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

***In the event of an emergency, or if you or someone else is in danger, dial 911 or contact Public Safety at 215.885.2360 ext. 3292.***

### Statement of Policy:

Manor College (the “College”) prohibits sexual harassment, sexual misconduct, sexual exploitation, stalking, dating violence, and domestic violence in all forms (collectively, “Prohibited Conduct”). This policy details the College’s prohibition on Prohibited Conduct, the process for investigating and resolving complaints of Prohibited Conduct (including possible sanctions), and resources available to victims of Prohibited Conduct specifically and to members of the College community generally. This policy conforms with Title IX of the Higher Education Amendments of 1972 and its implementing regulations (including the Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19, 2020) (to be codified at 34 C.F.R. pt. 106)) and other applicable federal and state law.

### Scope of Policy:

This policy applies to all College students and College employees.

There is no time limit for reporting allegations of Prohibited Conduct, the College strongly encourages the reporting of Prohibited Conduct as promptly as possible to allow the College to respond promptly and effectively. The passage of time may limit the College’s ability to respond to a report of Prohibited Conduct. Further, the College’s response to a report of Prohibited Conduct may be limited if the Respondent is no longer at student or employee at the College. The College therefore strongly encourages any individual with information related to an incident of Prohibited Conduct to report that information to the College as soon as possible.

### **I. Prohibited Conduct.**

Definitions of conduct constituting Prohibited Conduct are set forth below. Alleged conduct that does not constitute one or more types of Prohibited Conduct, as defined below, may still be alleged conduct in violation of one or more College policies, including without limitation the Student Code of Conduct and, separately, the Employee Code of Conduct.

### ***Sexual Misconduct:***

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or is committed 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 that can, in some cases, include 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 means conduct on the basis of the sex that satisfies one or more of the following: (1) a College employee conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or (3) "sexual assault," "dating violence," domestic violence," or "stalking"—all as defined by this Policy.

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 might 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 request for sexual conduct.
2. Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a request for sexual conduct.
3. Denying an individual, directly or indirectly, an opportunity related to education or employment, if the individual refuses to comply with a request for sexual conduct.
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 on the basis of another's 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 state-law definitions.***

### ***Non-consensual Sexual Contact***

Non-consensual sexual contact is: (a) any touching of the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire, with any body part or object, by an individual upon another person without Consent; or (b) an individual compelling, forcing, or coercing any other individual, without the other individual's Consent, to touch the sexual or other intimate parts of a person for the purpose of arousing or gratifying sexual desire, with any body part or object. Non-consensual sexual contact 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 allowing any individual to hide in a closet to watch otherwise consensual sexual contact); 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 another 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 is 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.

### ***Intimidation and Retaliation***

***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.

## **II. Other relevant definitions under this Policy.**

***Actual Knowledge*** means notice of Prohibited Conduct or one or more allegations of Prohibited Conduct to the College's Title IX Coordinator or any College official who has the authority to institute corrective measures on behalf of the College. The College officials referenced in the previous sentence include: The President, Provost and Vice President of Academic Affairs, Vice President and Dean of Student Affairs, Vice President of Enrollment, Vice President of Finance and Facilities, Vice President of Marketing Communications and Advancement, Director of Human Resources (for employees only), Student Code of Conduct Hearing Officer, Student Conduct Committee Voting Members, Student Conduct Appeals Officers, Assistant Director of Residence Life, Public Safety Personnel, Senior Dean/Dean of Arts & Sciences Division, Dean of Allied Health Division, Dean of Academic Services, and Dean of Education Division/Director of Instructional Design and Learning. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. The standard is not met when the only official of the recipient with Actual Knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College.

***Advisor*** means an individual designated by a Complainant or Respondent to accompany them to any interview, meeting, or proceeding related to a Formal Complaint and to receive information about a Formal Complaint from the College. An Advisor is also the person who asks, on behalf of a Complainant or Respondent, questions of a witness or of a Complainant or Respondent during cross-examination at a hearing.

***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.

***Appellant*** means a Complainant or Respondent who files an appeal under this Policy from a determination regarding responsibility or from the dismissal of a Formal Complaint or any allegations in a Formal Complaint.

***Coercion*** is pressure for sexual activity that is unreasonable, from the point of view of a reasonable person, under the circumstances. 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 an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct.

**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, the 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.

**Education Program and Activity** means the locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

**Formal Complaint** means a signed document filed with the College by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College investigate the alleged Prohibited Conduct.

**Hearing Officer** is a College appointed, and trained, employee or third party who conducts the hearing set forth in the grievance process under this Policy.

**Incapacitation** is a mental 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, and trained, employee or third party who conducts the investigation set forth in the grievance process under this Policy.

**Respondent** means any individual alleged to have engaged in Prohibited Conduct.

**Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College's

education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include, as non-exhaustive examples only, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing adjustments, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may include placing a student-employee Respondent on administrative leave (with pay) during the pendency of the grievance process. The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Witness** means any individual who has information related to alleged Prohibited Conduct, the Complainant, the Respondent, or any other information connected in any way to an allegation of Prohibited Conduct.

### **III. Procedures when there is alleged Prohibited Conduct.**

#### **A. *Options for immediate assistance.***

The College encourages those who have experienced, witnessed, or are aware of any form of Prohibited Conduct 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 include:

- Einstein Montgomery, East Norriton

- Abington Memorial, Abington
- Pottstown Memorial, Pottstown
- Phoenixville, Phoenixville
- Bryn Mawr, Bryn Mawr

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 prospective clients should verify the provider's policy before receiving any service.

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.cvcofcc.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>

***B. 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.

***C. 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. The student's 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.

#### ***D. Mostly Confidential Locations***

Staff in Health Services offices can speak with a student Complainant without being required to disclose personally identifiable information about the Complainant to the Title IX Coordinator. Students can seek assistance and support from any employee who is not Responsible Employees without triggering an investigation that would reveal the identity of the Complainant. These employees (*i.e.* those who are not a Responsible Employee) 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 *not* information that would identify the Complainant. This general information is necessary in order for the College to appropriately track patterns, evaluate the prevalence of sexual harassment at the College, and formulate appropriate campus-wide responses.

