



Pennsylvania Institute of Technology

Sexual Misconduct Policy and Sexual Misconduct Grievance Procedures

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Walter R. Garrison, President

Applicable Department(s)

Primary/Owner: EX

Secondary: ALL

Pennsylvania Institute of Technology Sexual Misconduct Policy and Sexual Misconduct Grievance Procedures

This Sexual Misconduct Policy (the “Policy”) and the Sexual Misconduct Grievance Procedures (the “Grievance Procedures”) supersede all other Pennsylvania Institute of Technology (“P.I.T.” or “College”) policies and grievance procedures to the extent they cover sex discrimination, sexual harassment or sexual violence. The Policy (contained in section I) and the Grievance Procedures (contained in Section II) are both effective September 1, 2011. The Policy and Grievance Procedures were designed to comply with the requirements of the recent Dear Colleague Letter issued by the United States Department of Education.

SECTION I – THE POLICY

1. Policy Statement.

P.I.T. is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect free of discrimination. As required by Title IX, sex discrimination includes discrimination on the basis of sex as well as sexual harassment and sexual violence all of which are considered “sexual misconduct” under this Policy. Sexual misconduct violates an individual’s fundamental rights and personal dignity. P.I.T. considers sexual misconduct in all its forms to be a serious offense. This policy prohibits sexual misconduct, which includes sex discrimination including sexual harassment and sexual violence by employees, faculty, students, or third parties against employees, faculty, students, or third parties. P.I.T. also does not discriminate and prohibits discrimination on the basis of race, color, religion, national origin, disability, age and any other status protected by applicable law. This policy is not limited to incidents that occur on the College campus or during College hours.

2. Definitions.

- A. **Sexual Misconduct:** Sexual Misconduct includes all forms of discrimination based on sex including sexual harassment and sexual violence.
- B. **Sexual Violence:** Sexual Violence means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or because of the victim’s disability. In general, any non-consensual physical contact of a sexual nature may constitute Sexual Violence. Sexual Violence may vary in its severity and consists of a range of behaviors or attempted behaviors including but not limited to rape, sexual assault, sexual battery, and sexual coercion. Prohibited Sexual Violence under this Policy includes but is not

limited to:

- 1) Non-Consensual Sexual Contact, which is:
 - a) any intentional sexual touching,
 - b) however slight,
 - c) with any object or body part,
 - d) by a man or a woman upon a man or a woman, and
 - e) without consent.

- 2) Non-Consensual Sexual Intercourse, which is:
 - a) any sexual intercourse (anal, oral, or vaginal),
 - b) however slight,
 - c) with any object or body part,
 - d) by a man or woman upon a man or a woman, and
 - e) without consent.

- 3) Sexual Exploitation, means when a person takes non-consensual or abusive sexual advantage of another person 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:
 - a) prostituting a student;
 - b) non-consensual video or audio-taping of sexual activity;
 - c) going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
 - d) engaging in Voyeurism;
 - e) knowingly transmitting an STD or HIV to another.

C. Sexual Harassment:

- 1) *Definition and Examples* – Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student’s ability to participate in or benefit from the College’s programs/activities or a student’s or an employee’s work performance or creating an intimidating, hostile, or offensive learning or working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:
 - a) Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
 - b) Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.

- c) Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request.
 - d) Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
 - e) Displaying pornographic or sexually oriented materials.
 - f) Engaging in indecent exposure.
 - g) Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
 - h) Physical conduct such as assault, touching, or blocking normal movement.
 - i) Retaliation for making harassment reports or threatening to report harassment.
- 2) *Possible Harassers* - Sexual harassment can involve males or females being harassed by members of either sex. Although sexual 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.
- 3) *Nature of harassment* - Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

D. **Consent:**

Effective consent is the basis of the analysis applied to unwelcome sexual misconduct. Lack of consent is the critical factor in any incident of Sexual Harassment and Sexual Violence.

