0 STUDENTS WITH DISABILITIES

The American with Disabilities Act, as amended and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination based on ability. Central Penn College strives to create an environment that is accessible to its entire community and does not discriminate against individuals on the basis of physical or mental disability. Accessibility is not limited to physical spaces but includes the following basic rights:

- Access to services, programs, and any events and activities organized by Central Penn College
- Access to information from Central Penn College as readily as others are able to access it
- The expectation of the same level and quality of service from Central Penn College that others receive

To ensure equal access, and realizing that equal does not always mean the same, the University is committed to providing reasonable accommodations, including appropriate auxiliary aids and services, academic adjustments (inside or outside the classroom), and/or modification to the University's policies and procedures, to qualified individuals with disabilities, unless providing such accommodations would result in an undue burden or fundamentally alter the nature of the relevant program or activity.

7.0 COORDINATION WITH LAW ENFORCEMENT

When necessary and appropriate, the institution may contact any law enforcement agency that is conducting its own investigation to inform them that a College investigation is also in progress. The Office of Equity and Multicultural Affairs may seek to ascertain the status of the criminal investigation and to ascertain in the extent to which any evidence collected by law enforcement may be available to the institution in its investigation.

8.0 FILING AND RECORD KEEPING

Student Rights and Responsibilities, under the Office of Equity and Multicultural Affairs, will maintain complaint files, electronic files and complaint log. Reports will be maintained in a locked filed cabinet for a period not to exceed three years. Files will then be stored in a secure location. Reports will be issued to One Process stakeholders and President's Cabinet. Summary reports will be filed to comply with state, local and federal laws.

9.0 PERIODIC REVIEW OF ONE PROCESS POLICY

To ensure that enforcement of college standards governing discrimination and sexual misconduct are fair, reasonable, available to all members of the community and in compliance with relevant federal, state, and local laws, these policies will be reviewed annually by the Office of Equity and Multicultural Affairs and Diversity Inclusion Committee. Changes to the policy must be reviewed and approved by the President's Cabinet and Board of Directors.

APPENDIX A: RIGHTS OF COMPLAINANTS AND RESPONDENTS

The college will consider the concerns and rights of both the complainant and the respondent. The Title IX Coordinator will review a statement of rights with both parties at the beginning of the investigatory process.

The complainant and respondent have the right to a timely process and resolution. At the conclusion of the hearing process, the college will provide written notification to the complainant and the respondent involved of the outcome and resolution of the hearing within 3 business days.

Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The letter of appeal should be submitted according to the standard appeal process outlined in the Student Handbook.

APPENDIX B: BYSTANDER INTERVENTION TIPS

Prevention of sexual misconduct requires a commitment from all members of the campus community to promote a campus climate in which individuals are educated and empowered to

intervene if it is safe to do so. To assist in this effort bystanders are encouraged to **ACT**:

- **Acknowledge something is wrong**
 - Notice the event. Pay attention to what is going on around you.
 - Determine if someone needs help. Error on the side of caution and investigate.
 - Take responsibility. Do not assume someone else will do something. Have the courage and confidence to act.
- **Consider your options**
 - Direct. Directly address the situation. Step in and say or do something to stop the situation.
 - Distract. Find a way to redirect the attention toward something else to diffuse the situation.
 - Delegate. Work with someone else or find someone better equipped to address the concern.
- **Take action!**
 - Be safe! Do not put yourself in a dangerous situation. If you need to, call Public Safety rather than intervening yourself.
 - Don't wait! Intervening early can avoid a small problem from growing into an even bigger, more harmful problem.
 - Good job! Remember that any action taken to help is important and valuable.

APPENDIX C: RECCOMENDATIONS FOR STUDENTS WHO HAVE EXPERIENCED SEXUAL MISCONDUCT

- **Get to safety as soon as possible.** Do not stay where the misconduct occurred.
- **Seek medical attention as soon as possible.** A physical exam should be conducted by a SANE nurse within 72 hours of the assault. Having a sexual assault exam does not mean you are mandated to press charges, but will be helpful in your case should you choose to press charges later. Take a full change of clothing, including shoes, for use after a medical examination.
- **Preserve physical evidence.** Do not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bring all the original clothing to the hospital in a paper bag. (Plastic bags may damage evidence.) Preserving evidence does not mean you are mandated to press charges, but will be helpful in your case should you choose to press charges later.
- **Seek Counseling.** Request to speak with the campus counselor or a rape-crisis advocate for confidential support.
- **Report.** Reporting the incident does not mean you are mandated to press criminal charges. Reports made to college officials do require investigation. A student can initiate a complaint by contacting:
 - Public Safety Department (717-728-2364)
 - Title IX Coordinator (717-728-2398)

APPENDIX D: PREGNANT AND PARENTING STUDENTS

Central Penn College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited, and Central Penn College ensures the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. Students requiring accommodations related to pregnancy, loss of pregnancy, or the arrival of a new child (birth, foster, or adopted) should contact the Title IX Coordinator at compliance@centralpenn.edu for assistance.

APPENDIX E: FALSE REPORTS

The college will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Students who submit falsified complaints are subject to disciplinary action and sanctioning.