#### ***E. 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, and available to the Responsible Employee, 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 Complainant's consent, or unless the Complainant has also reported the incident to law enforcement.**

Before a Complainant or Witness reveals any information to a Responsible Employee about an incident covered by this Policy, the Responsible Employee will make all best efforts to inform the Complainant or Witness about the limitations for confidentiality and the obligations to disclose personally identifiable information to the Title IX Coordinator. If the Complainant or Witness prefers to consult with a more confidential resource person, the Responsible Employee should assist with an appropriate referral.

If the Complainant or Witness 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 or Witness that the Title IX Coordinator will review the information and provide the Complainant with Supportive Measures.

No Responsible Employee will ever pressure a Complainant or Witness to request confidentiality or pressure the Complainant or Witness 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](http://www.victimservicescenter.org)**
- **Full list of resources available on page 8.**

#### **IV. Making a report of Prohibited Conduct.**

The College encourages the prompt reporting of violations of Prohibited Conduct. The College's ability to respond to an incident of alleged Prohibited Conduct may be limited if that alleged incident is not reported in a prompt fashion.

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/title-ix-information/title-ix-policy-violation-reporting-form/>. Additionally, an individual may file a report to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail, or by any other means resulting in the Title IX Coordinator receiving a verbal or written report. A report may be made at any time (even during non-business hours) by using the telephone, electronic mail address, or mailing address of the Title IX Coordinator. While anonymous reports are accepted, the College's ability to address Prohibited Conduct reported anonymously may be limited because of the College's inability to contact the Reporter. As set forth in section V of this Policy, the formal grievance process is available only after the filing of a Formal Complaint. Formal Complaint can be filed online: <https://manor.edu/student-life/title-ix-information/title-ix-policy-violation-formal-complaint-form/>

**A. *The College's response to a report of Prohibited Conduct.***

A report of Prohibited Conduct will trigger the College's obligations to respond to alleged Prohibited Conduct only when the Title IX Coordinator or any official with the authority to institute corrective measures on behalf of the College is notified.

Within two days after the receipt of a report of Prohibited Conduct, the Title IX Coordinator will: (1) contact the Complainant; (2) apprise the Complainant of the availability of Supportive Measures; (3) consider the Complainant's wishes regarding supportive measures; (4) apprise the Complainant of the availability of supportive measures without a formal complaint; and (5) explain the formal complaint process to the Complainant.

As discussed below, a Complainant may file a Formal Complaint alleging Prohibited Conduct. In doing so, a Complaint is requesting that the College investigate the Prohibited Conduct as alleged in the Formal Complaint. A Complainant may submit a Formal Complaint to the Title IX Coordinator in person, by mail, by electronic mail, or via the College's online reporting form located at <https://manor.edu/student-life/title-ix-information/title-ix-policy-violation-formal-complaint-form/>.

The Title IX Coordinator, in their discretion, and in the interest of promoting safety and wellbeing at the College, and to ensure that the College's response to alleged Prohibited Conduct is not deliberately indifferent, may sign a Formal Complaint based on a report of Prohibited Conduct even if a Formal Complaint is not signed by a Complainant. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator does not become a Complainant or party to the proceedings.

At any point following the receipt of an allegation of Prohibited Conduct, the Title IX Coordinator, who may consult with the Vice President and Dean of Student Affairs, may assign and implement any Supportive Measures that the Title IX Coordinator deems necessary. In the same vein, the Title IX Coordinator, in their discretion, may amend, supplement, or discontinue interim measures to maintain the safety and well-being of any individual and to ensure that all students have equal and appropriate access to the College's education activities and programs. Any individual seeking a Supportive Measure (or any modification of an existing supportive measure) should contact the Title IX Coordinator.

**B. *Making a criminal complaint to law enforcement.***

Any individual may make a report of Prohibited Conduct to the police. The making of a report to law enforcement is not a condition precedent to the College providing Supportive Measures, investigating or adjudicating alleged Prohibited Conduct, or otherwise taking action to enforce this Policy or any College policy. The College can assist anyone in making a report to local law enforcement. An individual who would like assistance with making a report to the police should contact any 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](mailto:titleix@manor.edu) (primary email for Title IX)
  - [kkilmer@manor.edu](mailto:kkilmer@manor.edu)
  
- Tina Colella, Deputy Title IX Coordinator
  - Basileiad Manor
  - (215) 780-1188
  - (215) 885-2360 ext. 1273
  - [ccolella@manor.edu](mailto:ccolella@manor.edu)
  
- John Dempster, Deputy Title IX Coordinator
  - Mother of Perpetual Help Hall
  - (215) 885-2360 ext. 2206
  - [jdempster@manor.edu](mailto:jdempster@manor.edu)
  
- Shamika Ford, Deputy Title IX Coordinator
  - St. Josaphat Residence Hall
  - (215) 885-2360 ext. 3295
  - [slford@manor.edu](mailto:slford@manor.edu)
  
- Chris Hartman, Deputy Title IX Coordinator
  - Basileiad Manor (215) 885-2360 ext. 1208
  - [chartman@manor.edu](mailto:chartman@manor.edu)
  
- Allison Mootz, Deputy Title IX Coordinator
  - Mother of Perpetual Help Hall
  - (215) 885-2360 ext. 2276
  - [amootz@manor.edu](mailto:amootz@manor.edu)
  
- Kahdijah Venable, Deputy Title IX Coordinator
  - Basileiad Manor
  - (215) 885-2360 ext. 1235
  - [kvenable@manor.edu](mailto:kvenable@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)**. Local law enforcement officials may meet with individuals making a report on campus or elsewhere.

***C. Filing a Formal Complaint of Prohibited Conduct.***

To investigate or adjudicate alleged Prohibited Conduct, the College must first receive a Formal Complaint. As defined above, a Formal Complaint is a document that is submitted and signed by the Complainant (or, alternatively, the Title IX Coordinator). The Formal Complaint may be submitted and signed digitally or physically (*i.e.* hard copy).