- 1) Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter.
- 2) 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.
- 3) 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.
- 4) Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- 5) Previous relationships or consent does not imply consent to future sexual acts.
- 6) Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

- 7) Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.
- 8) If you have sexual activity with someone you know to be--or should know to be--mentally or physically incapacitated (by alcohol or drug use, unconsciousness or blackout), you are in violation of this Policy.
- 9) Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
- 10) This policy also covers someone whose incapacity results from mental disability, 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, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student, employee or faculty member for the purpose of inducing incapacity is a violation of this Policy. More information on these drugs can be found at <http://www.womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.cfm> .

3. Effect of alcohol/drug use.

Use of alcohol or drugs will never excuse behavior that violates this Policy.

4. Reporting Procedures for complaints of sexual misconduct or retaliation.

A. Title IX Coordinator:

- 1) P.I.T. has designated Donovan Anglin, Student Services Counselor as the College's Title IX Coordinator for all matters related to sexual misconduct at the College, and to coordinate the efforts of the College to comply with Title IX law. Mr. Anglin has been specifically trained to handle these matters.
- 2) The Title IX Coordinator's contact information is:

Donovan Anglin, Title IX Coordinator
Office 305 (Student Resource Center)
Pennsylvania Institute of Technology
800 Manchester Avenue, Media, PA 19063.
Voice: 610-892-1532; email – danglin@pit.edu.

Note: In the Title IX Coordinator's absence, you should report any sexual misconduct matter to the Dean of Student Services:

Dona Fabrizio, Dean of Student Services
Pennsylvania Institute of Technology
800 Manchester Avenue, Media, PA 19063.
Voice: 610-892-1514; email – dfabrizio@pit.edu

- 3) As the Title IX Coordinator, Mr. Anglin is responsible for:
- a) Ensuring that both the individual filing the complaint and the individual accused of sexual misconduct or retaliation are aware of the seriousness of the complaint.
 - b) Explaining P.I.T.'s sexual misconduct policy and investigation procedures.
 - c) Exploring various means of resolving the complaint.
 - d) Making referrals to outside counseling services for counseling and referral services, if appropriate.
 - e) Discuss with complainant the option of the complainant notifying the police if criminal activities are alleged.
 - f) Conducting or arranging for an investigation of the alleged prohibited conduct.
 - g) Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct.
 - h) Identify and address any patterns or systemic problems that arise during the review of sexual misconduct complaints.

B. Reporting Procedure and Remedial Action:

The College strongly encourages those who have experienced sexual misconduct to report the offense to the Title IX Coordinator. P.I.T.'s complaint procedure provides for immediate, thorough, and objective investigation of all claims of sexual misconduct. If sexual misconduct has occurred, P.I.T. will take prompt appropriate remedial action that is commensurate with the severity of the offense. Each complaint will be assessed and resolved individually in accordance with the Grievance Procedures contained in Section II immediately follow this Policy. The Title IX Coordinator will also advise each Complainant that they may also file a complaint with the local police.

C. Witness Reports:

Employees or faculty members who believe they have witnessed sexual misconduct or received a reliable report of sexual misconduct must promptly notify the General Counsel or the Dean of Student Affairs. This reporting is *mandatory* since it enables the College to fulfill its legal obligation where it knows or has reason to know of sexual misconduct to take immediate action to eliminate the misconduct, prevent its recurrence, and address its effects. If for any reason the employee is unable or unwilling to report the matter to either of the individuals listed above, he/she must report the matter to the President of the College. Students are encouraged to report witnessed sexual misconduct to the Title IX Coordinator.

D. Retaliation Prohibited:

P.I.T. strictly prohibits retaliation against any person for using this reporting and complaint procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sexual misconduct. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and follow-up of the complaint or report.

