

Policy Regarding Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Stalking, Dating Violence, and Domestic Violence

Statement of Policy:

This Policy may be referred to as the Title IX Policy. There will be two Title IX Policies: one for when the Respondent is a student and one for when the Respondent is an employee of the College. The differences between these policies are minor.

Scope of Policy:

This policy applies to all employees and students. This specific policy will be used when the Respondent is a Student.

There is no time limit for reporting allegations of sexual misconduct, however, Manor College strongly encourages the prompt reporting of sexual misconduct to allow Manor College to respond promptly and effectively. If the reported Respondent is not a member of the Manor College Community or is no longer associated with Manor College at the time of the report or at the time a resolution process is initiated, Manor College may be unable to conduct an investigation or take disciplinary action.

Administrative Guidelines:

Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities operated by recipients of federal financial assistance. **“Sex discrimination” includes all forms of sexual and gender-based harassment, sexual misconduct, sexual violence, sexual assault, domestic violence, dating violence, and stalking by students, employees or third parties against employees, students, or third parties.**

If the College knows or reasonably should know of possible sex discrimination, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed on page 10). If an investigation reveals that sex discrimination has created a hostile environment, the College must then take prompt and appropriate action to end the discrimination, remedy the effects and prevent its recurrence.

In addition to Title IX, Section 304 of the Violence Against Women Reauthorization Act of 2013 prohibits sexual assault, dating violence, domestic violence and stalking. These behaviors are prohibited by the College and will be resolved under this Policy in all circumstances.

This Policy has been developed to reaffirm individual rights and responsibilities and to provide recourse for those individuals whose rights have been violated. It serves as a measure for Manor College to determine if behaviors violate community values. It also should serve as a guide for expectations for communications about sexual behavior, sexual responsibility and sexual respect. This Policy specifically focuses on allegedly inappropriate behavior by students.

Any student found in violation of this Policy will be subject to discipline, up to and including expulsion.

Conduct Prohibited by this Policy

Sexual Misconduct:

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation. Sexual misconduct violates the rights of others and demonstrates blatant disregard to the values of the Manor Community. Sexual misconduct can vary in its severity and consists of a range of behavior or attempted behavior. It includes but is not limited to, the following: non-consensual penetration, non-consensual sexual contact, sexual exploitation, sexual harassment, dating/relationship violence, domestic violence, and stalking.

Sexual Harassment in all forms:

Sexual harassment includes 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—either implicitly or explicitly—a term or condition of an individual’s employment or academic status; (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 purpose or effect of unreasonably interfering with a student’s or employee’s work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. A hostile environment exists when sexual harassment is sufficiently severe, pervasive, or persistent or so objectively offensive that it would interfere with or limit a reasonable person’s ability to participate in or benefit from the educational programs and activities of the College.

Sexual harassment can be committed by individuals of any sex against individuals of any sex including those who are transgender or gender-neutral. Sexual harassment sometimes involves a person in a greater position of authority than the person being harassed; however, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Sexual harassment can be physical 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 sexual harassment.

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

1. Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
2. Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
3. Denying, directly or indirectly, an individual employment or education related opportunity, if the individual refuses to comply with a sexually oriented request.
4. Engaging in unwelcome sexually suggestive conversation or physical contact of a sexual nature.
5. Displaying unwanted offensive, obscene photos, posters, or other sexually oriented materials; distributing unwanted sexually offensive materials.
6. Engaging in indecent exposure.
7. Making sexual or romantic advances toward an individual and persisting despite the individual's express rejection of the advances.
8. Retaliating or threatening to retaliate against an individual who makes a report of misconduct under this Policy.
9. Stalking, based on gender or sex.

Sexual Harassment also includes (1) all forms of non-consensual sexual contact and non-consensual intercourse as defined below, and (2) Sexual Exploitation as defined below. This Policy also prohibits crimes of sexual assault, dating violence, domestic violence and stalking as defined by the Commonwealth of Pennsylvania. Please refer to the Addendum for these definitions.

Non-consensual Sexual Contact

Non-consensual sexual contact is any sexual touching, with any body part or object, by an individual upon another person without consent, or making any person touch you, them, or a third person in a sexual manner without their consent. It includes any non-consensual sexual contact, including any improper touching of intimate body parts. It also includes the non-consensual removal of another's clothing, indecent contact (i.e., the unwanted touching of another's intimate body parts including, but not limited to, genitals, buttocks, groin, or breasts) or causing another to have indecent and unwanted contact with intimate body parts.

Non-consensual Intercourse

Non-consensual intercourse is any sexual intercourse (anal, oral or vaginal), with any body part or object, by an individual upon another person without consent. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or coercing another person to have

intercourse against that person's will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is incapacitated due to alcohol or other drugs, is incapacitated due to physical or emotional trauma, is less than 17 years of age, or is otherwise incapable of denying or giving consent (for example, when an individual is in an unconscious or semi-conscious state).

Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the person's 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: non-consensual observation of individuals who are undressed or engaging in sexual acts; non-consensual video or audio-taping of sexual activity; prostituting another person; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); and knowingly transmitting a sexually transmitted infection (STI) or the human immunodeficiency virus (HIV) to another.

Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their physical safety or the safety of others; or suffer substantial emotional distress that may, but does not necessarily, require medical or other professional treatment or counseling. This fear may include the fear of being subjected to sexual harassment or sexual misconduct. A "course of conduct," for purposes of this definition, means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Dating Violence and Domestic Violence:

Dating violence is a type of physical relationship violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim including, but not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship will be determined based on the complaining party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence is distinct from domestic violence.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or 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 Commonwealth of Pennsylvania.

Other prohibited conduct:

Intimidation includes any act to deter an individual from making a report of sexual harassment or sexual misconduct, or to deter an individual from participating or assisting in an investigation or proceeding related to a report of sexual harassment or sexual misconduct, by imposing fear through threats of physical or emotional harm to the targeted individual(s) or the individual's or individuals' associates.

Retaliation includes any act or attempted acts to seek retribution against anyone who has reported prohibited activity or against anyone who has participated in an investigation or related proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

Definitions

Alleged Victim means the person who is alleged to have been harmed by a violation of this Policy. The Alleged Victim may or may not be the Complainant. The use of this term is not to view reports of sexual harassment or sexual violence with skepticism. Rather, it is a reflection of the fact that reports of sexual harassment or sexual violence are *allegations* until they are proven by a preponderance of evidence in accordance with the process set forth in this Policy. Using the term "Alleged Victim" therefore balances the realities of the allegations, and the status of the person who may have been subjected to sexual harassment or sexual violence.

Appeal Officer means a trained individual authorized by the Title IX Coordinator to consider an appeal of an Investigator's determination of responsibility or the College's imposition of sanctions under this Policy.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of influence someone uses to get consent from another. If an individual communicates that they do not consent to sexual activity (either a particular act or any sexual activity, generally), the continued use of influence could be viewed as coercion. Consent can never be obtained by coercion.

Complainant means any individual who submits a report alleging that any portion of this Policy has been violated. A Complainant may be the Alleged Victim or any other Reporter. The College reserves the right to serve as Complainant.

Consent is permission to engage in particular sexual activity. Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter. Consent must be knowingly, voluntary, active, present, and ongoing agreement to engage in a particular sexual activity. Consent is active, not passive. Consent can be communicated verbally or by actions, but non-verbal consent is less clear than talking about what is acceptable or allowable. Consent, in whatever way it is communicated, must be mutually

understandable. Silence, in and of itself, cannot be interpreted as consent. 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. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent does not imply consent to future acts. Consent can be withdrawn at any time. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Effective consent cannot be given by mentally disabled individuals or persons incapacitated as a result of drugs or alcohol. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or violence, and intoxication or impairment does not diminish one's responsibility to obtain consent.

When determining whether a person has the capacity to provide consent, Manor College will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

Incapacitation is a state where an individual cannot make a rational, reasonable decision because they lack the ability to understand the “who, what, when, where, why or how” of their interaction.