A Complainant may electronically submit a Formal Complaint via the College's online portal: <https://manor.edu/student-life/title-ix-information/title-ix-policy-violation-formal-complaint-form/>. Alternatively, if a Complainant wishes to physically submit a Formal Complaint, they may do so by personally delivering their Formal Complaint to the College's Title IX Coordinator at [office location]. To be deemed a Formal Complaint, the document submitted by a Complainant must allege Prohibited Conduct against a respondent and must request that the College investigate the allegation of Prohibited Conduct.

Though a report of sexual harassment may be anonymously submitted, the College's ability to respond to an anonymous report—including the provision of Supportive Measures, conducting an investigation, and adjudicating the allegation(s) of Prohibited Conduct—may be materially hindered. The College therefore strongly encourages any Complainant to include detail, to the extent a Complainant is aware of such detail, in any Formal Complaint, including identifying information.

#### ***D. Prohibition on Retaliation and Intimidation.***

**The College strictly prohibits Retaliation, Intimidation, threatening conduct, coercion, or other discrimination** 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 or Intimidation, each of which is a violation of this Policy.

#### ***E. Confidentiality.***

Every Formal Complaint, and all related evidence and proceedings, are confidentially maintained by the College to the extent possible under the law. Consistent with this Policy, the College will share information related to a Formal Complaint with others only on a need-to-know basis as set forth in section V of this Policy. The Complainant and Respondent each have an equal right to any information set forth in a Formal Complaint, any investigative report, and any evidence related to any allegation in a Formal Complaint. The College will not disclose personally identifiable information in publicly available record keeping (Timely Warnings, Emergency Notifications, Daily Crime and Fire Log, and the Annual Security and Fire Safety Report).

Because the College is under a continuing obligation to address the issue of sexual harassment 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.

***F. Amnesty for students who report alleged Prohibited Conduct.***

The College encourages the reporting of Prohibited Conduct. Sometimes, individuals are hesitant to report to College officials because they fear that they themselves may be charged with a violation of the Code of Conduct, such as underage alcohol consumption. A witness to or individual who experiences Prohibited Conduct, acting in good faith, who discloses any incident of Prohibited Conduct to the College or law enforcement will not be sanctioned under the College's Code of Conduct for violations of alcohol or drug-use policies occurring at or near the time of the incident(s) of Prohibited Conduct. The College may request the individual attend an approved alcohol or drug education program and without assessing any charges for such program. This amnesty provision also applies to student groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by police or other legal authorities, including the filing of criminal charges.

***G. Timeframe for filing a Formal Complaint.***

To ensure that the College can respond in a meaningful, timely fashion, the College encourages any individual who is a Complainant to submit a Formal Complaint as soon as practicable following an incident of Prohibited Conduct. Although there is no specific deadline by which a Formal Complaint must be filed, if the Respondent is no longer enrolled or employed by the College, the College's ability to investigate and adjudicate a Formal Complaint may be limited. Similarly, due to the passage of time, the College may not be able to conduct a fulsome investigation because of the inability to gather evidence. Even if the College is unable to adjudicate and resolve a Formal Complaint, the College will provide Supportive Measures to the Complainant and Respondent as discussed in section IV(A) of this Policy.

***H. False reports of Prohibited Conduct.***

The College very seriously considers all allegations of Prohibited Conduct. An individual who intentionally falsifies information related to an allegation of Prohibited Conduct maybe subject to disciplinary action and sanctions. For students, disciplinary action may be taken in accordance with the College's Student Code of Conduct, and sanctions may include suspension and expulsion, as two examples. For employees, disciplinary action may be taken in accordance with the College's Employee Handbook and/or faculty handbook, and sanctions may include suspension or termination of employment, as two examples.

***I. Notification of parent/guardian and College officials.***

In accordance with the Family Educational Rights and Privacy Act, the College reserves the right to notify parents/guardians regarding any health or safety emergency. The College also reserves the right to designate which College officials have a need to know information regarding any Formal Complaint or other allegation of Prohibited Conduct.

## **V. Grievance procedures.**

The College's Title IX Coordinator oversees the College's grievance process. Any individual who has any questions about the College's grievance procedures should contact the College's Title IX Coordinator.

When a period of time is stated in a number of days, the following conditions apply: (1) the day of the event that triggers the period is excluded; (2) every day is counted, including intermediate Saturdays, Sundays, and days in which the College is closed for business; and (3) the last day of the period is included, but if the last day is a Saturday, Sunday, or day in which the College is closed for business, the period continues to run until the next day that is not a Saturday, Sunday, or day in which the College is closed for business.

### ***A. Notice of filed Formal Complaint and allegations of Prohibited Conduct.***

Upon receipt of a Formal Complaint, the College will provide a written notice to the Complainant and Respondent who have been identified by the Complainant. The written notice will consist of the allegations of Prohibited Conduct, including the identities, if known, of the Complainant and Respondent, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known. The written notice will include a statement reaffirming that the Respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process by evaluating the preponderance of the evidence.

Further, in accordance with section V(D) of this Policy, the written notice will inform the Complainant and Respondent that they may have an Advisor of their choice, who may be, but is not required to be, an attorney. The written notice will also apprise the Complainant and Respondent that they may inspect and review evidence consistent with section V(F) of this Policy. Finally, the written notice will inform the Complainant(s) and Respondent(s) that the College's Student Code of Conduct and Employee Handbook, respectively, prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator or their designee will issue the written notice of allegations no later than five (5) business days after receiving the Formal Complaint. The written notice will be simultaneously, but separately, sent to each Complainant and Respondent via their College email address.

### ***B. Emergency removal (for student Respondents) and administrative leave (for non-student employee Respondents).***

In limited circumstances (discussed below), the Title IX Coordinator may remove a student Respondent, on an emergent basis, from any or all of the College's education programs or activities. Similarly, the Title IX Coordinator, in consultation with the College's Director of Human Resources, may place an employee Respondent on administrative leave.