5. Suggested Procedures for Those Who have Experienced Sexual Misconduct.

- A. **Encourage prompt reporting.** P.I.T. strongly encourages those who have experienced any form of sexual misconduct to report the incident promptly, to seek all available assistance, and to pursue the College's Grievance Procedure and criminal prosecution (if a crime) of the offender.
- B. **Seek help.** Tell a trusted person about the incident or use one of the resources on the Resource List below.
- C. **Preserve evidence.** In the case of sexual violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Victims should 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 damage evidence.)
- D. **Seek immediate medical attention when necessary.** When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
- E. **Women Organized Against Rape (WOAR).** A WOAR advocate may be able to offer support at the hospital but victims might need to ask for the advocate. (People under the age of eighteen should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.)
- F. **Reassignments:** When the victim and the accused participate in the same class(es) or work in the same area, victims may request reassigning and/or moving one of the persons. The Title IX Coordinator will consult with the Dean of Academic Affairs (if a classroom reassignment is involved) or the General Counsel (if a work reassignment is involved) in making a determination regarding an alternative classroom or work assignment(s) for the accused and/or the victim who has experienced sexual misconduct.
- G. **Contact College and Community Resources:** See below.

6. College and Community Resource List.

There are various resources available for those who have experienced sexual misconduct, including:

A. **On-Campus Resource - P.I.T.'s Title IX Coordinator.** The College's Title IX Coordinator is the College's primary contact for any issue involving sexual misconduct. See the Title IX Coordinator's contact information and detailed description of responsibilities set forth earlier in this Policy.

B. **Off-Campus Resources List:**

Emergency:

9-1-1 (local law enforcement)
The Special Victims Unit – 215-685-3251

24-Hour Organizations:

Women Organized Against Rape (Philadelphia): 215-985-3333
Women Against Abuse (Philadelphia): 866-723-3014
Delaware County Women Against Rape: 610-566-4342
"Menergy" Men's Resource Center: 215-242-2235
Domestic Abuse Project of Delaware County: 610-565-6272

Sexual Assault Medical Evaluation

Thomas Jefferson Hospital Emergency Room: 215-955-6840
Episcopal Hospital: 215-707-0800
Riddle Hospital Emergency Room: 484-227-3214
Crozer Chester Medical Center Emergency Room: 610-447-2188
Delaware County Memorial Hospital Emergency Room: 610-284-8400
Springfield Hospital: 610-328-8700
Mercy Fitzgerald Hospital Emergency Room: 610-237-4701
Taylor Hospital Emergency Room: 610-595-6480

Sexual Assault – Additional Assistance

Delaware County Women Against Rape (DCWAR) will provide accompaniment to the forensic medical examination, police interview and all court proceedings. The agency also provides counseling for sexual assault victims. All victim services are free and confidential. For more information, go to <http://www.delcowar.org>.

7. **Confidentiality.**

A. **Confidentiality Considerations.** All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged sexual misconduct or retaliation is strictly prohibited and may be considered a violation of College policy. While a Complainant cannot be assured of absolute confidentiality, the College will try to maintain the confidence of the investigation consistent with its duty to investigate and address the complaint.

B. **Secure Files.** The Title IX Coordinator shall maintain all information in a secure file pertaining to a complaint or investigation.

- C. ***Federal Reporting Requirements.*** The College Registrar has a duty to report sexual misconduct that constitutes a crime for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to the Registrar regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual College Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The Title IX Coordinator will report to the Registrar crimes as required by federal and state law.
- D. ***Federal Timely Warning Requirements.*** Victims 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 danger to the P.I.T. community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

8. Sexual Misconduct Educational Programming:

- A. ***Educational Programming.*** Because P.I.T. recognizes sexual misconduct as an important issue, the College offers educational programming to students and appropriate staff and faculty.
- B. ***Possible Topics.*** Sexual misconduct educational programming may address matters such as: what constitutes sexual misconduct, how to respond to an incident of sexual misconduct, an explanation of the College's Sexual Misconduct Policy and the penalties for violating the Policy, how to file charges within the College's Grievance Procedures and/or with the local police department, and College and community resources to assist the victim and the accused.

