

**Chatham University's Title IX Policy Regarding Sex Discrimination, Sexual Harassment,  
and Other Forms of Sexual Misconduct**

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# **Chatham University's Title IX Policy Regarding Sex Discrimination, Sexual Harassment, and Other Forms of Sexual Misconduct**

## **I. Scope of Policy**

Chatham University is committed to providing a safe learning and working environment free from discrimination and harassment on the basis of sex. Title IX of the Education Amendments of 1972 prohibits the University from discriminating on the basis of sex in its education program or activities. All University proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act (as amended by VAWA) the Family Educational Rights and Privacy Act (FERPA), Title VI, Title VII, and other state and federal law, as may be applicable. No information shall be released from such proceedings except as required or permitted by law and University policy

*Who does this policy apply to?*

This policy applies to all employees, students, volunteers, vendors, and visitors of the University.

*Where does this policy apply?*

This policy applies to reported Sex Discrimination that occurs under the University's education program or activity, against a person in the United States. Such conduct includes but is not limited to reported Sex Discrimination that occurs in any building owned or controlled by a student organization that is officially recognized by the University, and conduct that is subject to the University's disciplinary authority. This policy also applies to address a sex-based hostile environment under the University's education program or activity, even when some conduct reported to be contributing to the hostile environment occurred outside the University's education program or activity or outside the United States.

In situations not covered above, but where the Sex Discrimination undermines the security of the University community or the integrity of the educational process or poses a serious threat to self or others, other applicable University procedures for general misconduct may be applied.

*What happens if there is a report that someone violated this policy?*

The University reserves the right to take whatever measures it deems necessary in response to an allegation of Sex Discrimination in order to protect the rights and personal safety of students, employees, and other members of the University Community. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of Sex Discrimination will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the Complainant and the Respondent.

When the University has Notice<sup>1</sup> of Prohibited Conduct as defined by this Policy, the University will promptly respond to individuals who experience the Prohibited Conduct by offering supportive measures; follow a fair grievance procedure to resolve Prohibited Conduct allegations when a Complainant requests an investigation or the Title IX Coordinator decides on the University's behalf that an investigation is necessary; and provide remedies to those who experience Prohibited Conduct.

For purposes of the University's process, the subject of the Prohibited Conduct is referred to as the Complainant, and the alleged perpetrator of the Prohibited Conduct is referred to as the Respondent. The Complainant may or may not be the reporter of the Prohibited Conduct. Both the Complainant and the Respondent are referred to as the parties for purposes of this process.

The University will treat Complainants and Respondents equitably. The University presumes that the Respondent is not responsible for the reported Sex Discrimination until a determination is made at the conclusion of its grievance procedures.

### *Privacy*

Information received in connection with the reporting, investigation, and resolution of allegations under this policy will be treated as private and will only involve individuals the University determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate University functions, or when the University is required to provide information under the law. This includes but is not limited to when the University obtains prior written consent from a person with the legal right to consent to the disclosure, disclosure to authorized legal representatives with the legal right to receive disclosures on behalf of the person they represent, and as otherwise required to comply with state and federal law.

The University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures, including the unauthorized disclosure of information and evidence obtained solely through these grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

### *Maintenance*

This policy is managed by the Title IX Coordinator of Chatham University, and may be updated from time to time. The Title IX Coordinator will monitor the University's education program or activity for barriers to reporting Sex Discrimination and will take steps reasonably calculated to address such barriers.

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<sup>1</sup> The University's duty to act under Title IX is triggered when it has Adequate Notice of conduct that may be a violation of this policy reported. The University has Adequate Notice when a Responsible Employee has information about conduct that reasonably may constitute Sex Discrimination. Responsible employees are required to report conduct that may constitute sexual discrimination to the Title IX Coordinator.

## **II. Non-Discrimination Notice and Designation of Title IX Coordinator**

The University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admissions and employment.

The Title IX Coordinator has been designated and authorized to coordinate the University's efforts to address sex discrimination. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person who experienced the conduct that could constitute sex discrimination or sexual harassment), at any time including non-business hours by contacting the Title IX Coordinator as follows:

Campus Title IX Team  
Interim Title IX Coordinator  
Joe Hall  
TitleIX@chatham.edu or 814-332-3085.

Deputy Coordinators for Students  
Chris Purcell, Ph.D., Vice-President of Student  
Affairs and Dean of Students  
412-365-1482 or c.purcell@chatham.edu

Deputy Coordinator for Athletics  
Leonard Trevino, Vice President of Athletics  
412-365-1650 or ltrevino@chatham.edu  
Assistant Deputy Coordinator for Athletics  
Danielle Pais, Assistant Director of Athletics  
& Facilities  
412-365-1625 or d.pais@chatham.edu

Deputy Coordinator for Faculty and Staff  
Kristen Bell, Executive Director of Human Resources  
412-365-1680 or K.Bell@Chatham.edu

Inquiries about Title IX may also be directed to the U.S. Department of Education's Office for Civil Rights by contacting 1-800-421-3481 or emailing ocr@ed.gov.