Any emergency removal, or administrative leave, does not effectuate in any way a prejudgment of any allegation against a Respondent. Nor does an emergency removal or administrative leave



reduce or affect the presumption that a Respondent is not responsible for any alleged conduct and that the determination of responsibility for any alleged conduct will be made in accordance with the College's grievance process.

*1. Emergency removal (for student Respondents).*

If a student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from an allegation of Prohibited Conduct, the Title IX Coordinator may remove that student Respondent from any or all of the College's Education program or Activity. The Title IX Coordinator may remove a student Respondent only on an emergency basis and after conducting an individualized safety and risk analysis.

The Title IX Coordinator will inform the Respondent in writing of the terms of their being removed from any of the College's education programs or activities. Within three days after the date on which the Title IX Coordinator notifies the Respondent of their removal, the Respondent may challenge their removal through a written response. Within five days after receiving any written challenge from a Respondent, the Title IX Coordinator will issue a final decision on the removal of the respondent. In their discretion, the Title IX Coordinator may consult with other College employees before making this decision and gather additional information.

*2. Administrative leave (for non-student employee Respondents).*

Subject to the process set forth in the Employee Handbook, at any time following the filing of a Formal Complaint, the Title IX Coordinator, in consultation with the College's Director of Human Resources, may place a non-student employee Respondent on administrative leave (with pay) during the pendency of the grievance process.

***C. Dismissals of Formal Complaints.***

Generally, the College will investigate the allegations in a Formal Complaint. But if the conduct alleged in the Formal Complaint would not constitute Prohibited Conduct even if proved, did not occur within the College's Education Program or Activity, or did not occur against a person in the United States, then the College will dismiss the Formal Complaint for purposes of this Policy. If a Formal Complaint is dismissed under this section, the College may institute disciplinary proceedings against the Respondent under the College's Student Code of Conduct or the College's Employee Handbook.

The College may dismiss a Formal Complaint at any time under the following circumstances:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or the allegations in the Formal Complaint;
- The Respondent is no longer enrolled as a student at the College or the Respondent is no longer employed at the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations contained in the Formal

Complaint. Circumstances that may result in a Formal Complaint being dismissed include, by way of examples only:

- No Complainant is identified during the investigation;
- When a Formal Complaint contains allegations that are precisely the same as allegations that the College has already investigated and adjudicated;
- When the length of time elapsed between an incident of alleged Prohibited Conduct, and the filing of a Formal Complaint, prevent the College from collecting enough evidence to reach a determination;
- When the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant's statement in the Formal Complaint or as recorded in an interview by the investigator.

In considering whether to dismiss a Formal Complaint, the College will not make an assessment of whether the evidence gathered (if any) has met any threshold of evidence or other measure of the quality or weight of the evidence. Instead, the above reaffirms that the College will only dismiss a Formal Complaint only when specific circumstances prevent the College from gathering sufficient evidence to reach a determination under this Policy of the alleged Prohibited Conduct.

If the College dismisses a Formal Complaint, the Title IX Coordinator will simultaneously, but separately, notify in writing the Complainant and Respondent. The Title IX Coordinator will send written notification of the dismissal of the Formal Complaint to the College email addresses of the Complainant and Respondent, respectively. Along with providing notice about the dismissal of a Formal Complaint, the written notification will include the reason(s) for the dismissal.

A Complainant or Respondent may appeal the dismissal of a Formal Complaint in accordance with section VIII of this Policy.

#### ***D. Role of Advisors.***

Every Complainant and the Respondent has the right to be accompanied by one Advisor of their choice during the course of any investigative or resolution meeting or proceeding under this Policy in which a Complainant or Respondent is attending. The Advisor may be any person, including an attorney, but as discussed below, beyond cross-examination at a hearing, the Advisor's role is limited to that of a support representative and not an advocate.

Two days before any scheduled meeting or proceeding, the Complainant or Respondent must provide the name of their Advisor, if any, to the Investigator or Title IX Coordinator; otherwise, the College reserves the right to prohibit a Complainant's or Respondent's Advisor from attending any resolution meeting or proceeding. The College reserves the right to have its own

legal counsel present during any meeting or proceeding, regardless whether the Complainant or Respondent has an Advisor present.

Generally, the College will not delay a proceeding due to the scheduling conflicts of an Advisor. Other than during cross-examination at a hearing, an Advisor may not speak, respond, or otherwise participate in the meeting or proceeding.

If an Advisor disrupts any process, meeting, or proceeding authorized by this Policy—including but not limited to failing to abide by this Policy or instructions from the Title IX Coordinator, Investigator, Hearing Officer, or Mediator—the College may disallow the presence of the Advisor. Additionally, the College reserves the right to reschedule or continue a proceeding without the presence of that same Advisor.

#### ***E. Fact-Finding and investigations.***

An investigation will be initiated within five days after the Formal Complaint is received by the College. While each case is unique, an investigation may require sixty days after the filing of the Formal Complaint to complete. Depending on the exact circumstances (*e.g.* timing relative to the academic calendar, availability of witnesses or other limitations in gathering evidence), the College may require additional time to complete the investigation. The Title IX Coordinator will apprise the Complainant and Respondent if additional time is needed to complete the investigation.

The Title IX Coordinator will designate an Investigator, which may be (but is not required to be) the Title IX Coordinator or other employee of the College, and will simultaneously send an official notice of investigation to the Complainant and Respondent that will identify the investigator. A Complainant or Respondent who wishes to object to an investigator on the basis of a conflict of interest must submit their objection, in writing, to the Title IX Coordinator within five business days after the date that the Title IX Coordinator provides written notice of the identification of the investigator. Any objection to an investigator will be resolved in accordance with section VI of this Policy.

The investigation may include interviews of the Complainant and Respondent, witnesses, and the gathering of information related to the Formal Complaint. The Complainant and Respondent each have the right to bring an Advisor to any interview, meeting, or other procedure related to the Formal Complaint, as discussed in section V(D) of this Policy.