9. Consensual Relationships Between Employees and/or Faculty Members.

P.I.T. does not wish to interfere with the private lives of their employees or faculty members, or their off-duty behavior. However, where such conduct impacts the working or learning environment in a negative manner or is between employees or faculty members in a supervisory or managerial, P.I.T. reserves the right to take whatever action is appropriate, at its discretion, to protect the interests of P.I.T. and its employees, faculty and students.

All employees and faculty members are responsible for maintaining a professional business environment at all times. An intimate personal relationship between individuals who have a direct or indirect supervisory or managerial relationship is highly inappropriate. If such a situation develops, the involved employee or faculty member in the supervisory or managerial role must communicate this fact to his/her manager immediately so that a reassignment can be considered for either party.

Any employee or faculty member in such a relationship who does not promptly disclose the information as required is subject to having their employment terminated immediately.

10. Consensual Relationships Between an Employee/Faculty Member and a Student.

Students are particularly vulnerable to the unequal institutional power inherent in a faculty-student relationship and in many employee-student relationships. Those relationships are highly subject to coercion so that the typical “consensual” nature of a relationship does not exist despite oftentimes outward appearances to the contrary. Therefore, no faculty member or employee shall have a sexual or amorous relationship with any student while that student is enrolled at P.I.T.

SECTION II – THE GRIEVANCE PROCEDURES

1. **Time frame to file a complaint.** To use P.I.T.’s Grievance Procedures, an aggrieved employee, faculty member or student should meet with the Title IX Coordinator, as soon as possible after the alleged act of sexual misconduct or retaliation to discuss the complaint. Employees and faculty members who have experienced conduct they believe is contrary to this Policy have an obligation to make a prompt report or file a prompt complaint. In any case, there is no time limit for students to make a complaint. Nevertheless, students should understand that incidents should be reported as soon as possible when memories, information and evidence is fresh. The longer a student waits to file a complaint, the more difficult it might be for the College to obtain evidence and conduct a thorough, impartial and reliable investigation.
2. **Time frame to complete an investigation.** Once a complaint of sexual misconduct has been made, the Title IX Coordinator will meet with the Complainant as soon as reasonably possible to determine if any interim actions are immediately required, and then begin an investigation within five (5) calendar days of the initial complaint. The investigation shall be completed within twenty-eight (28) days after it begins, if reasonably possible. Within ten (10) calendar days of the completion of the investigation, the Title IX Coordinator shall issue a decision notifying the parties of the result of the investigation and penalty, if any. These time frames may vary depending on the complexity of the investigation and the severity and extent of the alleged sexual misconduct. For any investigation that cannot comply with these time frames, the Title IX Coordinator shall promptly inform both parties of any revised time frames and the reasons for any delay. In cases when the accused faces criminal charges or is the subject of a criminal investigation, the College may need to briefly delay temporarily the fact-finding portion of a sexual misconduct investigation while the police are gathering evidence. But once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges) the College will promptly resume and complete its fact-finding of its investigation.
3. **Contents of Complaint.** To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:
 - A. The name, department, and position and any other identifying information of the person or persons allegedly causing the sexual misconduct or retaliation.
 - B. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.