While this Policy concerns discrimination on the basis of sex, gender, gender identity, and sexual orientation, and pregnancy or related conditions, a complete Notice of Non-Discrimination regarding all protected traits can be found on the University's website:  
<https://www.chatham.edu/legal-and-policies/non-discrimination-policy.html>

## **III. Prohibited Conduct Under This Policy**

## A. Sex Discrimination

Sex Discrimination under this policy includes discrimination on the basis of:

- Sex stereotypes;
- Sex characteristics;
- Pregnancy or related conditions;
- Sexual orientation, and;
- Gender identity.

## B. Sex Based Harassment – Title IX

There are six types of prohibited conduct that qualify as “sex based harassment” under Title IX, each of which is defined more specifically below: (1) quid pro quo, (2) hostile environment conduct, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking. The definitions used here are required by federal regulations.

Sex Based Harassment– Title IX is any of the following:

- (1) *Quid Pro Quo* - Conduct on the basis of sex where a University employee conditions the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- (2) *Hostile Environment Harassment* - Unwelcome, sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the University’s program or activity.
  - a. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: the degree that the conduct affected the Complainant’s ability to access the University’s educational program or activity; type, frequency, and duration of the conduct; ages, roles, previous interactions and other relevant factors about the parties; location and context of the conduct; and other sex-based harassment in the program or activity.
- (3) “Sexual Assault” is engaging or attempting to engage in one of the following activities with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity:
  - a. Sexual penetration (anal, oral, or genital), including penetration with a body part (e.g. penis, finger, hand, or tongue) or an object, however slight;
  - b. Intentional touching of the intimate body parts of another, or intentional touching with one’s intimate body parts, for the purpose of sexual gratification. Intimate body parts include but are not limited to, the mouth,

- neck, buttocks, anus, groin, genitalia, breast, or the clothing covering these parts; however, sexual contact can occur with any part of the body;
- c. Sexual intercourse (anal, oral, or genital) when prohibited by state law, including sexual intercourse between individuals who are not permitted to marry, and sexual intercourse with a person who is under the statutory age of consent.
- (4) “Dating violence” means violence committed by a person on the basis of sex:
- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship;
    - ii. The type of relationship;
    - iii. The frequency of interaction between the persons involved in the relationship.
- (5) “Domestic violence,” which is defined to include felony or misdemeanor crimes of violence committed on the basis of sex:
- a. by a current or former spouse or intimate partner of the victim;
  - b. by a person with whom the victim shares a child in common;
  - c. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - d. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or
  - e. by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- (6) “Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to:
- a. Fear for his or her safety or the safety of others; or
  - b. Suffer substantial emotional distress.

### **C. Stalking – Non Title IX**

Stalking – Non Title IX includes conduct that would meet the definition of Stalking under Section III(B), except that it is not on the basis of sex.

### **D. Sexual Exploitation**

Sexual Exploitation is taking advantage of another’s sexuality in a non-consensual manner. Examples of Sexual Exploitation include, but are not limited to:

- The non-consensual viewing of nudity of another;
- The non-consensual streaming of images of sexual activity;
- The non-consensual sharing or posting of nude images of another;

- The non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy (such as restrooms or locker rooms) even if the images do not capture nudity;
- Intentionally exposing one's genitals to another person in non-consensual circumstances;
- Knowingly exposing another to a sexually transmitted disease under circumstances that could reasonably lead to transmission of the disease; and
- Inducing incapacitation of another via drugs and/or alcohol for purposes of making that person vulnerable to non-consensual sexual conduct or non-consensual sexual contact.

## **E. Retaliation**

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation. A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **IV. Related Definitions**

### **A. Consent**

Consent is a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. It must be given by a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment. Consent may be expressed either by words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. It is the responsibility of the person who initiates the sexual activity to ensure that consent is obtained from the other person or persons involved in the sexual activity before the activity occurs. If consent of one participant is unclear at any time, it is the responsibility of the other participant(s) to ensure that consent is present before beginning or continuing the activity.

Additional considerations include:

- Lack of protest or resistance is not consent. Nor may silence or inaction, in and of itself, be interpreted as consent.
- Previously consensual sexual activity does not imply consent to future sexual activity.



- Consent must be obtained for every sexual activity. Consent to one form of sexual activity does not constitute consent to all forms of sexual activity.
- To give consent, one must be of legal age.
- Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until consent is reestablished.
- Consent cannot be obtained by the use of physical force, threats of physical force, physically intimidating behavior, or coercion.
- Consent cannot be given by an individual that is incapacitated.

## **B. Coercion**

Coercion is unreasonable pressure for sexual activity that significantly compromises the voluntary nature of an individual's participation. Examples of coercion include but are not limited to threatening to harm oneself if the other person does not engage in sexual activity, or threatening to blackmail an individual if they do not engage in sexual activity.

## **C. Incapacitation**

Incapacitation is a state in which an individual's decision-making ability is impaired to the point that the individual is unable to understand the nature or consequences of their actions.