As part of the investigation, the Complainant and Respondent have an equal opportunity to submit evidence to the Investigator in support of their respective positions. By written notice simultaneously (but separately) provided to the Complainant, Respondent, and their Advisors (if any), the Investigator will establish a deadline for the receipt of evidence from the Complainant and Respondent. The deadline for the submission of evidence will be no sooner than five (5) business days after the date on which the Investigator provides written notice. At the discretion of the Investigator, the deadline may be extended so long as the deadline is equally extended for both the Complainant and Respondent.

***F. Inspection and review of evidence.***

Before the completion of the Investigative Report, the investigator will simultaneously (but separately) send to the Complainant and Respondent, and their respective advisors (if any), any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. The evidence subject to this section includes evidence that may not be considered during the hearing and also includes any inculpatory or exculpatory evidence regardless of source.

As part of the transmission of the evidence to the Complainant and Respondent, the Investigator will set a deadline for the Complainant and Respondent to respond in writing to the evidence. The deadline for such written responses will be equally applied to the Complainant and Respondent and will be no sooner than ten days after the date that the Investigator sends the evidence to the Complainant and Respondent. Written responses should not include evidence not already provided to the Investigator unless the evidence could not have been obtained by the deadline set by the Investigator (and extended, if at all) in accordance with section V(E) of this Policy. If a party submits new evidence as part of their written response, the Investigator will share that new evidence with the other party and allow them no less than seven additional days to provide a written response to the new evidence. At the discretion of the Investigator, the deadline may be extended so long as the deadline is equally extended for both the Complainant and Respondent.

Some cases may include allegations that a student violated this Policy and separately violated a different section of the Student Code of Conduct or the Employee 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 or Employee Code of Conduct, depending on whether the Respondent is a student.

***G. Investigative report and written responses of the Complainant and Respondent.***

After the deadline for the submission of written responses to evidence, the Investigator will prepare a written investigative report that fairly summarizes the evidence relevant to the Formal Complaint. The evidence summarized in the report may be relevant whether it is inculpatory or exculpatory. The investigator may omit or redact from the report information that is not relevant, even if that information is contained in documents or evidence that is relevant. The investigative report will not include any findings or determinations, including any finding or determination of the Respondent's responsibility for any Prohibited Conduct alleged in the Formal Complaint.

The investigator will simultaneously, but separately, send the investigative report to the Complainant, Respondent, and their respective advisors (if any). As part of the investigative

report, the Investigator will include the written responses, if any, received from the Complainant or Respondent, in response to the evidence sent to them by the Investigator.

The Complainant and Respondent may each submit written responses to the investigative report. Any written response to the investigative report must be submitted within ten days after the date on which the investigative report was sent to the parties and must be sent to the College's Title IX Coordinator from the Complainant's or Respondent's College email address.

## ***H. Hearing.***

### ***1. Scheduling, identification of Hearing Officer, and notification of hearing.***

After the earlier of (1) the Title IX Coordinator receiving written responses to the investigative report from both the Complainant and Respondent or (2) the due date for written responses, the Title IX Coordinator will schedule a hearing on the allegations raised in the Formal Complaint, subject to the limitations set forth in sections V(C) of this Policy. Additionally, the Title IX Coordinator will identify a Hearing Officer for the hearing.

Upon the scheduling of a hearing and the identification of a Hearing Officer, the Title IX Coordinator will simultaneously, but separately, issue a notice of hearing to the Complainant and Respondent, and their respective advisors (if any), containing the following information:

- Date of the hearing (not to occur sooner than ten days after the date of the notice);
- Time of the hearing;
- Identification of the Hearing Officer together with a statement that any objections to the appointment of a hearing officer must be submitted to the Title IX Coordinator in writing no later than five days after the date of the notice;
- A reference to the Hearing Procedures to be used as set forth in section V(I) of this Policy;
- A statement referencing the standard of proof to be used, as set forth in section V(I)(7) of this Policy, to determine whether the Respondent is responsible for Prohibited Conduct as alleged in the Formal Complaint; and
- A statement that the Respondent is presumed not to be responsible for Prohibited Conduct and that the determination of whether the Respondent is responsible for Prohibited Conduct will be made after the conclusion of the hearing.

A Complainant or Respondent who wishes to object to the identity of the Hearing Officer must submit their objections to the Title IX Coordinator within five days after the date that the notice of hearing was sent by the Title IX Coordinator. Upon receipt of a timely objection, the Title IX Coordinator will simultaneously, but separately, notify the Complainant and Respondent, and their respective advisors, if any, that the hearing is postponed and will be rescheduled following the disposition of the objection(s) to the identification of a Hearing Officer.

## ***I. Hearing procedures.***

### ***1. Presence of the Title IX Coordinator.***

To assist with logistics, decorum, and other needs of the Hearing Officer, the Title IX Coordinator may be present for any portion or all of the hearing. The College's legal counsel may also be present for any portion or all of the hearing and may provide confidential, privileged legal advice to the College, through its representatives.

2. *Location of hearing.*

Hearings are conducted with the Complainant and Respondent physically present, along with their respective advisors (if any), in the same geographic location. However, at the Hearing Officer's discretion, the Complainant, Respondent, any witness, or any other participant (including any individual appearing on behalf of the College) may appear at the hearing virtually, with technology enabling participants to hear and see each other. Further, at the request of the Complainant or Respondent, cross-examination may occur with the Complainant and Respondent in separate rooms using technology that enables all hearing participants to hear and see the person answering questions.

3. *Record of hearing.*

The College will record the hearing via an audio recording, audiovisual recording, or stenographic means that creates a written transcript. The Title IX Coordinator has the discretion on determining the official record of the hearing.

4. *Conduct of the hearing.*

At the start of the hearing, the Hearing Officer will remind all participants about the hearing procedures set forth in this Policy. The Hearing Officer will also remind all participants, including advisors, about proper decorum and proper conduct throughout the hearing process. At any point, the Hearing Officer may seek the confidential, privileged legal advice of the College's lawyer.