Investigator is a college-appointed employee or third party who conducts fact finding, leads the investigative process, and determines responsibility under this Policy.

Reporter means any individual who submits a report alleging that of any portion of this Policy has been violated.

Respondent means any individual alleged to have violated this Policy.

Witness means any individual who has seen, heard, or otherwise knows or has information about a violation or potential violation of this Policy.

Procedures When There Is an Alleged Violation of This Policy

Options for Immediate Assistance

The College encourages those who have experienced, witnessed, or are aware of any form of sex discrimination as defined in this Policy, which includes sexual misconduct, sexual harassment, including sexual exploitation, and stalking, dating or domestic violence, to report the incident promptly, to seek all available assistance, and, should they wish, to pursue College discipline proceedings and criminal prosecution.

In a crisis, get help immediately. The College encourages any individual to seek assistance from local law enforcement or local medical facility immediately after an incident of sexual misconduct, dating violence, domestic violence, stalking or sexual violence.

In the case of sexual assault or violence, preserve physical evidence by making certain that the incident area is not disturbed. (The decision to make a formal complaint or criminal report does

not have to be made at this time. However, following these procedures will help preserve this option for the future). The individual should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed. But if they have been, place original clothing in a paper bag. (Plastic bags may damage evidence).

If you have been assaulted, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. It's recommended that a physical exam be conducted within 72 hours of the assault. Please keep in mind that having a sexual assault exam does not mean the individual is mandated to press charges. This action only keeps the options open. (Individuals under the age of eighteen should be aware that, as a minor (child), their parent(s) or legal guardian may have the right to obtain information from their medical records.) If you decide to complete a forensic rape kit, call your local hospital and ask if they have a SANE (Sexual Assault Nurse Examiner) nurse. A SANE nurse has received specialized training in collecting evidence and providing comprehensive care to sexual assault victims. Hospitals in Montgomery County with a SANE nurse:

- Einstein Montgomery, East Norriton
- Abington Memorial, Abington
- Pottstown Memorial, Pottstown
- Phoenixville, Phoenixville
- Bryn Mawr, Bryn Mawr

The hospital staff can also assist with treatment for sexually transmitted diseases and other health services.

Contact either of the following for immediate assistance for any crime of sexual assault, dating violence, domestic violence, or stalking:

- **Abington Township Police Department**
 - Emergency numbers: 911 or (215) 884-2700
 - Non-emergency: (267) 536-1100
- **Manor College Department of Public Safety**
 - 24-hour St. Josaphat Residence Hall post: 215-885-2360 ext. 3292 or ext. 3292 (from on-campus phone)
 - Switchboard operator: 215-885-2360 ext. 1200 or ext. 1200 (from on-campus phone)

Public Safety can arrange transportation to a local hospital or local police department if requested. **You have the right to report, and the right to not report, a crime of sexual assault, dating violence, domestic violence or stalking that you have suffered to law enforcement.**

Some individuals may prefer to work directly with **Off-campus Counselors, Advocates and Health Care Providers** who generally maintain confidentiality and will not share information with others unless the client requests disclosure and signs a consent or waiver form. The actual confidentiality afforded by these providers and agencies may vary, and you should ask when you first call.

Confidential resources for an immediate or emergency response include:

- **Manor College Director of Counseling (for student Complainants, Reporters, or Witnesses) – Students may call (215) 885-6299 (or ext. 2258 via campus phone) to request to speak to a confidential counselor.**
- **Montgomery County Crime Victims Center: (610) 227-5200**
- **Abington Hospital, 1200 Old York Road, Abington, Pennsylvania 19001; (215) 481-2000**
- **BUCKS COUNTY NETWORK OF VICTIM ASSISTANCE (NOVA)
Phone: 1-800-675-6900 Website: <http://www.novabucks.org>**
- **CATHOLIC SOCIAL SERVICES
Phone: 267-331-2490 Website: <http://catholicsocialservicesphilly.org/index.php>**
- **CORA
Phone: (215) 342-7660 Website: <http://www.coraservices.org>**
- **CRIME VICTIMS CENTER OF CHESTER COUNTY
Hotline: (610) 692-7273 Website: <http://www.cvcfcc.org>**
- **DELAWARE COUNTY WOMEN AGAINST RAPE
Hotline: (610) 566-4342 Website: <http://delcowar.org>**
- **VICTIM SERVICES OF MONTGOMERY COUNTY
Hotline: 1-888-521-0983**
- **PA CRIME VICTIMS COMPENSATION BOARD
Phone: 1-800-233-2339 Website: <http://www.pacrimevictims.org>**
- **WOMEN AGAINST ABUSE DOMESTIC VIOLENCE HOTLINE, PHILADELPHIA
Hotline: 1-866-723-3014 Website:
<http://www.womenagainstabuse.org/index.php/about-us>**
- **WOMEN ORGANIZED AGAINST RAPE (WOAR)
Hotline: (215) 985-3333 Website: <http://woar.org>**
- **WOMEN'S CENTER OF MONTGOMERY COUNTY
Hotline: 1-800-773-2424 Website: <http://www.wcmontco.org/index.html>**

Seeking Support from a College Employee

Sometimes an individual may not require or want immediate emergency assistance or may need more time before sharing any information about the incident. An individual may feel more comfortable sharing details about an incident of sexual misconduct with someone they know, such as an academic advisor, campus work supervisor, or coach and choose to seek advice from them about the college process or college resources before deciding on next steps.

This is completely understandable; however, most employees of the College are considered **“Responsible Employees”** and must share any information about a report of sexual misconduct, sexual harassment, sexual exploitation, stalking, dating violence and domestic violence with the Title IX Coordinator. This disclosure is required under Title IX; the College must ensure a prompt, fair and impartial response to, and investigation of, these reports of sexual misconduct. There are exceptions, which will now be explained.

Completely Confidential Reporting Locations for Students

If a student is seeking complete confidentiality, the best option is to consult first with a College Counselor. The Counselor can provide confidential advice, share resources, and inform the student about the process for making an official report to the College without any requirement to disclose information to the Title IX Coordinator.

- **Manor College Director of Counseling.** Call (215) 885-6299 (or ext. 2258 via campus phone) to request a confidential counseling appointment. Outside of normal business hours, students should contact Public Safety to say they need confidential counseling assistance. Students contact information will be taken and relayed to the Counselor via the Dean of Students or the Chief of Public Safety. The counselor will contact the student promptly. Confidential messages may be left 24 hours/day at 215-885 6299.

Mostly Confidential Locations

Staff in Health Services offices can talk to a student Complainant, Alleged Victim, or Reporter without being required to disclose personally identifiable information about the Alleged Victim to the Title IX Coordinator. Students can seek assistance and support from the employees listed below without triggering an investigation that would reveal the identity of the Alleged Victim. These employees are only required to share a limited report to inform the Title IX Coordinator of the date, time, general location and nature of the incident but, again, *not* information that would identify the Alleged Victim. This general information is necessary in order for the College to appropriately track patterns, evaluate the scope of the problem and formulate appropriate campus-wide responses. Before sharing the general report with the Title IX Coordinator, these employees will work to consult with the Complainant to ensure that no personally identifiable details about the Complainant are shared.

Responsible Employees

As noted above, unless an individual is making a report at a “completely confidential” location or a “mostly confidential” location, they are reporting to a Responsible Employee of the College. According to this Policy, whenever a **Responsible Employee** becomes aware of any information related to a report of sexual misconduct, sexual harassment, sexual exploitation, stalking, dating violence, or domestic violence, the Responsible Employee, as a general matter, must share all relevant details about the alleged incident with the Title IX Coordinator. This information includes all the details necessary for the College to determine what happened—including the names of the Complainant, Alleged Victim and Reporter, the Respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report. **A Responsible Employee generally will not share information with local law enforcement without the Alleged Victim’s consent, or unless the Alleged Victim has also reported the incident to law enforcement.**

Before a Complainant, Alleged Victim, or Reporter reveals any information to a Responsible Employee about an incident covered by this Policy, the Responsible Employee will make all best efforts to ensure that the Complainant, Alleged Victim, or Reporter understands the limitations for confidentiality and the obligations to disclose personally identifiable information to College officials. If the Complainant, Alleged Victim or Reporter prefers to consult with a more confidential resource person, the Responsible Employee should assist with an appropriate referral.