Incapacitation may result from:

- Sleep or unconsciousness
- Temporary or permanent mental or physical disability
- The influence of alcohol, drugs, medication, or a combination of any of these substances.

Incapacitation is more than mere intoxication. An individual is incapacitated if they cannot understand the "who, what, where, when, and how" of the sexual activity.

In circumstances involving an incapacitated Complainant who otherwise appears to have consented, the Respondent will not be held responsible for not obtaining consent unless the Respondent knew or reasonably should have known that the Complainant was incapacitated. The relevant standard is whether a sober, reasonable person in the same position should have known that the Complainant was incapacitated. For purposes of an incapacitation analysis, it is irrelevant whether the Respondent was incapacitated.

## **V. How To Address Prohibited Conduct: Options and Resources**

If you or someone you know has experienced Prohibited Conduct, the first concerns to be addressed should be to make sure the individual is safe and has access to medical care if needed. Chatham University's Campus Safety can provide a safety transport and assist in obtaining emergency medical assistance. Emergency assistance can also be accessed by dialing 911.

Once the individual is safe, there are three primary considerations that should be addressed:

1. The individual should consider whether they want to access resources, either on campus or off campus, to get assistance. Emergency medical assistance can be reached by dialing 911 or contacting Campus Safety at 412-365-1111 or 911.
2. Evidence should be preserved so that it is available if needed for purposes of a University investigation and/or a criminal investigation.
3. The individual should consider whether to make a report to the University, to law enforcement, both, or neither. Note that employees of the University, unless they have been designated as “Confidential Resources” according to this Policy, are required to report all Prohibited Conduct to the Title IX Coordinator as soon as possible after learning of the incident.

#### **A. Resources To Assist**

Individuals who experience Prohibited Conduct may wish to access resources to assist with their personal needs following an incident. There are two primary types of resources: confidential resources and other resources which are not confidential.

##### 1. Confidential Resources

Confidential Resources are not obligated to report Prohibited Conduct to the University. Confidential Resources include:

##### On-Campus Confidential Resources

Counseling Services 412-365-1282 (Confidential)

Student Health Services 412-365-1714 (Confidential)

##### Off-Campus Confidential Resources

Pittsburgh Action Against Rape (PAAR) Some members of the Chatham community may wish to seek support and advocate services off campus. Pittsburgh Action Against Rape (PAAR) offers 24/7 free confidential helpline and can provide you with advocacy and support services. PAAR representatives are available any time and can provide counseling and legal support for victims and their families. All PAAR services are confidential. Call 1-866-363- 7273 to talk with a PAAR representative or to request an advocate.

Women’s Center and Shelter of Greater Pittsburgh (WC&S)

Open 24 hours, 412-687-8005

WC&S provides an off-campus alternative for Chatham students and employees to receive free and confidential services to address domestic violence, dating violence, stalking and sexual misconduct and other prohibited behavior with the context of domestic and dating violence. Services include:

- Confidential information and support via the 24-hour hotline
- Crisis and long-term counseling
- Support in navigating campus and community reporting options and

- Access to legal assistance, protection from abuse orders, sexual violence protection and protection from intimidation order, crime victims' compensation and other services.

Note that there are limits to a Confidential Resource's ability to maintain confidentiality. Confidential Resources are required to report child abuse or neglect to Children's Services or local law enforcement. Medical professionals may also have certain legally mandated reporting responsibilities in certain serious cases, although depending on state law, the reporting requirement may only require that the professional share the date, general time, and general location of the incident. Mental health professionals are required to disclose information where there is an imminent threat of harm to self or others. Finally, pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported as occurring at campus locations must be shared with Campus Safety. The information does not include the names or any other identifying information about the persons involved in such incidents.

In some cases, an individual may not need services through a Confidential Resource immediately following the Prohibited Conduct. However, as time passes, it may be helpful to seek such assistance. Counselors found on-campus at the Counseling Center, Student Health Services, or other service providers listed in this Policy can provide assistance and/or treatment in dealing with physical and emotional concerns as they may arise.

## 2. Other Resources

Other resources may also provide helpful support in many ways, including assisting individuals with obtaining accommodations or interim protective measures, explaining their options, and connecting them with other appropriate resources. Friends and loved ones may also be important sources of emotional support.

University resources that are not Confidential Resources are expected to handle information in a manner that respects the privacy of those involved in the situation, sharing information only as necessary. However, all employees of the University who are not listed as confidential resources, above, are required to report allegations of Prohibited Conduct to the Title IX Coordinator.

The primary non-confidential resource for all concerns regarding Prohibited Conduct is the Title IX Coordinator. In addition to providing information about this Policy, the Title IX Coordinator can provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid issues, and other services available for individuals as appropriate, regardless of where the Prohibited Conduct occurred. The Title IX Coordinator can also provide assistance in making changes to academic, working, transportation, and living situations; instituting a no-contact order; and instituting other protective measures as may be appropriate.