- C. The alleged effect of the incident(s) on the student's ability to enjoy the programs and activities or the educational opportunities of the College or on the employee's or faculty member's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
 - D. The names of other students or employees or faculty members who might have been subject to the same or similar sexual misconduct or retaliation.
 - E. Any steps the complainant has taken to try to stop the sexual misconduct or retaliation (although no steps are required to have been taken to file a complaint).
 - F. Any other information the complainant believes to be relevant to the alleged sexual misconduct.
4. **Investigation.** An investigation into the complaint shall be conducted by or under the direction of the Title IX Coordinator. The investigation may include any of the following determined by the Title IX Coordinator in his/her discretion based on the nature of the complaint: interviews of the parties involved, interviews of any witnesses, the gathering of other relevant information and any other steps necessary to thoroughly investigate the allegations. Mediation will never be used for complaints of sexual harassment or sexual violence. The Title IX Coordinator shall issue an investigatory report to the College's General Counsel.
5. **Standard for Determining Responsibility and Remedies.** The standard used to determine accountability will be the *Preponderance of the Evidence Standard*, meaning whether it is more likely than not that the sexual misconduct occurred. All members of the College community found to have violated this Policy will be subject to the remedies set forth later in these Grievance Procedures.
6. **Investigation Resolution.** The Title IX Coordinator shall issue a decision within ten (10) days of completing the investigation.
7. **The Rights and Limitations of the Complainant and the Accused.**

Both parties will be treated equitably with similar rights and limitations subject to applicable law.

A. The Complainant's Rights and Limitations:

- 1) An explanation of the College Grievance Procedures,
- 2) Freedom from harassment by the accused (or the supporters),
- 3) Use of all available internal and external resources in dealing with the aftermath of the alleged offense,
- 4) Ability to testify on their own behalf during the investigation, including making a "survivor impact" statement,
- 5) No right to the presence of an advisor, lawyer, advocate, parent or any other person during the Grievance Procedures, except that if the accused is subject to a related

criminal charge and the accused chooses to have an attorney present then the Complainant may have an attorney present on the same basis as the accused

- 6) The opportunity to present relevant witnesses who can speak about the charges, character witnesses excluded,
- 7) Freedom from having irrelevant sexual history discussed during the Grievance Procedure,
- 8) Information about the outcome of the investigation and appeal, if any, consistent with applicable law,
- 9) Opportunity to appeal the outcome of the investigation decision, and
- 10) No right to personally question or cross-examine the other party.

B. The Accused's Rights and Limitations:

- 1) An explanation of the charge(s),
- 2) Freedom from harassment by the complainant (or supporters),
- 3) An explanation of the College Grievance Procedure,
- 4) No right to the presence of an advisor, lawyer, advocate, parent or any other person during the Grievance Procedures, except that if the accused is subject to a related criminal charge the accused may have an attorney (but not a parent or relative who is an attorney) present while being questioned who may act as an advisor only but will not be allowed to ask any questions or otherwise to participate
- 5) Ability to testify on their own behalf during the investigation,
- 6) The opportunity to present relevant witnesses who can speak about the charges, character witnesses excluded,
- 7) Freedom from having irrelevant sexual history discussed during the Grievance Procedure,
- 8) Information about the outcome of the investigation and appeal, if any, consistent with applicable law,
- 9) Opportunity to appeal the outcome of the investigation decision, and
- 10) No right to personally question or cross-examine the other party.

8. Notice of Outcome.

Consistent with applicable law, at the conclusion of the investigation and the appeal, if any, the College will provide written notification to the complainant and the accused of the outcome and resolution.

9. Appeals.

- A. ***Timeframes and Appeal Submission.*** Once written notification of the resolution has been received from the Title IX Coordinator, the parties involved will have the opportunity to appeal the findings. Any appeal filed in a matter where a faculty member or staff employee was the accused, must be submitted in writing to the President of the College within five (5) calendar days of the date the party appealing received written notification of the resolution. Any appeal filed in a matter where a student was the accused, must be submitted in writing to the Dean of Student Services within five (5) calendar days of the date the party appealing received written notification of the resolution. Any appeal will be decided within fifteen (15) calendar days of the date the appeal was received.
- B. ***Appeal Body Evaluation.*** In deciding the appeal, the President or the Dean of Student Services as the case may be, shall consider the investigation report completed by the Title IX Coordinator plus whatever other evidence they deem appropriate in their discretion including re-interviewing the parties, re-interviewing the witnesses and examining other evidence.
- C. ***Automatic Appeals.*** If the Title IX Coordinator has determined that sexual misconduct was committed by a staff employee or faculty member, and the decision of the Title IX Coordinator was to terminate the employment of that staff employee or faculty member, there shall be an automatic appeal from that decision to the President. In such case, the Title IX Coordinator shall send his/her decision to the President at the same time the parties are notified.