If the Complainant, Alleged Victim, or Reporter decides to report an incident to a Responsible Employee, but then requests that the Responsible Employee maintain confidentiality or requests that no investigation into the incident be conducted or no disciplinary action be taken, the Responsible Employee should inform the Complainant, Alleged Victim, or Reporter that the Title IX Coordinator will review the information and consider the request for such confidentiality/non-action, **but that confidentiality/non-action cannot be guaranteed.** (*See Requests for Confidentiality/No Action, below.*)

The Responsible Employee will never pressure a Complainant, Alleged Victim, or Reporter to request confidentiality or pressure the Complainant, Alleged Victim, or Reporter to make a full report.

Confidential community resources for an immediate or emergency response include:

- **Manor College Director of Counseling (for student Complainants, Reporters, or Witnesses) – Students may call (215) 885-6299 (or ext. 2258 via campus phone) to request to speak to a confidential counselor.**
- **Montgomery County Crime Victims Center: (610) 227-5200**
- **Abington Hospital, 1200 Old York Road, Abington, Pennsylvania 19001; (215) 481-2000**

- **Victim Services Center—Crisis Hotline: (888) 521-0983;**
www.victimservicescenter.org
- **Full list of resources available on page 8.**

Making a Report of Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Stalking, Dating Violence or Domestic Violence

The College encourages prompt reporting of violations of this Policy, but also recognizes that not every individual—except for Responsible Employees—will decide to make a report, nor does the College require or expect any individual other than a Responsible Employee to report violations of this Policy.

Any individual, who is not a Responsible Employee, but who is aware of an alleged violation of this Policy may decide to (1) file a criminal complaint only, (2) file a criminal complaint and make a report to the College, (3) make a report to the College, but not file a criminal complaint.

An Individual may also file a report to the College online via the Manor College webpage on Title IX Information: <https://manor.edu/student-life/security-and-safety/title-ix-information/reporting-form/>. While anonymous reports are accepted, Manor College’s ability to address misconduct reported anonymously is significantly limited.

Making a Criminal Complaint to Local Law Enforcement

The College can assist anyone in making a report to local law enforcement. If you would like help making contact with local law enforcement and scheduling a meeting time with a police officer or police detective, please contact one of the following:

- Manor College Department of Public Safety—
 - St. Josaphat Residence Hall 24-hour Security Post
 - (215) 885-2360 ext. 3292
- Katharina Kilmer, Title IX Coordinator
 - Basileiad Manor
 - (215) 885-2360 ext. 1202
 - titleix@manor.edu (primary email for Title IX)
 - kkilmer@manor.edu
- Tina Colella, Deputy Title IX Coordinator
 - Basileiad Manor
 - (215) 780-1188
 - (215) 885-2360 ext. 1273
 - ccolella@manor.edu
- John Dempster, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 2206

- jdempster@manor.edu
- Shamika Ford, Deputy Title IX Coordinator
 - St. Josaphat Residence Hall
 - (215) 885-2360 ext. 3295
 - slford@manor.edu
- Chris Hartman, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 1208
 - chartman@manor.edu
- Allison Mootz, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 2276
 - amootz@manor.edu

To make a direct report to local law enforcement without assistance from the College, individuals should contact the Abington Township Police at **911 (emergency) or (267) 536-1100 (non-emergency)**. The dispatcher will ask for preliminary information like the name of the reporting person, phone number, address, and whether immediate assistance is needed. If not, a police officer will contact the reporting person to gather more information and provide resources, like obtaining a restraining order (known locally as a Protection from Abuse order or a Sexual Violence Protection Order) or sharing locations for a sexual assault nurse examiner (SANE). Once local law enforcement has gathered information they may refer the reporting person to a police detective to conduct a more thorough investigation. Local law enforcement officials are willing to meet with individuals making a report in a location that is comfortable, either on-campus or at the local police department office.

All reports, including any anonymous report, will be taken seriously in order to provide appropriate medical and counseling support and to protect others in our community from further harassment or violence. The College will uphold core institutional values of human dignity, respect, and social justice as it responds to each report. All parties involved can expect to be treated fairly and respectfully.

NOTE: The College reserves the right to initiate a report, to serve as Complainant, and to investigate allegations of prohibited conduct in appropriate circumstances even in the absence of a report from a member of the college community. Results of any investigation involving prohibited conduct will be documented by the Title IX Coordinator.

Students who wish to make a report of sexual harassment, sexual misconduct, sexual exploitation, stalking, or dating or domestic violence to the College, should contact:

- Manor College Department of Public Safety—
 - St. Josaphat Residence Hall 24-hour Security Post
 - (215) 885-2360 ext. 3292

- Katharina Kilmer, Title IX Coordinator
 - Basileiad Manor
 - (215) 885-2360 ext. 1202
 - titleix@manor.edu (primary email for Title IX)
 - kkilmer@manor.edu

- Tina Colella, Deputy Title IX Coordinator
 - Basileiad Manor
 - (215) 780-1188
 - (215) 885-2360 ext. 1273
 - ccolella@manor.edu

- John Dempster, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 2206
 - jdempster@manor.edu

- Shamika Ford, Deputy Title IX Coordinator
 - St. Josaphat Residence Hall
 - (215) 885-2360 ext. 3295
 - slford@manor.edu

- Chris Hartman, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 1208
 - chartman@manor.edu

- Allison Mootz, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 2276
 - amootz@manor.edu

In cases when students make a report of an alleged violation under this Policy to any other Responsible Employee, the case will be referred immediately to the Title IX Coordinator (see section on Responsible Employees, above).

A report can also be submitted online at <https://manor.edu/student-life/security-and-safety/title-ix-information/reporting-form/>. This form will allow any individual to file an electronic incident report to the Title IX Coordinator directly. This form also allows for the reporting individual to remain anonymous if the individual wishes to remain anonymous, however, Manor College's ability to address misconduct reported anonymously is significantly limited.

Retaliation

The College strictly prohibits retaliation against any person for making a report, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of violations this Policy. The College will take immediate and responsive action to any report of retaliation which is a violation of this Policy.

Requests for Confidentiality or Non-Action

Sometimes a Complainant, Alleged Victim, or Reporter will request confidentiality or that no disciplinary action be taken by the College even though they have reported alleged sexual misconduct, sexual harassment, retaliation, intimidation, domestic violence, or dating violence to a Responsible Employee. The College must weigh requests for confidentiality/non-action against the College's obligations to provide a safe, non-discriminatory environment for all students, including the Complainant. **There may be times when the College may not be able to honor a Complainant's request for confidentiality/non-action.** Regardless of whether the College can honor this request, the College will always maintain confidentiality of the victim in publicly available record keeping (Timely Warnings, Emergency Notifications, Daily Crime and Fire Log, and the Annual Security and Fire Safety Report) by not disclosing personally identifying information.

If the College honors the Complainant's request for confidentiality, the College's ability to meaningfully investigate and mitigate the alleged sexual misconduct may be limited.

Manor College's Title IX Coordinator is designated to evaluate and determine requests for confidentiality/non-action in student matters and may, in their discretion, consult with the College's Title IX Deputy Coordinator/s or any other person as appropriate under the circumstances, as determined by the Title IX Coordinator. This evaluation will consider the allegation(s), whether the alleged sexual violence was perpetrated with a weapon, whether the report reveals a pattern of perpetration, the respective ages and positions of the Respondent and Complainant (and Alleged Victim, if different), whether the sexual violence was committed by multiple perpetrators, whether there have been previous complaints against the Respondent, whether the Respondent has a history of arrests or records indicating a history of violence, whether the Respondent threatened further sexual violence or other violence against the Complainant/Alleged Victim or others, and the Complainant's right to receive information under the Family Educational Rights and Privacy Act (FERPA) if the Complainant is a student.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action.