In addition to the Title IX Coordinator, other non-confidential resources include:

- Public Safety 412-365-1230

- Office of Student Affairs 412-365-1286
- Office of Residence Life 412-365-1518 Athletic Department 412-365-1519
- Office of Academic & Accessibility Resources (OAAR) 412-365-1611
- Human Resources 412-365-1847

## **B. Preserving Evidence**

If an incident of Prohibited Conduct occurs, it is important to preserve evidence so that if the individual later chooses to file a Title IX complaint, to pursue criminal charges, or both, the evidence is able to be used for purposes of the investigation.

### 1. Sexual Assault Forensic Exams (SAFE)

Individuals who have experienced sexual assault may choose to seek a medical evaluation by a forensic nurse examiner to collect and preserve evidence. A forensic nurse examiner (FNE) or a Sexual assault nurse examiner (SANE) are specially trained professionals who will provide medical care, document the details of the assault, and collect evidence. The nurse can provide prophylactic treatment for sexually transmitted infections and pregnancy prevention. HIV prophylaxis screening and medication will also be discussed and provided. The individual can have a friend, family member, or crisis counselor present during all or parts of the examination. A community advocate may also be present to assist the individual during or after medical care is complete.

Evidence collection *may* occur in the days after the assault and occurs only with the consent of the victim. The evaluation includes immediate care of any injuries, a medical history, a head to toe examination, evidence collection, forensic photography, and treatment. The individual may opt out of any part of this evaluation at their own discretion. These evaluations can be obtained through the below resources, and they are free regardless of whether the individual chooses to pursue criminal charges:

- Magee Women's Hospital of UPMC: 412-641-4933
- UPMC Mercy Hospital: 412-232-8111

Students may also visit Chatham Student Health Services & Counseling Center: 412-365-1282, for a referral to obtain such exam.

If possible, to prepare for such an evaluation, the individual should not shower, change clothes, bathe, douche, or brush their teeth until the evidence has been collected. Clothing worn during the assault may be collected as evidence; undergarments will be collected as part of the forensic medical examination. New undergarments and clothing are available to victims at on-campus and off-campus service providers free of charge.

It is highly recommended that individuals have a follow-up visit with a healthcare provider within two weeks of the assault. At this visit, the individual will receive follow-up testing, receive treatment if needed, and discuss the recovery process. Additional visits, if necessary, may be recommended by the healthcare provider.

## 2. Other Evidence Collection

Other physical evidence, such as bedsheets or condom wrappers, may also be important to preserve in case the individual wishes to pursue an investigation. The Title IX Coordinator can facilitate the collection of this evidence through Campus Safety.

Individuals are encouraged to preserve all potentially relevant text messages, emails, voicemails, photographs, videos, social media posts, private messages, letters, and other forms of communication. Assistance with preserving this information can be obtained through the Title IX Coordinator or Campus Safety.

### **C. Reporting to the Title IX Coordinator and Mandatory Reporting**

All University employees, except those exempted by legal privilege of confidentiality or expressly identified below, have an obligation to report allegations of Sex Discrimination or Sex-Based Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking to the University's Title IX Coordinator. Any employee who receives a disclosure of Sex Discrimination or Sex-Based Harassment or becomes aware of information that would lead a reasonable person to believe that Sex Discrimination or Sex-Based Harassment may have occurred involving anyone covered under this policy, must report all known information. Employees who have an obligation to report under this policy should still treat this information as private, and only share with individuals as necessary under this policy.

Mandatory Reports to Title IX Coordinator:

Joe Hall, Interim Title IX Coordinator and Consultant  
TitleIX@chatham.edu  
814-332-3085

Mandatory reporters are not required to report to a Title IX Coordinator incidents that students share during a protest, vigil, "Take Back the Night" event, or other public awareness or advocacy event. If the Title IX Coordinator is notified of information that reasonably may constitute sex-based harassment under this policy, the Title IX Coordinator will use the information to inform the University's efforts to prevent sex-based harassment, including by providing tailored training to address reported sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment. The Title IX Coordinator will not initiate the support or complaint process in response to the information received during a protest, vigil, "Take Back the Night" event, or other public awareness or advocacy event, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

***Confidential Employees:*** Employees who are considered Confidential Employees and therefore, exempt from Mandatory Reporting when functioning within the scope of their duties to which privilege or confidentiality applies include employees who have legally protected confidentiality and will not share information about a complainant except under certain limited circumstances.

Contact information for confidential employees can be found in this Policy. All confidential employees must notify any individual reporting any reported violation of this policy of their status as a confidential employee and provide information on how to contact the Chatham University Title IX Coordinator and make a complaint of Sex Discrimination. Confidential employees must also provide individuals information about the Title IX Coordinator's ability to provide supportive measures and initiate investigative and information resolution processes under this policy.

Corrective action may be taken against any employee who has a duty to report and who fails to respond in a manner consistent with this policy.

The University encourages all students, volunteers, vendors, and visitors of Chatham University, or any other individual to report an allegation of Sex Discrimination, including Sex-Based Harassment, as set forth below. University employees who are not Confidential Employees acting in their professional capacity are Responsible Employees and must report information about conduct that reasonably may constitute Sex Discrimination.