10. Remedies.

- A. The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect a students' or employee's or faculty member's rights and personal safety including interim steps before the final outcome of the investigation or appeal, if any.
- 1) Such measures include, but are not limited to, modification of classroom assignments, prohibition of accused from having any contact with the complainant pending the conclusion of the College investigation, interim suspension from campus pending a hearing, and reporting to the local police.
 - 2) The College will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.
- B. Any member of the College community found responsible for violating the Sexual Misconduct Policy either for committing sexual misconduct or engaging in retaliation will be subject to disciplinary action, ranging from an oral warning up to and including termination of employment if they are an employee or faculty member or dismissal if they are a student, depending on the severity of the violation and any other relevant circumstances. The College will take immediate action to eliminate any sexual misconduct it finds, prevent its recurrence, and address its effects. Sanctions will not be lessened because the offense was committed with an acquaintance or while on a date.

- C. The College also reserves the right to suspend any member of the College community accused of sexual misconduct pending the outcome of an investigation and appeal, if any.
- D. The College shall take reasonable steps to prevent the recurrence of any form of sexual misconduct or retaliation. Additionally, the College will take all necessary steps to remedy the discriminatory effects on the victim(s) and others.
- E. The College will also consider, where appropriate, possible remedies contained in the lists contained in the *April 4, 2011 Dear Colleague Letter on Sexual Violence* and the *2001 Guidance*.

11. Special Provisions.

- A. **Conflict of Interest**. All investigations and appeals shall be impartial. Any real or perceived conflict of interest between the decision maker and the parties must be disclosed.
- B. **Attempted violations** -In most circumstances, the College will treat attempts to commit any act of sexual misconduct as if those attempts had been completed.
- C. **The College as Complainant** - As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate Grievance Proceedings without a formal complaint by the victim of sexual misconduct. Whenever the College knows or has reason to know about possible sexual misconduct, the College will promptly investigate and take appropriate steps to resolve the situation. Even if criminal justice authorities do not prosecute P.I.T. community members, the College can pursue disciplinary action.
- D. **False Reports** - The College will not tolerate intentional false reporting of incidents. It is a violation of this Policy to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.
- E. **Immunity for Victims** - The College strongly encourages the reporting of incidents of sexual misconduct. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of the College community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sexual violence (not other forms of sexual misconduct) limited immunity from being charged with policy violations related to the sexual violence incident. While violations cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.
- F. **Good Samaritan** -The welfare of students is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual violence victim to the Title IX Coordinator or the Police). The College pursues a policy of limited immunity for students who offer help to others in need in cases of sexual violence (not other sexual misconduct matters). While policy violations cannot be overlooked, the

College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

- G. **Parental Notification** -The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol or drug policy violations. Where a student is not-dependent, the College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).
- H. **Notification of Outcomes** - The outcome of a Grievance Procedure is part of the education record of the accused student, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions such as:
- 1) Complainants in sexual harassment cases will have the right to learn about the sanction imposed upon a student who was found to have engaged in sexual harassment when the sanction directly relates to the harassed student.
 - 2) Students who bring any sort of sexual misconduct complaint against a faculty member or employee may be informed of the outcome and sanction.
 - 3) The College may disclose to anyone – not just the alleged victim – the final results of a Grievance Procedure if it determines that the accused student is a perpetrator of a crime of violence or a non-forcible sex offense.
- I. **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. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance by the Title IX Coordinator. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Title IX Coordinator may consider such information but, only if:
- 1) The accused was previously found to be responsible;
 - 2) The previous incident was substantially similar to the present allegation;
 - 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.