If the Title IX Coordinator determines that the College cannot maintain a request for confidentiality/non-action, the Title IX Coordinator will inform the Complainant/Alleged Victim prior to authorizing an investigation, and will, to the extent possible, only share information with individuals responsible for handling the College's response. The College may not require a Complainant or an Alleged Victim, if different, to participate in any investigation or disciplinary process.

The College will be mindful of the Complainant and Alleged Victim's well-being and will take reasonable steps to protect the Complainant and Alleged Victim from retaliation or harm. The College will also assist the Alleged Victim in accessing advocacy resources; academic support; counseling, disability, health or mental health services; legal assistance; visa/immigration assistance; and will provide other security and support measures as appropriate, including by issuing a no-contact directive, arranging a change of living or work assignment or class schedules (including for the Respondent pending the outcome of an investigation), or making adjustments for assignments or tests, etc. The College will inform the Complainant and Alleged Victim (if different) of the right to report a crime to local law enforcement and provide assistance if requested. The College will provide each Alleged Victim with a copy of the policy outlining their rights, reporting options, and available support and assistance.

Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including general, non-identifying reports) will prompt the College to consider broader remedial action such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments; or revisiting College policies and practices.

Amnesty for Students Who Report Violations

Manor College encourages the reporting of sexual misconduct, sexual harassment, sexual exploitation, stalking, and dating and domestic violence and seeks to remove barriers to reporting. Sometimes, students are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage alcohol consumption. To encourage reporting, the College will generally not seek to hold any student who makes a report under this Policy accountable for their own conduct in that particular circumstance provided that, in the Title IX Coordinator's estimation, the reporter's misconduct did not jeopardize the health and safety others. The College may choose to pursue educational remedies for the reporting person(s).

Time Frame for Making a Report

Individuals are encouraged to report immediately allegations of any violation of this Policy. While there is no time limit to make a report, parties should be aware that delays in reporting may limit the effectiveness of an investigation. Whenever a report is received, the College will respond and provide appropriate resources.

False Reports

The College very seriously considers all charges of sexual misconduct, sexual harassment, sexual exploitation, dating violence, domestic violence or stalking. An individual who intentionally submits a falsified report under this Policy will be subject to disciplinary action and sanctioning up to and including expulsion and report to law enforcement.

Notification of Parent/Guardian and College Officials

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

Investigation and Resolution of Alleged Sexual Misconduct Committed by a Student Respondent

All reports that a student has engaged in sexual misconduct, sexual harassment, sexual exploitation, domestic violence, dating violence, and stalking will be referred to and reviewed by the Title IX Coordinator, who oversees the College's response. Investigations and resolution proceedings will be conducted by professionals who receives annual training on issues related to sexual misconduct, sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct investigations and resolution proceedings that protect the safety of complainants and promote accountability. The investigator may be an employee of the College or a third party retained by the College to conduct an investigation.

Fact-Finding and Investigations

Fact-finding and investigations vary in scope depending on the nature of the report. In order to support a fair and thorough fact-finding process, the Complainant, Reporter, and Alleged Victim (as the case may be) should provide as much detail as possible regarding the identity of the Respondent(s), the time and location of the alleged incident including the presence of any witnesses, the alleged effect of the incident on the Complainant, Alleged Victim, or Reporter, the names of others who may have been subject to similar misconduct under this Policy, any steps that the Complainant, Alleged Victim, or Reporter has taken to try to stop the alleged misconduct, and any other information the Complainant, Alleged Victim, or Reporter believes to be relevant to the matter.

An investigation will be initiated within seven (7) business days after the original report is received by the College and will be completed within three to six weeks in most situations, although the College may determine more time is necessary to complete a thorough review of relevant information. The Title IX Coordinator will designate an appropriate investigator (or investigators) and will simultaneously send an official notice of investigation to the Complainant and Respondent. The investigation may include interviews of the parties involved, including witnesses, and the gathering of other relevant information. The Complainant and Respondent each have the right to bring a support representative to any investigative interview or procedural meeting, as discussed below (*see* Rights of Complainant and Respondent).

Throughout the investigative process the Complainant and Respondent will have an opportunity to review their respective statements and those of all other parties or witnesses. Also, the Complainant and Respondent may submit questions to the Investigator in response to these statements. The Investigator will convey the questions to the specific party and reserves the right to screen the questions submitted for appropriateness and relevance to the case.

The past sexual history or sexual character of a party is irrelevant and cannot be used for any purpose unless such information relates to a past sexual history between the same Complainant and the same Respondent, or unless the information relates to the Respondent and is determined to be highly relevant by the Investigator(s) and the Title IX Coordinator. Such information may be highly relevant, and permitted, only if the Respondent was previously found to be responsible of sexual misconduct/sexual harassment, the previous incident was substantially similar to the present allegation, and information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. In cases where there may be an allegation under this Policy as well as an allegation under a different College policy, the charges may be processed together with approval from the Title IX Coordinator if the charges are sufficiently intertwined.

Some cases may include allegations that a student violated this Policy and separately violated a different section of the Student Code of Conduct. Where those alleged violations arise from the same alleged conduct or occurrence(s), or where the alleged conduct or occurrence(s) are reasonably interrelated, the College's Title IX Coordinator may consolidate the investigation and adjudication of those alleged violations. Consolidated cases will be investigated and adjudicated under the procedures of this Policy. In adjudicating alleged violations of the Student Code of Conduct that are not also violations of this Policy, the College will follow the definitions and related substantive material of the Student Code of Conduct.

Interim Measures

Interim Measures are administrative actions taken during the initial fact-finding or investigative process under this Policy and may be imposed regardless of whether a Complainant/Alleged Victim chooses to pursue disciplinary action or criminal prosecution by reporting the crime to the local police. Interim Measures available to the Complainant, Alleged Victim, and Respondent, respectively (and as the case may be), and Respondent, are implemented by the Title IX Coordinator, when necessary, and in consultation with the Dean of Students to mitigate any alleged sexual misconduct, prevent the recurrence of any alleged sexual misconduct, protect the individuals involved, and to ensure that concerns for safety and emotional and physical well-being are being addressed. The Complainant, Alleged Victim, Reporter, and Respondent is encouraged to contact the Title IX Coordinator, Katharina Kilmer, who will assist with activating any number of interim measures.

Interim Measures may include, but are not limited to, at the College's discretion, College issued no-contact directives between the Complainant, Alleged Victim (if different), and the Respondent or others involved, reasonable adjustments in class schedules and assignments, including the ability to drop a course without penalty, modifications to work schedules, work locations or responsibilities, interim separation of a student from the College, changes in college housing assignments, restricted campus access, campus office relocation, provision of counseling

services and assistance in setting up the initial appointment, providing academic support services such as tutoring, assistance with a referral to disability services, provision of Public Safety escorts to ensure safe movement between classes and other activities, increased security patrol, or any other measures the College deems appropriate. In some cases, the Title IX Coordinator may restrict participation in College activities or programs for which the Respondent might otherwise be eligible. The College may also place a hold on a student Respondent's record, as appropriate. These measures remain in effect through any appeal process, and to the extent possible, the reason for the support and assistance provided to the Alleged Victim or Complainant will remain confidential.

Interim Measures do not replace a Resolution Process, defined below, which will proceed according to the defined process.