A person who is both a student and an employee must report conduct that reasonably may constitute Sex Discrimination when the person is informed of such conduct in their capacity as an employee.

Employees who have personally been subject to conduct that reasonably may constitute Sex Discrimination are not required to report such discrimination.

Individuals may also make a report to law enforcement, but it is not required in order to report to the University. Individuals may request assistance from the Title IX Coordinator in reporting to law enforcement.

### *Anonymous Reporting*

Anonymous reporting available through the Complaint reporting form online: Online Incident Report Form.

Note that providing information anonymously may impede the University's ability to respond to and investigate the reported incident(s).

Anonymous Reporting does not satisfy a non-confidential employee's obligations to file a mandatory report.

### *Law Enforcement*

All individuals are encouraged to report criminal conduct to Campus Safety at 412-365-1111 or 911. Campus Safety can connect individuals to the appropriate local law enforcement agency to file a police report, and can assist with securing the scene, providing safety transports, and preserving evidence if needed. Reporting to law enforcement does not require an individual to pursue criminal charges. Reporting to law enforcement does not satisfy a non-confidential employee's obligations to file a mandatory report.

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

The University seeks to remove barriers to reporting, including potential concern about policy violations related to underage drinking or the use of prohibited drugs. The University will offer any student who reports or experiences Prohibited Conduct limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

## **VI. Supportive Measures**

“Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity or provide support during the University’s Title IX grievance procedures or during informal resolution.

“Supportive measures” may include, but are not limited to:

- Providing access to counseling services and assistance in setting up an initial appointment;
- Issuing and enforcing No Contact Directives, which are usually mutual unless and until a finding of responsibility for a policy violation has been made;
- Providing alternative on-campus housing;
- Assisting with relocation of housing or workspace;
- Providing an escort to ensure safe movement between classes and activities;
- Making changes to behavior, movement on campus, access to buildings or spaces, and/or participation campus activities;
- Modifying academic and extracurricular activities, transportation, and dining arrangements;
- Extending deadlines and assisting with other course-related adjustments;
- Modifying work or class schedules;
- Assisting with obtaining a leave of absence and/or withdrawal from the University;
- Providing alternative course completion options;
- Providing academic support services;
- Assisting in obtaining visa or immigration information;
- Modifying transportation, parking, dining and working situations;
- Implementing access restriction or interim suspension of an individual while a matter is investigated and resolved;
- Imposing other protections or behavioral restrictions as necessary and appropriate.

The University offers supportive measures to both Complainants and Respondents, regardless of whether a complaint is filed.

Throughout any grievance process, the Title IX Coordinator will continually reassess and discuss appropriate supportive measures with the parties as the Title IX Coordinator deems appropriate.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

A party may challenge Supportive Measures. If a party wishes to challenge the supportive measures, the party shall provide written notice of such challenge, including their reasons, to the Title IX Coordinator within 2 business days of receiving notice of the supportive measure. The Title IX Coordinator shall appoint an impartial individual who did not make the challenged decision and who has authority to modify or reverse the decision. The impartial individual shall meet with the party and an advisor of the party's choice. The purpose of the meeting is to permit the party to request a modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures applicable to them. The location of the meeting will be determined by the impartial individual and may occur via telephone or video-conference. Within 1 business day of the meeting, the impartial individual shall notify the party and the Title IX Coordinator in writing of the outcome.

## **VII. The University's Grievance Process for Resolving Complaints of Prohibited Conduct**

The Title IX Coordinator reviews all reports of Prohibited Conduct and retaliation under this policy. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the University's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the Complainant to participate in an investigation or other resolution. Upon completion of an initial assessment, the Title IX Coordinator will determine the available options for resolution and will communicate the options to the parties.

### **a. Initial Assessment**

Upon receiving a report of conduct that may be prohibited under this Policy, the Title IX Coordinator will provide information to the Complainant on the availability of supportive measures, the right to file a Complaint, and how to file a Complaint. If the report came from an individual other than the Complainant, the Title IX Coordinator will attempt to contact the Complainant to provide this information. If the Complainant chooses to file a Complaint, the Title IX Coordinator will appoint an Investigator to conduct an investigation.

### **b. Filing a Complaint**



The following people have a right to make a complaint of Sex Discrimination, including complaints of sex-based harassment, requesting that the University investigate and make a determination about reported discrimination under Title IX:

- A Complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are reported to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

The Title IX Coordinator may also file a Complaint if a person entitled to file a Complaint does not wish to do so. In deciding whether to file a Complaint, the Title IX Coordinator will consider factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated;
- The severity of the reported Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the University;
- The scope of the reported Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination reported to have impacted multiple individuals;
- The availability of evidence to assist a Decision Maker in determining whether Sex Discrimination occurred; and
- Whether the University could end the reported Sex Discrimination and prevent its recurrence without initiating an investigation.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as reported presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as reported prevents the University from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

With respect to Complaints of Sex Discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee; or
- Any person other than a student or employee who was participating or attempting to participate in the University's education program or activity at the time of the reported Sex Discrimination.