The Hearing Officer will then allow the Investigator to present a summary of their Investigative Report, including evidence. The Complainant and Respondent, in that order, may then cross-examine the Investigator. The Hearing Officer may also ask questions at their discretion.

The Complainant and Respondent, in that order, will then have equal opportunity to present their respective cases, which may include testifying, examining witnesses, and introducing exhibits. Consistent with section VIII of this Policy, the Complainant and Respondent will each be afforded equal opportunity to conduct cross-examination of any hearing participant who offers testimony or evidence. The Hearing Officer may also ask questions at their discretion.

5. *Determination of relevance after each question.*

After a question is asked of a Complainant, Respondent, or Witness, the Hearing Officer will determine, before any answer is provided, whether the question is relevant. If the Hearing

Officer determines that a question is not relevant, the Hearing Officer must explain the decision to exclude that question.

The basic test for relevance that the Hearing Officer will employ is whether the question posed is probative of the question of the Respondent's responsibility for Prohibited Conduct. The Hearing Officer will focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are irrelevant unless: (1) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Other forms of evidence and information not relevant include: information protected by a legally recognized privilege; evidence about a Complainant's prior sexual history; and a Complainant's or Respondent's medical, psychological, and similar records unless the subject of those records has given voluntary, written consent. Furthermore, questions that are duplicative or repetitive may fairly be deemed not relevant and thus excluded.

The Hearing Officer has the discretion to set reasonable limits regarding the conduct of the hearing so long as those limits are equally applied to the Complainant and Respondent and written notice of any limitation is provided to the Complainant, Respondent, and their advisors (if any) no less than three days before the hearing.

#### 6. *Cross-examination.*

All individuals who testify at a hearing—including any Complainant, Respondent, and Witness—must submit to cross-examination at the hearing. If any testifying individual does not submit to cross-examination at the hearing, the Hearing Officer may not rely on any statement of that individual in reaching a determination of the Respondent's responsibility for Prohibited Conduct. However, the Hearing Officer may not draw an inference about a determination regarding the Respondent's responsibility for Prohibited Conduct based solely on an individual's absence from the hearing or refusal to answer cross-examination or other questions.

Cross-examination is to be conducted only by an Advisor and never by a Complainant or Respondent themselves. If a Complainant or Respondent does not have an Advisor at the hearing, the Title IX Coordinator will provide without fee or charge to the Complainant or Respondent an Advisor of the Title IX Coordinator's choice to conduct cross-examination on behalf of the party who does not have an Advisor at the hearing. In that case, at the discretion of the Title IX Coordinator, the hearing may be continued.

#### 7. *Standard of proof.*

The standard of proof that the Hearing Officer will use to determine whether the Respondent is responsible for Prohibited Conduct is preponderance of all the relevant evidence. That is, whether it is more likely or not that the Respondent is responsible for Prohibited Conduct.

8. *Written determination.*

Following the hearing, and after the Hearing Officer has made a determination of whether the Respondent is responsible for Prohibited Conduct, the Hearing Officer will issue a written determination to the Title IX Coordinator. The written determination will include the following components:

- Identification of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Complainant and Respondent, interviews with the Complainant Respondent, and any witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of facts supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by the College to the Complainant; and
- The College's procedure and permissible bases for the Complainant and Respondent to appeal.

The determination does not become final until the date when the Complainant and Respondent receive written notification of the results of any appeal or, if no appeal is filed, the date on which the appeal would no longer be considered timely under the Policy.

As soon as practicable, the Title IX Coordinator will simultaneously, but separately, send the written determination to the Complainant and Respondent, and their respective advisors (if any), via their College email addresses.

***J. Respondent's withdrawal or resignation from the College during the pendency of the Grievance Process.***

If a Respondent withdraws or resigns from the College during the pendency of the grievance process, and the College does not dismiss the Formal Complaint, this Policy will continue to apply to the Respondent as if the Respondent were a student or employee at the College. In other



words, the Respondent has all rights and responsibilities under this Policy as if the Respondent were a student or employee. It is the Respondent's responsibility to provide the Title IX Coordinator with an active email address maintained by the Respondent for purposes of receiving official correspondence and other written information from the College as part of the grievance process.

If a student Respondent is found responsible for violating this Policy, a notation indicating that the student Respondent is not in good standing at the College will be added to the Respondent's official College transcript until all sanctions are completed. If a non-student employee Respondent is found responsible for violating this Policy, a notation indicating the non-student employee Respondent is not in good standing at the College will be added to the Respondent's official personnel file until all sanctions are completed. Further, if a sanction of disciplinary expulsion or disciplinary suspension is imposed, the Respondent's transcript or personnel file will include a notation reflecting that sanction.

Sanctions must be completed by a student 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.

If a Respondent, who is a former non-student employee, is found responsible, the Respondent will no longer be eligible for re-hire at Manor College.

#### **VI. Objecting to the Investigator, Hearing Officer, of Appel Officer for bias or conflict of interest**

The College expects that the Title IX Coordinator and every Investigator, Hearing Officer, and Appeal Officer will be free from bias or conflicts of interest. Indeed, no person appointed as an Investigator, Hearing Officer, or Appeal Officer may have a conflict of interest or bias for or against any Complaint or Respondent—generally or on an individual basis. This means that the Title IX Coordinator, every Investigator, Hearing Officer, Appeal Officer, and Mediator must not be biased for or against any Complaint or Respondent. An individual's status as a Respondent must not be considered as a negative factor during the Grievance Process. This includes discounting the account of a Respondent, or otherwise not giving a Respondent's account its due weight, because of an individual's status as a Respondent. Similarly, an individual's status as a Complainant does not mean enhancing the account of a Complainant, or otherwise adding to the weight of a Complainant's account, because of the an individual's status as a Complainant.

A Complainant or Respondent who wishes to object to the appointment of a particular Investigator, Hearing Officer, of Appeal Officer must state any objection in writing and deliver that writing to the Title IX Coordinator no later than 5:00 p.m. on the fifth day after the

Complainant or Respondent has been notified of the appointment of the Investigator, Hearing Officer, or Appeal Officer.