Resolution Processes

Initial Meeting with Reporter and Alleged Victim

Upon receipt of a report, the Title IX Coordinator (or Deputy Title IX Coordinator) will conduct an intake meeting as soon as practicable with the Reporter and the Alleged Victim via separate meetings (if the Alleged Victim is not making the initial report of sexual harassment). At that meeting, the Title IX coordinator will address the following topics with the reporter and alleged victim, as appropriate:

- Help ensure immediate physical safety and emotional well-being;
- Notify the Reporter/Alleged Victim of the right to contact law enforcement, along with their right not to contact law enforcement if they do not want to do so, plus their right to seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the Reporter/Alleged Victim of the right to be assisted by individuals at the College in contacting law enforcement;
- Notify the Alleged Victim/Reporter of confidential and non-confidential resources on and off campus;
- Provide the alleged victim/reporter with information about:
 - On and off campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
 - The range of interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant regardless of whether the Complainant files a formal complaint with the College, Public Safety or local law enforcement;

- Provide an overview of the resolution process, including Informal Resolution (if appropriate);
- Explain that the student has a right to an advisor of their choice during the process and provide a list of College employees willing to advise;
- Assess for pattern evidence or other similar conduct if possible;
- Explain the College's alcohol and drug amnesty policy;
- Explain the College's policy prohibiting retaliation;
- Depending on the amount of detail the College already knows about the alleged harassment (or any other conduct prohibited by this policy), explain that if the complaint involves a Clery crime, the Title IX Coordinator will notify the Clery Coordinator of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) issue a timely warning as defined by the Clery Act, and assure the Complainant that any such reports will not include the Complainant's personally identifying information. In the event that the College already had information sufficient to trigger the College's Clery obligations, the Title IX Coordinator will explain the steps already taken by the College in accordance with those obligations.

Informal Resolution

Some reports of sexual misconduct/sexual harassment may be resolved through Informal Resolution between the parties at the recommendation of the Title IX Coordinator, and possibly at a very early stage of the fact finding and investigation process. Informal Resolution is optional; either the Complainant or Respondent may decline to participate in Informal Resolution in favor of Formal Resolution (described below). Informal Resolution is never appropriate for cases of alleged dating violence, domestic violence, stalking, sexual exploitation, or other reports of sexual harassment involving violence or non-consensual sexual contact.

The Title IX Coordinator may arrange the restorative procedures between the involved parties and coordinate other remedies with the Dean of Students. A mediation, involving a mediation conference, will be facilitated by a qualified college official or external consultant appointed by the College. All Informal Resolution proceedings will be prompt, fair, impartial, and, absent extenuating circumstances, completed within twenty-one (21) business days of the initial report. Should the parties not agree to outcomes via Informal Resolution, the report will be resolved through Formal Resolution.

Once the Informal Resolution is complete, written notification to both parties will be simultaneously given by the Title IX Coordinator. Because the outcomes of Informal Resolution are mutually developed and agreed upon by the parties involved, the outcome of the Informal Resolution is final and an appeal by either party is not permitted.

The College will take additional measures, as necessary, to prevent the recurrence of sexual harassment in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to additional disciplinary action.

Formal Resolution

Following the intake meeting, the Title IX Coordinator will appoint an Investigator to conduct an investigation of the alleged misconduct. The Title IX Coordinator will then simultaneously, but separately, notify the Complainant or Alleged Victim (if different from the Complainant) and Respondent that an investigation has been initiated and that the Investigator will be in contact with them to schedule interviews. At any time before the close of the investigation, the Complainant/Alleged Victim and the Respondent may each submit evidence or written information for the Investigator's consideration.

After the Investigator has interviewed witnesses, the parties, and collected evidence, the Investigator will submit their draft investigative report to the Title IX Coordinator. The draft report will include summaries of witness interviews of other evidence gathered but will not include a determination of the Respondent's responsibility or recommendation of any sanctions. Upon receipt of the Investigator's draft report, the Title IX Coordinator will then schedule meetings with the Complainant and Respondent to review the draft investigative findings. During these review meetings, neither the Complainant nor Respondent may copy any portion of the report. They may, however, take notes.

Within seven (7) calendar days after their respective review meetings, the Complainant and Respondent may each respond to the report by submitting a signed written response to the Title IX Coordinator. The signed written response may include additional evidence or information not yet presented to the Investigator. Any written response must originate from the Complainant and Respondent and must be delivered by the Complainant's or Respondent's own College e-mail address, if the written response is being submitted by e-mail. The College reserves the right to refuse to accept any written response that does not comply with the above requirements, including if the response is sent by someone purportedly acting on behalf of the Complainant or Respondent.

As part of their signed written response, the Complainant and Respondent may include requests for additional investigation like follow-up interviews with one or more witnesses, follow-up questions to ask certain witnesses, requests to interview new witnesses, or other requests to consider new evidence. The Complainant or Respondent who makes any such request must explain the relevance of the information sought by each request.

The Title IX Coordinator has the sole discretion to determine whether, based on any signed written response submitted by the Complainant or Respondent, additional investigation is necessary. Not all cases will warrant additional investigation. The Title IX Coordinator, in consultation with the Investigator, has the sole discretion to determine whether additional investigation is warranted and, if so, the subject matter(s) of that additional investigation.

Following the conclusion of the additional investigation, if any, the Investigator will prepare a final written report and submit that final report to the Title IX Coordinator when complete. The

final written report will include similar information as contained in the draft report, supplemented with the following: (a) any additional information submitted by the Complainant or Respondent, respectively; (b) any additional information discovered through the additional investigation, if any; (c) based on the preponderance of the evidence, a factual determination and analysis of the alleged sexual harassment; and (d) based on the preponderance of the evidence, a determination and analysis of whether the Respondent is responsible for any conduct prohibited under this policy.

After receiving the final report, and if the Respondent is found to be responsible for one or more violations of this Policy, the Title IX Coordinator shall implement sanctions, as necessary, and as described below. The Title IX Coordinator shall then simultaneously, but separately, notify the Complainant and Respondent in writing of the outcome of the Formal Resolution, including any sanctions imposed.

Notification of Outcomes/Records Management

The Title IX Coordinator will provide simultaneous, but separate, written notification to the Complainant and Respondent of the outcome of the Informal Process or Formal Process, including any sanctions. This notification will be sent to the College e-mail addresses of the Complainant and Respondent, separately, but respectively.

The outcome of and sanctions resulting from a resolution are part of the student Respondent's confidential student conduct record. A complete case file is maintained by the Title IX Coordinator.

Standard for Determining Responsibility

Consistent with the requirements of the U.S. Department of Education's Office for Civil Rights, the standard used to determine responsibility for the alleged violation (s) of this Policy is a preponderance of the evidence: whether it is more likely than not that the Respondent engaged in conduct prohibited by this Policy.

The Rights of Complainant and the Respondent under this Policy

The Complainant and Respondent proceeding under this Policy have the right to a timely process and resolution. Generally, the resolution process—from initial report to decision— will take three to six weeks, excluding any appeal. Academic calendar considerations, an appeal process, or other exigent circumstances may result in an extended resolution process.

The Complainant and the Respondent each have the right to be accompanied by one support representative of their choice during the course of any investigative or resolution meeting or proceeding under this Policy in which the Complainant or Respondent, respectively, are attending. The support representative may be any person, but as discussed below, a representative's role is limited to that of a support representative and not an advocate.

Two days prior to any scheduled meeting or proceeding, the Complainant or Respondent (as the case may be) must provide the name of their support representative, if any, to the investigator or

Title IX Coordinator; otherwise, the College reserves the right to prohibit a Complainant's or Respondent's support representative from attending any resolution meeting or proceeding. The College reserves the right to have its own legal counsel present during these meetings or proceedings.

Delays will not normally be allowed due to the scheduling conflicts of a support representative. Support representatives, including an attorney, are there to provide emotional support to a party. A support representative may not speak, respond, or otherwise participate in the meeting or proceeding. They may not take notes or otherwise record the proceedings. They may not review any portion of the draft report, final report, or any evidence or written information contained within the investigative file. If a support representative disrupts the process, including but not limited to failing to abide by this Policy or related instructions from authorized representatives of the College, the support representative may be required to leave the room. Additionally, the College reserves the right to reschedule or continue the meeting without the presence of that same support representative.