The University may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of Sex Discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable.

The University will complete its initial assessment within 10 days of receipt of a Complaint or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

### **c. Complaint Dismissal**

The University reserves the right in its sole discretion to dismiss the Complaint and stop the investigation if:

- The Complainant notifies the Title IX Coordinator that they wish to withdraw their Complaint, the Title IX Coordinator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct remains alleged in the Complaint, if any, would not constitute Sex Discrimination even if proven;
- The Respondent is no longer enrolled in or employed by the University;
- The University is unable to identify the Respondent after taking reasonable steps to do so; or
- The reported conduct would not constitute Sex Discrimination, if proven. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Complaints that are dismissed may still be resolved through an informal resolution process. If the University dismisses the Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process. If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Decision Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;

- Ensure that the Decision Maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, the University will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex Discrimination does not continue or recur within the University's education program or activity.

**d. Informal Resolution**

Informal resolution may be utilized in some circumstances if the University deems appropriate and both parties agree to it. A formal Complaint is not necessary. Informal resolution cannot occur when such a process would conflict with Federal, State, or local law. Informal resolution can be requested with or without a Complaint being submitted to the Title IX Coordinator. The facilitator of informal resolution may not be the Investigator or Decision Maker.

Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

**e. Formal Resolution**

Reports of Sex Discrimination will be resolved through formal resolution when the reported Sex Discrimination, if true, would be prohibited under applicable University policy. In instances when the University determines informal resolution is inappropriate, when the Complainant requests, or

when the University requires formal investigation, the University will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

### **i. Investigation**

If an eligible person under this policy elects to file a Complaint, the Title IX Coordinator will provide written notice to the Respondent within ten (10) calendar days including:

- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct reported to constitute Sex Discrimination, and the date(s) and location(s) of the reported incident(s);
- That there is a presumption they are not responsible for a policy violation;
- That all parties are entitled to an Advisor of their choice;
- That all parties can inspect and review evidence;
- That false statements made in bad faith are prohibited by this policy and could result in disciplinary action;
- The Title IX grievance procedures and any informal resolution process;
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, the University decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, the University will notify the parties of the additional allegations.

Following the filing of a Complaint, the Title IX Coordinator will appoint an Investigator to investigate the allegations. The burden is on the University - not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred. During the investigation, the Investigator may interview the Complainant, Respondent, and any relevant witnesses. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case.

Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process. Multiple Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, may be consolidated when the allegations arise out of the same facts or circumstances.

During the investigation process, Complainants and Respondents have an equitable right to:

- Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
- A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
- Present relevant information to the Investigator, including evidence and witnesses;
- Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
- Have an Advisor of their choosing, who may be an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
- Investigators who are adequately trained to resolve cases of reported Sex Discrimination, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
- Discuss the allegations under investigation or to gather and present relevant evidence. Parties are advised that discussing investigations publicly may hinder the ability of the Investigator to conduct an impartial investigation.
- Credibility determinations that are not based on a person's status as a Complainant, Respondent, or witness.

Following the completion of the investigation, the Investigator will draft an investigative report on the allegations contained in the Complaint. Before the report is finalized, the Investigator will send to each party and their Advisors an electronic or hard copy of the report. The report must include all evidence directly related to the allegations. The parties will then have ten (10) calendar days to provide a written response, which the Investigator will consider before finalizing the investigative report. Reasonable extensions of the ten (10) day timeframe will be considered on a case-by-case basis. The Final Investigative report will be delivered to the Title IX Coordinator, the Complainant, and the Respondent.. The University aims to complete the investigation within 60 to 120 days of issuance of the notice of investigation or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

The University will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Investigative materials and all information related to the Complaint will be shared with parties and advisors with strict access limitations to prevent unauthorized disclosure of information. Any party or advisor who has been found to have violated confidentiality related to sharing of information and evidence will be subject to disciplinary sanctions.

## **ii. Determination Regarding Responsibility**

After the conclusion of the investigation, The Title IX Coordinator will appoint a Decision Maker to conduct the live hearing process to resolve the Complaint and issue a written determination regarding the Respondent's responsibility under the policy. The purpose of the live hearing is to give parties the opportunity to present their side of the issue, participate in questioning, and for the Decision Maker to determine whether the Respondent is responsible or not responsible for violating this policy. The live hearing will enable the Decision Maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Sex Discrimination. Hearings are not legal proceedings and do not follow courtroom procedure or formal rules of evidence. Hearings are not open to the public. The University will create an audio recording of all meetings that occur within the hearing process. The Hearing will occur live, in real time, and with the parties physically present in separate locations with technology enabling the Decision Maker and parties to simultaneously see and hear the party or witness while that person is speaking

The character of the Complainant, Respondent, and Witnesses to the case is not relevant in any hearing.

Previous sexual history of the parties, other than with each other, is not relevant.