The Title IX Coordinator will promptly share with the non-objecting party and the official whose independence is subject to an objection (*i.e.* the Investigator, Hearing Officer, or Appeal Officer) the objection(s) received from the objecting party. The non-objecting party and Investigator/Hearing Officer/Appeal Officer may each submit to the Title IX Coordinator any written response to the objection(s) no later than 5:00 p.m. on the five days after the date on which the Title IX Coordinator shares the objection(s).

The Title IX Coordinator will use an objective standard to assess whether the Investigator/Hearing Officer/Appeal Officer has a bias or conflict of interest that prevents that official from serving in their respective capacity. The Title IX Coordinator will assess whether a reasonable person would believe that a bias or conflict of interest exists. This assessment will be made on a case-by-case basis and without using generalizations by which a bias is unreasonably assumed, such as based on the official's research or advocacy background. The Title IX Coordinator may, in their discretion, gather additional information to assess the merits of the objection. No further proceedings in the grievance process will occur until the Title IX Coordinator rules on the objection(s).

The Title IX Coordinator will simultaneously, but separately, provide written notice to the Complainant and Respondent, and their respective Advisors (if any) of whether the objection(s) is/are sustained or overruled. If an objection is sustained, the Title IX Coordinator will identify a new Investigator/Hearing Officer/Appeal Officer in the written notice issued to the Complainant and Respondent.

Consistent with section VIII of this Policy, a Complainant or Respondent may appeal the Title IX Coordinator's decision regarding an objection to the appointment of a particular Investigator, Hearing Officer, or Appeal Officer.

## **VII. Sanctions.**

If, as the result of a hearing, a Respondent is found responsible for Prohibited Conduct, one or more sanctions may be assigned. Appropriate and reasonable sanctions will be based on the Respondent's current and previous violations of this Policy or any other College policy (*e.g.* the College's Student Code of Conduct, the College's Employee Code of Conduct, etc.). When determining sanctions, the College will consider the concerns and rights of the Complainant, the Respondent, and the broader campus community. When sanctions are warranted, they will be assigned on a case-by-case basis.

### *1. Sanctions for student Respondents.*

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 the College education programs and 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.

2. *Sanctions for non-student employee Respondents.*

More than one sanction may be imposed for a single violation. Failure to comply may result in immediate termination.

- **Termination** is a permanent separation from the College for disciplinary reasons. An individual who has been terminated from the College is not permitted on campus for any reason without permission of the Director of Human Resources. For terminations, please see Termination Policy in the Employee Handbook. <https://docs.google.com/a/manor.edu/viewer?a=v&pid=sites&srcid=bWFub3luZWR1fG1hbm9yY29sbGVnZWludHJhbmV0fGd4OjMzMjAxMjgwY2Y4NGVhZ>

Dg. Supporting evidence of the employee conduct decision are maintained in the employee's confidential file for seven years.

- **Disciplinary Suspension** is a separation from the College for one or more months. When an employee is placed on Disciplinary Suspension, the employee is not permitted back on campus, nor will the employee have access to Manor's email, computer applications and any other online programs etc. The Corrective Discipline policy can be found in the Employee Handbook, <https://docs.google.com/a/manor.edu/viewer?a=v&pid=sites&srcid=bWFub3luZWR1fG1hbm9yY29sbGVnZWludHJhbmV0fGd4OjVkOGNjNjc2ODhiMDU3NWU>. Documents supporting the suspension are maintained in the employee's confidential file for seven years.
- **Disciplinary Probation** is written notice to the employee that the employee is not in good standing and may be for any length of time.
- **Formal Warning** is a written notice to the employee that he/she has violated Manor's policy and that continued behavior may lead to more significant disciplinary action.

Other possible sanctions include but are not limited to:

- **Alcohol/Drug Assessment** requires employee to complete an alcohol or other drug (AOD) assessment with a college staff counselor or approved off-campus provider. The employee is responsible for the cost of the assessment and must provide evidence of successful completion.
- **Assessment/Counseling/Education** requires the employee to complete a psychological assessment by a counselor and/or participation in educational sessions facilitated by a professional. Employee is responsible for the cost of the assessment, counseling and/or educational program and must provide evidence of successful completion.
- **No Communication/No Contact** restricts the employee from any contact, whether in person, electronic, or via third parties, with one or more students.

## VIII. Appeal Process

Within seven days after: (1) the date on which the Title IX Coordinator informed the Complainant and Respondent that the Formal Complaint was dismissed; or (2) the date on which the Title IX Coordinator sent the Complainant and Respondent the Hearing Officer's written determination, the Complainant or Respondent may file an appeal from a determination regarding responsibility or from the dismissal of a Formal Complaint or any allegations in the Formal Complaint. A Complainant or Respondent may file an appeal by submitting a writing to

the Title IX Coordinator. The writing must be personally sent from the Complainant or Respondent 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. The College will not consider any appeal that is not timely filed.

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

1. **There was a procedural irregularity that affected the outcome of the disposition of the Formal Complaint.** Some examples of a procedural irregularity include: (1) the failure to objectively evaluate all relevant evidence, including inculpatory evidence, during the grievance process; (2) an erroneous determination of relevance, if that determination affected the outcome.
2. **There is new information, unavailable at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.** 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.
3. **The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.**

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

Within five days after an appeal is filed, the Title IX Coordinator will appoint an Appeal Officer. The Title IX Coordinator will notify the Complainant and Respondent, and their respective Advisors (if any), of the appointment of the Appeal Officer via written notice. If the Respondent is a non-student employee, the Title IX Coordinator will inform the Director of Human Resources. Within five days after receiving notification of the appointment of the Appeal Officer, a Complainant or Respondent may file an objection consistent with section VI of this Policy.

Separately, the Title IX Coordinator will notify in writing the Complainant and Respondent, and their respective advisors (if any), of the availability to review the recording or transcript of the hearing. Any review of the hearing recording or transcript is by appointment only.

Within ten days after the date on which the Title IX Coordinator provides written notice of the availability of the hearing recording or transcript, the Complainant or Respondent may submit additional writings in support of or against the determination subject to appeal.