At the conclusion of any resolution process, the College will provide written notification to the Complainant and the Respondent of the outcome, including information about any sanctions, within five (5) business days.

In the case of Formal Resolution, once written notification of the outcomes has been received, the Complainant and Respondent each may appeal the outcome, including any sanctions. The letter of appeal should be submitted according to the appeal process described below.

Decisions, Remedies, and Sanctions in Student Matters

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct, sexual harassment, sexual exploitation, stalking, domestic violence, or dating violence in order to protect the rights and personal safety of community members.

If a Respondent is found responsible for a violation of this Policy, one or more sanctions may be assigned. The Title IX Coordinator will consult with the Dean of Students to determine appropriate sanctions. Appropriate and reasonable sanctions will be based on the Respondent's current and previous violations of this Policy and the College's Student Code of Conduct. When determining sanctions, the College will consider the concerns and rights of the Complainant, the Alleged Victim, the Respondent, and the broader campus community.

Not all forms of such misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions for students depending on the severity of the offense. The College reserves the right to refer any report of a violation of this Policy to the local police or other law enforcement agencies, although it typically will not do so if the Alleged Victim objects to such reporting. Even if criminal justice authorities decide not to prosecute the Respondent, the College may still pursue disciplinary action under this Policy.

In cases when a student faces criminal charges or is the subject of a criminal investigation, the College's response may be initiated at any time during such investigation or criminal proceedings. The College's response will typically not be delayed because criminal proceedings are ongoing.

Disciplinary sanctions are designed to educate students and guide future decision-making. Common sanctions are detailed below; however, the Title IX Coordinator may assign alternative sanctions. More than one sanction may be imposed for a single violation. Students are required to complete sanctions; failure to comply may result in additional disciplinary action or the activation of a hold on the student's academic record, which may impact the student's ability to register for classes, receive a College diploma, or otherwise participate in College activities. Sanctions may be imposed upon groups or organizations as well as individual students.

- **Disciplinary Expulsion** is a permanent separation from the College for disciplinary reasons. An individual who has been expelled from the College is not permitted on campus for any reason without permission of the Dean of Students. For full Disciplinary Expulsion policy, please see Academic Policies and Procedures in the College Catalog: <https://sites.google.com/a/manor.edu/manor-college-catalog/college-policies-procedures>. Documents supporting the student conduct decision are maintained in the student's confidential file for seven years. Parents/guardians, coaches, academic advisors, some academic, and co-curricular program advisors may be notified of the student's status.
- **Disciplinary Suspension** is a separation from the College for one or more semesters. When a student is placed on Disciplinary Suspension, a hold is activated on the student's academic record, the student is not permitted to register for classes, may not be on campus, and may not attend any college-sponsored events (on or off campus) without written permission from the Dean of Students or designee. For full Disciplinary Suspension policy, please see Academic Policies and Procedures in the College Catalog: <https://sites.google.com/a/manor.edu/manor-college-catalog/college-policies-procedures>. Documents supporting the student conduct decision are maintained in the student's confidential file for seven years. In some cases in order to allow the student to complete the current semester, disciplinary suspension may be deferred to begin the following semester. Special conditions, at the discretion of the Student Code of Conduct Chair, may apply during a deferred suspension. The College will not accept transfer credits earned at another institution during a period of disciplinary suspension. At the conclusion of the suspension period, the student must petition the Dean of Students in writing for permission to return to the College. The Dean may require a personal meeting to determine eligibility. Returning to the College after a disciplinary suspension is not automatic, as special conditions or considerations imposed by the Dean of Students may apply. Approval for re-entry must be secured three weeks before the start of the semester in which the student wishes to return. Parents/guardians, coaches, academic

advisors, some academic programs, and co-curricular program advisors may be notified of the student's status.

- **Disciplinary Probation** is written notice to the student that the student is not in good standing and may be applied for one or more semesters. Disciplinary Probation status may negatively impact the student's ability to participate in certain campus clubs and organizations. It may also impact the student's eligibility for study abroad and other off-campus study, tuition remission, certain selective academic programs, campus leadership programs and positions and campus employment opportunities. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student's probationary status.
- **Formal Warning** is a written notice to the student that he/she has violated College policy and that continued behavior may lead to more significant disciplinary action.

Other possible sanctions include but are not limited to:

- **Advisor Notification/Conference** is notice to the student's academic advisor, international student advisor or other program advisor. The advisor will be notified that the student has been found responsible for a violation of this Policy, and the student may be required to meet with the advisor.
- **Alcohol/Drug Assessment** requires student to complete an alcohol or other drug (AOD) assessment with a college staff counselor or approved off-campus provider. The student is responsible for the cost of the assessment and must provide evidence of successful completion.
- **Assessment/Counseling/Education** requires the student to complete a psychological assessment by a counselor and/or participation in educational sessions facilitated by a professional. Student is responsible for the cost of the assessment, counseling and/or educational program and must provide evidence of successful completion.
- **Athletic Director Notification/Conference** is notice to the Department of Athletics. The Athletic Director will be notified that the student athlete has been found responsible for a violation of this Policy, and the student athlete may be required to meet with the Athletic Director or team coach.
- **College Employer Notification/Conference** informs the student's college employment supervisor that the student is responsible for a violation of this Policy; the student may be required to meet with the supervisor.
- **Community Service** requires the student to complete a service project in the College community, surrounding community, or student's home community.

- **Dean of Students' Conference** requires the student to meet with the Dean of Students.
- **Educational Project** requires the student to review an article or video, write a paper, complete a project, etc. at the discretion of the Title IX Coordinator.
- **Fees and/or Fines** may be imposed in conjunction with any sanction at the discretion of the Student Conduct Administrator.
- **Group Deactivation** includes removal of College recognition and funding for a specified period of time.
- **Loss of Privileges** restricts participation in particular activities/programs or campus events. Denial of privileges may include, but is not limited to, ability to represent the College in any way, use of facilities, participation in co-curricular activities, holding a leadership position, housing lottery privileges and housing privileges. Loss of privileges may also apply to groups, athletic teams, clubs and organizations.
- **No Communication/No Contact** restricts the student from any contact, whether in person, electronic, or via third parties, with one or more students.
- **Parent /Guardian Notification** alerts a student found responsible for a violation of this Policy that parent/guardian will be notified of the violation.
- **Residence Expulsion** results in student being permanently removed from College housing.
- **Residence Relocation** results in a student being administratively moved to a different on-campus residence.
- **Residence Restriction** results in restricted access to certain College housing buildings.
- **Residence Suspension** requires a student to terminate occupancy of on-campus residence for a specified period of time. Specific restrictions on access to residence halls during the period of suspension may also be involved.
- **Restitution** requires a student to make compensation for loss or damage to the College or an individual whose property was lost or damaged due to the student's actions. This may take the form of appropriate service and/or monetary or material replacement.

Respondent's Withdrawal from the College During the Pendency of the Formal Resolution

The Formal Resolution process will continue even if the Respondent withdraws at any time before that process's conclusion. This Policy will continue to apply to the Respondent as if the Respondent were a student at the College. In other words, the Respondent has all rights and responsibilities under this Policy as if the Respondent were a student. It is the Respondent's responsibility to provide the Title IX Coordinator with an active e-mail address maintained by the Respondent for purposes of receiving official correspondence and other written information from the Title IX Coordinator or the College.

During the pendency of the Formal Resolution process, a temporary notation will be made on the Respondent's official transcript that the Respondent is subject to a disciplinary proceeding. If the Respondent is found not responsible for a violation of this Policy, that notation will be removed from the Respondent's official transcript. If the Respondent is found responsible for violating this Policy, the temporary notation will be removed, but a notation indicating that the Respondent is not in good standing at the College will be added until all sanctions are completed. Further, if a sanction of disciplinary expulsion or disciplinary suspension is imposed, the Respondent's transcript will include a notation reflecting that sanction.