The University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and the parties respective advisors:

If a party does not have an advisor to ask questions on their behalf, the University will provide the party with an advisor of the University's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the University will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

The Decision Maker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decision Maker will give a party an opportunity to clarify or revise a question that the Decision Maker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The Decision Maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decision Maker will not draw an inference about whether Sex Discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the University will:

- Use the preponderance of the evidence standard of proof to determine whether Sex Discrimination occurred. The standard of proof requires the Decision Maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decision Maker is not persuaded under the applicable standard by the evidence that Sex

Discrimination occurred, whatever the quantity of the evidence is, the Decision Maker will not determine that Sex Discrimination occurred.

- Notify the parties simultaneously in writing of the determination whether Sex Discrimination occurred under Title IX including:
  - A description of the alleged Sex Discrimination that occurred;
  - Information about the policies and procedures that the University used to evaluate the allegations;
  - The Decision Maker's evaluation of the relevant and not otherwise impermissible evidence and determination whether Sex Discrimination occurred;
  - When the Decision Maker finds that Sex Discrimination occurred, any disciplinary sanctions the University will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the Sex Discrimination; and
  - The University's procedures and permissible bases for the Complainant and Respondent to appeal.
- The University will not impose discipline on a Respondent for Sex Discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited Sex Discrimination.
- If there is a determination that Sex Discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a Complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by Sex Discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the University's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether Sex Discrimination occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

The Decision Maker will simultaneously notify parties of their decision in writing within ten (10) calendar days after the conclusion of the hearing. The University will complete the Determination

Regarding Responsibility process within 30 days or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

#### **f. Appeals**

If either party disagrees with the University's dismissal of a Complaint or the Decision Maker's findings or remedies, they may file a written appeal with the Title IX Coordinator within ten (10) calendar days of receiving the Decision Maker's written decision. Appeals may be filed due to:

- A procedural irregularity that would change the outcome;
- New evidence discovered that would change the outcome and that was not reasonably available at the time of the determination or dismissal;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome; or
- The penalty is inadequate or excessive.

Upon timely receipt of a complaint appeal the Title IX Coordinator will notify the parties of any appeal (including notice of allegations if notice was not previously given to Respondent) and will provide the parties with 7 calendar days to make a statement in support of, or challenging, the outcome. The Title IX Coordinator will appoint an Appeal Decision Maker to examine the appeal and all evidence to determine if the appeal has merit. The Appeal Decision Maker must not have taken part in the investigation of the allegations or dismissal of the Complaint. The Appeal Decision Maker will make an unbiased, objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result. The Appeal Decision Maker will provide the written decision simultaneously to both parties. The University will complete the Appeals Process within 20 days of the notice of appeal or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

#### **g. Disciplinary Sanctions**

When the University makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the reported Sex Discrimination, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.

When the Respondent is a Student, potential sanctions include formal reprimand, disciplinary probation, withheld suspension, suspension, expulsion, and other appropriate educational sanctions.

When the Respondent is an employee, potential disciplinary corrective actions include coaching, performance improvement plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.



Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the University may also be subject to termination or other corrective actions. Any corrective actions or sanctions will not take effect until any appeals have been completed.

#### **h. Other Remedial Measures**

When the University is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the University may take other remedial measures as appropriate to remedy the effects of the reported Sex Discrimination and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation. Remedial measures may include, but are not limited to:

- Providing training on Sex Discrimination;
- Increasing security in a designated space;
- Changing policy or procedure; and
- Conducting climate surveys or other climate checks.

During the period of the grievance process if the Respondent is an Employee, they may be placed on Administrative Leave. Employees placed on administrative leave will receive written notice of the conditions of that leave, but will not be able to challenge the administrative leave.

If the Respondent is a Student, they may be removed from educational activities on an emergency basis through a temporary suspension if the Title IX Coordinator, after conducting an individualized safety and risk analysis, determines removal is justified because the Respondent poses an imminent and serious threat to the health or safety of anyone due to the allegations made. Respondents removed by temporary suspension will receive notice and will have the right to challenge the determination of the safety and risk analysis in writing immediately following the removal. All respondents are able to challenge removal from educational activities pursuant to the process to challenge Supportive Measures as explained in this Policy.

### **VIII. Record Retention**

The University will retain all records of each investigation instituted under this Policy for seven (7) years. Records will include all documents, recordings, or transcripts from investigations, hearings, appeals, and informal resolutions. The first date of the first record created by the University will begin the seven-year retention period. Records will be maintained for all investigations including investigations that have been dismissed, completed, or otherwise resolved.

### **IX. Training**

*All Employee Training*

All University employees are required to complete annual Title IX training to understand their role and obligations as a Mandatory Reporter and responsible employee, the University's obligation to address Sex Discrimination, the scope of conduct that constitutes Sex Discrimination including Sex-Based Harassment. Training completion will be monitored by the Title IX Coordinator in collaboration with Human Resources and division/department heads. Corrective action may be taken against any employee who fails to complete annual training.

#### *Training for Grievance Process Administrators*

All Investigators, Decision Makers, Informal Resolution facilitators, the Title IX Coordinator, and others responsible for implementing the University's grievance procedures or those who have the authority to modify or terminate supportive measures must be trained on topics related to their responsibilities as required under Title IX, the Clery Act, and related regulations.