Sanctions must be completed by the Respondent, to the satisfaction of the Title IX Coordinator, before the Respondent will be eligible to be re-admitted to the College and to register for classes.

Appeal Process

The Complainant and Respondent may each appeal the decision or sanctions from a Formal Process via a signed writing within five (5) business days after the date of written notification of the outcomes. The signed writing must be sent from the Complainant or Respondent, respectively, and cannot be sent by a third party purportedly acting on behalf of the Complainant or Respondent. The College reserves the right to refuse to consider any document sent by someone other than the Complainant or Respondent.

An appeal must be based on one or more of the following reasons; the College may refuse to decide an appeal if sufficient grounds have not been articulated for an appeal.

1. **There is new information, unavailable at the time of the investigation during the Formal Process that could reasonably be expected to change the original decision.** The party must outline the source of new information, the name(s) of the individual(s) who can present this information, the reason(s) why this information was not available at the time of the Interactive Resolution process, and the reason(s) why this information may contribute to a different decision.
2. **There was a substantial procedural error during the Policy process that may change the original decision.** The party must include a citation of specific procedural error, the reason(s) why the procedural error was not mentioned during the course of the investigative or Interactive Resolution process, and how the correction of the error could contribute to a different decision.

The appeal must articulate, with specificity, which of the three above reasons forms the basis of the appeal. The College will not consider any of the above reasons that is not specifically raised and discussed in the appeal.

Upon receipt of a signed writing that states with specificity the ground(s) for appeal, the Title IX Coordinator will appoint an Appeal Officer to decide the appeal. The Title IX Coordinator will simultaneously, but separately, notify in writing the Complainant and the Respondent of the name of the Appeal Officer. Any objection to the selection of the Appeal Officer must be raised, via a signed writing, by the Complainant or Respondent, within two (2) business days after notification of the Appeal Officer's selection. The signed writing, which may only be sent by the Complainant and Respondent, respectively, and not by anyone purportedly acting on either of their behalves, must state with specificity the grounds for the objection, along with any evidence the objector believes to be relevant. The only proper grounds for objecting to the identity of the Appeal Officer are (1) bias and (2) conflict of interest. The Title IX Coordinator has the sole discretion to sustain or overrule any objection of the Appeal Officer.

The scope of the appeal will be limited to those grounds, outlined above, specifically identified by the Complainant or Respondent making the appeal. The appeal does not trigger a *de novo* review of the outcome of the Formal Process. In other words, the Appeal Officer will give deference to the decision of the Investigator.

The Appeal Officer will receive annual professional development, and will be knowledgeable in both the Formal Process and all prohibited conduct under this Policy. An appeal may be assigned by the Title IX Coordinator to a qualified external third party in order to avoid, bias, a conflict of interest, or to expedite the review.

Disciplinary sanctions generally are stayed pending appeal, unless the Title IX Coordinator, in consultation with the Dean of Students, determines that sanctions should be immediately implemented because the underlying offense involved serious harm to another person or the Respondent otherwise presents a continuing risk of harm or disruption to the community.

In most cases, the appeal will be completed within ten (10) business days after the receipt of the appeal letter. The Title IX Coordinator may expedite or postpone an appeal based on the circumstances of the case, including but not limited to the timing of the appeal relative to the College's academic calendar. If this occurs, the Title IX Coordinator will simultaneously, but separately, notify the Complainant and Respondent in writing.

The Appeal Officer Will:

- Review the record only. The record will normally consist of any investigative notes, report, and other relevant materials (including audio recordings, if any), and the decision letter. In appropriate cases, the review may include any relevant new information presented by the Complainant or Respondent.
- Provide a final written decision and explanation to the Title IX Coordinator, generally within ten (10) business days after receipt of appeal letter. Some cases may require

additional time. The Title IX Coordinator will then simultaneously but separately inform the Complainant and Respondent in writing of the appeal outcome within three (3) business days after receiving the written decision from the Appeal Officer.

The Appeal Officer May:

- Determine that the appeal is without merit and uphold the original decision and sanction(s).
- Determine that new and relevant information presented in the appeal could reasonably alter the underlying outcome determined by the investigator(s). In this situation, the Title IX Coordinator will return the case to the original Investigator(s) and ask for consideration of the information and request final determination based on new information. The Appeal Officer may also consult with the Title IX Coordinator to seek a competent, trained, outside party to review the new and relevant information and reach a final determination.
- Determine that a procedural error was made that likely materially impacted the outcome of the original decision. In this situation, the Appeal Officer will consult with the Title IX Coordinator to seek a competent, trained, outside party to evaluate the impact of the error, if any, and reach a final determination. This could involve a new investigation, in whole or in part, if, in the sole discretion of the outside party, the procedural error was so significant that a new investigation is warranted.

Educational Programming

Manor College prohibits sex discrimination, sexual misconduct, sexual exploitation, stalking, domestic violence and dating violence and offers educational programming and awareness campaigns to various groups such as: all college personnel; incoming and returning students; Resident Assistants and other student leaders.

Educational programming and awareness campaigns will address matters such as: a definition of what constitutes sexual harassment and sexual misconduct (including sexual assault, sexual exploitation, domestic violence, dating violence, and stalking), what to do if assaulted, an explanation of this Policy, how to file charges within the College discipline system and/or with the local police department, campus community resources to assist both the Complainant and the Respondent, and bystander intervention and risk reduction techniques.

Educational programming and awareness campaigns may also address matters such as: the causes of sexual harassment, myths involved with sex harassment, the relationship between sexual harassment, dating violence and alcohol use, the nature of a rape examination, and men's issues and sexual assault.

Educational programming occurs on a regular basis, and at least annually for all employees including faculty, staff and seasonal employees. Specialized resources and training are available

for summer program staff, study abroad and international student orientation. Ongoing educational programming occurs throughout the academic year for all students with special emphasis and targeted training for new student orientation and residence hall programming. Topics that can be covered are: consent, bystander training and intervention, reporting, alcohol awareness, dating violence prevention and digital citizenship. This is not an exhaustive list, but a sample of educational program topics. For more information about educational programming, please contact the Title IX Coordinator.

Written Notification of Available Resources

The College makes available to all students and employees information about support and assistance granted to victims of sexual assault, stalking, dating violence or domestic violence. The support and assistance the College can provide includes accessing advocacy resources; academic support; counseling, disability, health or mental health services; legal assistance; visa/immigration assistance; and will provide other security and support measures as appropriate, including by issuing a no-contact directive, arranging a change of living or work assignment or class schedules (including for the Respondent pending the outcome of an investigation), or making adjustments for assignments or tests, etc. and assisting with reporting crimes to local law enforcement if the victim chooses. This information is available on the Manor College Title IX webpage and in informational brochures available in the Counseling Center.

Prevention of Sexual Misconduct, Sexual Harassment, Dating Violence, Domestic Violence and Stalking

Prevention of the conduct prohibited by this Policy requires a commitment from all members of the campus community in order to foster and maintain an optimal environment for learning and development. Manor College promotes a campus climate in which individuals will use their best judgment to assist with situations if it is safe to do so. It is our goal to create a caring and responsible community. To assist in supporting this type of community, the following suggestions are provided.

- Active bystanders are those who address biased and/or sexist attitudes and beliefs to challenge behaviors that support sexual violence. The College supports active bystanders.
- Avoid being a passive bystander to situations which could potentially evolve into sexual misconduct. Pay attention to the verbal and non-verbal signals of those around you and intervene in situations where a friend or acquaintance may be at risk for assault.
- Simply checking in with someone can interrupt the potential for something bad happening. Ask yourself, “If I were in this situation, would I want someone to help me?”
- Encourage your friends to show respect for others by respecting their boundaries, physical and otherwise. This includes a personal decision to be alcohol-or drug-free.

- Know that if a person is drunk to the point of incapacitation, the individual cannot consent to sex.
- Keep campus emergency numbers in your cell phone, iPod or other device and call for help.
- Make a report of the incident by contacting Public Safety or using the online incident report form available on the Public Safety homepage.

Warning Signs of Abusive Behavior

Dating and domestic violence occur in all socio-economic, educational, racial, and age groups. The issues of power and control are at the heart of this type of violence. Below are some of the signs of abusive behavior:

Behavioral Signs:

- Intimidation: Smashing things, abusing pets, destroying victim's property, displaying weapons.
- Threats: Making and/or carrying out threats to harm the victim, to commit suicide, to report the victim to child welfare, to make the victim drop charges.
- Isolation: Controlling what the victim does, sees, and reads, limiting who the victim talks to.
- Emotional abuse: Putting the victim down, calling the victim names, making the victim think of themselves as crazy, playing mind games.

Warning Signs:

- Someone involved in an abusive relationship might display certain behavioral signs including:
- Inconsistent explanations: Victims may provide inconsistent explanations as to the cause of their injuries due to fear of alerting others to the severity of their situation.
- Alcohol abuse: Victims may use alcohol as a means of escape from their everyday reality of abuse.
- Injuries in multiple stages of healing: Bruises are the most common form of injury and have the following stages of healing: purple to green to yellow.

Registered Sex Offender Information

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a Federal law that provides for the tracking of convicted sex offenders enrolled or employed at institutions of higher education. The Federal law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The names of any of these registered offenders is maintained and available online through the Pennsylvania State Police by visiting <http://www.pameganslaw.state.pa.us/>. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Title IX

Manor College is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of sex discrimination and sexual misconduct, sexual harassment, sexual exploitation, stalking, dating violence and domestic violence. Title IX of the Educational Amendment Act of 1972 states that: *No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.* Sex discrimination violates an individual's fundamental rights and personal dignity. Students, employees and college visitors are encouraged to contact the Title IX Coordinator or any Deputy with questions or comments about this Policy:

Title IX Coordinator and Deputies

Manor College has designated a Title IX Coordinator for all matters related to sex discrimination at the College, and to coordinate the efforts of the College to comply with Title IX law:

- Katharina Kilmer, Title IX Coordinator
 - Basileiad Manor
 - (215) 885-2360 ext. 1202
 - titleix@manor.edu (primary email for Title IX)
 - kkilmer@manor.edu

- Tina Colella, Deputy Title IX Coordinator
 - Basileiad Manor
 - (215) 780-1188
 - (215) 885-2360 ext. 1273
 - ccolella@manor.edu

- John Dempster, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall

- (215) 885-2360 ext. 2206
- jdempster@manor.edu
- Shamika Ford, Deputy Title IX Coordinator
 - St. Josaphat Residence Hall
 - (215) 885-2360 ext. 3295
 - slford@manor.edu
- Chris Hartman, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 1208
 - chartman@manor.edu
- Allison Mootz, Deputy Title IX Coordinator
 - Mother of Perpetual Help Hall
 - (215) 885-2360 ext. 2276
 - amootz@manor.edu

Questions about the application of Title IX at Manor College should be directed to Katharina Kilmer at titleix@manor.edu or to the U.S. Department of Education, Office for Civil Rights, Washington, D.C., <http://www2.ed.gov/about/offices/list/ocr/index.html>.

The Title IX Coordinator:

- helps to ensure that the College is in compliance with Title IX’s administrative requirements;
- coordinates the implementation and administration of the College’s procedures for resolving Title IX complaints, including educating the campus community on how to file a complaint alleging a violation of Title IX, investigating complaints, working with law enforcement when necessary, and ensuring that complaints are resolved promptly and appropriately;
- coordinates the College’s response to all complaints involving possible sex discrimination to monitor outcomes, identify and address patterns, and assess effects on the campus climate;
- monitors students’ participation in athletics and across academic fields to identify programs with disproportionate enrollment based on sex and ensure that sex discrimination is not causing any disproportionality or otherwise negatively affecting a student’s access to equal educational opportunities;
- provides training and technical assistance on College policies related to sex discrimination and develop programs on issues related to Title IX to assist the institution

in making sure that all member of the campus community, including students and staff, are aware of their rights and obligations under Title IX;

- regularly assesses the adequacy of current training opportunities and programs and proposes improvements as appropriate; and
- is available to meet with members of the campus community, including employees and students, as needed to discuss any issues related to Title IX.

Related College Policies

It is possible that an alleged occurrence or series of occurrences giving rise to a report of sexual harassment (or other conduct prohibited under this Policy) may relate to conduct prohibited under other College policies. For example, alleged sexual harassment that is motivated in part by racial or ethnic discrimination would, if proven by a preponderance of the evidence, violate both this Policy and the College's Policy on Harassment. In situations like this example where alleged prohibited conduct falls under both (a) this Policy and (b) any other policy of the College, the procedures outlined in this Policy control.

However, the Title IX Coordinator has the discretion to sever from the proceedings under this Policy the fact finding, adjudication, or sanctioning related to the alleged violation of a different College policy. If the Title IX Coordinator so exercises this discretion, this Policy will govern the processes and procedures related to the resolution of the alleged sex discrimination (in whatever form that falls under this Policy), while the policies and procedures of any other relevant College policy will govern the resolution of the other alleged misconduct.

Mandatory Child Abuse Reporting Policy - GP 0108

See "Mandatory Child Abuse Reporting Policy" in the Manor College Student Handbook located at <https://manor.edu/student-life/handbook/> (page 53 of the 2019-2020 Student Handbook)

Student Code of Conduct – SA 0101

See "Student Code of Conduct" in the Manor College Student Handbook located at <https://manor.edu/student-life/handbook/> (page 3 of the 2019-2020 Student Handbook)

ADDENDUM

Local Laws – Commonwealth of PA

While **dating violence** is not a specific crime in Pennsylvania, the act of dating violence would be covered under existing statutes related to assault and/or domestic abuse.

Pennsylvania law defines **domestic abuse** as an occurrence of one or more of the follow acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. (2) Placing another in reasonable fear of imminent serious bodily injury. (3) The infliction of false imprisonment (4) Physically or sexually abusing minor children or (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. (23 Pa. C.S.A § 6102).

Pennsylvania law defines **stalking** when a person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. (18 Pa. C.S.A § 2709.1).

Pennsylvania law applies the following definitions to **sexual offenses**:

"Complainant." An alleged victim of a crime under 18 Pa. C.S.A. chapter 31.

"Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

"Forcible compulsion." Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

"Foreign object." Includes any physical object not a part of the actor's body.

"Indecent contact." Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

"Serious bodily injury." As defined in section 2301(relating to definitions).

"Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required. (18 Pa. C.S.A. § 3101).

Pennsylvania law defines **rape** as a felony in the first degree when a person engages in sexual intercourse with a complainant:(1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or (5) who suffers from a mental disability which renders the complainant incapable of consent. (18 Pa. C.S.A. § 3121).

Pennsylvania law defines **statutory sexual assault** as a felony in the second degree when a person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant. Statutory sexual assault is considered a felony in the first degree when a person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A § 3122.1).

Pennsylvania law defines **involuntary deviate sexual intercourse** as a felony in the first degree when a person engages in deviate sexual intercourse with a complainant:(1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or(6) (Deleted by amendment); (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other. (18 Pa. C.S.A. § 3123).

Pennsylvania law defines **sexual assault** as a felony in the second degree when, except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. (18 Pa. C.S.A. § 3124.1).

Pennsylvania law defines **aggravated indecent assault** as an occurrence, except as provided in sections 3121(relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), where a person

who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:(1) the person does so without the complainant's consent;(2) the person does so by forcible compulsion;(3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;(4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;(5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;(6) the complainant suffers from a mental disability which renders him or her incapable of consent;(7) the complainant is less than 13 years of age; or(8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. § 3125).

Pennsylvania law defines **indecent assault** when a person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. § 3126).