## **X. Pregnancy & Parenting**

#### *Reasonable Modifications for Students*

Students may request reasonable modifications related to pregnancy or related conditions. The Title IX Coordinator will review requests for modifications on a case-by-case basis. A modification that fundamentally alters the education program or activity is not a reasonable modification.

In certain circumstances, when such documentation is necessary and reasonable to determine the reasonable modifications, the Title IX Coordinator may request supporting documentation from the student.

Requests for reasonable modifications may be made to:

Interim Title IX Coordinator  
Joe Hall  
TitleIX@chatham.edu or 814-332-3085

The University will provide lactation spaces for reasonable breaks for students to express breast milk for one year after the child's birth. The location will be clean, will not be a bathroom, will be shielded from view, and free from intrusion. Students who wish to request a lactation space may contact the Title IX Coordinator.

When an employee of the University is informed of a student's pregnancy or related condition by the student or an individual with the legal right to act on behalf of the student, the employee must notify that individual of the Title IX Coordinator's contact information and inform them that the Title IX Coordinator is available to provide reasonable modifications, comparable treatment to other temporary medical conditions, access to voluntary leaves of absence, as well as to share information only under certain circumstances as permitted by law.

The University does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the University's class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- The University requires such certification of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for prohibited discrimination.

### *Reasonable Modifications for Employees*

Employees and prospective employees or applicants may request reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions. The University will provide reasonable accommodations for qualified employees for pregnancy, childbirth or related medical conditions, unless the requested accommodation would impose an undue hardship on the University. The University will review the requested accommodation and engage in an interactive process regarding the request. The University will not take retaliatory action against any individuals who requests or receives an accommodation for pregnancy, childbirth, or related medical reasons.

Requests for reasonable accommodation may be made to:

Deputy Coordinator for Faculty and Staff  
Kristen Bell, Executive Director of Human Resources  
412-365-1680 or K.Bell@Chatham.edu

## **Appendix A**

The following definitions of terms apply to this policy:

**i. Adequate Notice**

The University's duty to act under Title IX is triggered when it has Adequate Notice of conduct that may be a violation of this policy reported. Chatham University has Adequate Notice when a Responsible Employee has information about conduct that reasonably may constitute Sex Discrimination. Responsible employees are required to report conduct that may constitute sexual discrimination to the University's Title IX Coordinator.

**j. Advisor**

Both Complainants and Respondents may have an Advisor of their choosing support them through the Title IX process. The University will provide a party with access to a trained Advisor should they request one. An Advisor may, but need not be, an attorney.

**k. Appeal Decision Maker**

The Appeal Decision Maker is the individual assigned by the Title IX Coordinator to determine the merits of an appeal of the Title IX Coordinator's dismissal of a Complaint or the Decision Maker's determination regarding responsibility.

**l. Complainant**

A Complainant is an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct under this Policy and who was participating or attempting to participate in the University's education programs or activities at the time of the alleged Prohibited Conduct.

**m. Complaint**

A Complaint is an oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about reported discrimination under this policy.

**n. Decision Maker**

The Decision Maker is the individual assigned by the Title IX Coordinator who oversees a hearing which takes place as part of the formal resolution process. The Decision Maker determines whether University policy has been violated.

**o. Investigator**

The Investigator is an individual assigned by the Title IX Coordinator to investigate the reported Sex Discrimination and oversee the investigative hearing.

**p. Pregnancy or Related Conditions**

Pregnancy or related conditions mean:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation;
3. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation.

**q. Relevant**

Relevant means related to the allegations of Sex Discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the reported Sex Discrimination occurred, and evidence is relevant when it may aid a Decision Maker in determining whether the reported Sex Discrimination occurred.

The University will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the Investigator or Decision Maker to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; or
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the reported conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the reported sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply

the Complainant's consent to the reported sex-based harassment or preclude determination that sex-based harassment occurred;

Permissibility of character witnesses and related evidence must be relevant, and relevance of such evidence will depend on the facts and circumstances of a particular complaint.

**r. Remedies**

Remedies means measures provided, as appropriate, to a Complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that Sex Discrimination occurred.

**s. Respondent**

A Respondent is an individual who is reported to have violated the Policy.

**t. Student**

A Student is an individual who has gained admission to the University. Admission includes part-time, full-time, special, transfer, exchange or any other type of enrollment, membership or matriculation in or at an education program or activity operated by the University. Student status lasts until an individual graduates, is suspended or expelled, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the University. The University reserves the right to administer this policy and proceed with any process provided by this policy even if the Student withdraws from the University, is no longer enrolled in classes, or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.

**u. Title IX Coordinator**

The Title IX Coordinator is the designated University official with primary responsibility for coordinating the University's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the University responds appropriately, effectively, and equitably to all Title IX issues. Any reference to the Title IX Coordinator in this policy may also include a designee of the Title IX Coordinator to fulfill their role.