Disciplinary sanctions generally are stayed pending appeal, unless the Title IX Coordinator, in consultation with the Vice President and Dean of Student Affairs (student Respondents) or the Director of Human Resources (non-student employee Respondents), 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.

#### **The Appeal Officer Will:**

- Review the record only. The record consists of the evidence received by the Hearing Officer, the hearing recording or transcript, and any submissions related to the appeal.
- Affirm the determination of responsibility or dismissal unless the Appeal Officer concludes based on the record that the determination or dismissal should be reversed based on the basis or bases identified by the Appellant in the appeal.
- Provide a final written decision and explanation to the Title IX Coordinator, generally within fourteen days after the deadline for the Complainant and Respondent to submit written information related to the appeal. Some cases may require additional time, which may be due (as one example only) to the timing of the appeal relative to the College's academic calendar. The Title IX Coordinator will then simultaneously but separately notify in writing the Complainant and Respondent, and their respective advisors (if any), of the appeal outcome as soon as practicable after receiving the written decision from the Appeal Officer.

#### **IX. Voluntary Mediated Resolution.**

Any time after the filing of a Formal Complaint, but before the scheduling of a hearing, the Title IX Coordinator may at their discretion notify in writing the Complainant and Respondent, and their Advisors (if any), of the voluntary option of resolving the Formal Complaint via Voluntary Mediated Resolution. As the name implies, Voluntary Mediated Resolution is a process that requires the informed, written consent of the Complainant and Respondent. Voluntary Mediated Resolution will never be used in cases involving allegations where the Complainant is a student and the Respondent is a non-student employee.

The notice provided by the Title IX Coordinator will disclose the allegations in the Formal Complaint, the requirements of the Voluntary Mediated Resolution process, and that any time before agreeing to a resolution, the Complainant and Respondent have the equal right to withdraw from the Voluntary Mediated Resolution process and resume the grievance process, including a hearing. The Title IX Coordinator will also share the consequences resulting from participation in the Voluntary Mediated Resolution process, including giving up the right to a hearing. Finally, the Title IX Coordinator will inform the parties that the College will retain written materials submitted by the parties or otherwise used by the Facilitator, consistent with section XI of this Policy.



A Complainant or Respondent who wishes to participate in Voluntary Mediated Resolution may do so only by providing their signed, written consent to the Title IX Coordinator. The signed, written consent must state that the signer voluntarily consents to the Voluntary Mediated Resolution process and that, by agreeing to the Voluntary Mediated Resolution process, the signer understands that they will lose the right to proceed to a formal hearing (including the right to conduct cross-examination of witnesses) if they agree to a mediated resolution. A Complainant or Respondent may provide their informed, written consent via a form created by the Title IX Coordinator.

If both the Complainant and Respondent provide informed, written consent to participate in Voluntary Mediated Resolution, all proceedings related to the Formal Complaint will be suspended. The Title IX Coordinator will appoint a Mediator to conduct the Voluntary Mediated Resolution.

The Mediator will separately contact the Complainant and Respondent, and their Advisors (if any), to schedule mediation one or more mediation sessions. At the option of the Complainant and Respondent, the mediation may be conducted via virtual/remote means, in person (*i.e.* both parties in the same room) or in different rooms. If the latter, all negotiations will be conducted through the mediator via “shuttle diplomacy.” The Mediator is not bound by any rules of confidentiality between a Complainant and Respondent (or any of their Advisors). Instead, a Complainant and Respondent, and their Advisors (if any), should expect that any information shared with the Mediator may be shared with the other party, including their Advisor.

At any time before the mediation, a Complainant or Respondent may submit a written statement or other written information in support of their position. As soon as practicable, the Mediator will share with the other party any information received in advance of the mediation.

The Voluntary Mediation Resolution process will conclude in one of three ways.

1. The Complainant and Respondent agree to a final, binding resolution of the Formal Complaint. The resolution may include the full range of sanctions, including discipline, under this Policy. Any such agreement must be made in a writing signed by the Complainant and Respondent.
2. In the estimation of the Mediator, and due to the respective positions of the Complainant and Respondent, or for other good reason, the mediation has reached an impasse or is otherwise unlikely to result in a final, binding resolution. However, the Mediator, with the consent of the parties, may schedule one or more additional mediation sessions.
3. At any point before reaching a final, binding resolution, the Complainant or Respondent notifies the Mediator of their withdrawal from the Voluntary Mediated Resolution process. The Complainant and Respondent have the equal right to withdraw their participation for any reason.

As soon as practicable following the conclusion of the Voluntary Mediated Resolution process, the Mediator will notify the Title IX Coordinator of the outcome. In the event that the parties have agreed to a final, binding resolution, the Title IX Coordinator will implement that resolution, including any sanctions. In the event that Voluntary Mediated Resolution does not result in a final, binding outcome, the College will resume proceedings related to the investigation and adjudication of the Formal Complaint.

All written information related to the Voluntary Mediated Resolution process, including any written notes of the Mediator, will be retained by the College consistent with section XI of this Policy.

In the event that Voluntary Mediated Resolution does not result in a final, binding resolution, any testimony from the Mediator at any hearing related to the Formal Complaint is not relevant *per se*. Similarly, any communication of a Complainant or Respondent made in the course of the Voluntary Mediated Resolution process is not relevant *per se*. Nothing in this paragraph forecloses a Complainant or Respondent from adducing evidence or testimony, or making an argument, at a hearing so long as that evidence, testimony, or argument is independent of a communication made in the course of the Voluntary Mediated Resolution process.

#### **X. Maintenance of Records.**

The College's Title IX Coordinator maintains the College's records and files related to allegations of Prohibited Conduct. The College will maintain for no shorter than seven years records of:

- Each investigation under this Policy including any determination regarding responsibility and any audio or audio visual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's Education Program or Activity;
- Any appeal and the result of the appeal;
- Any Voluntary Mediated Resolution and the result of that process; and
- All material used to train any Title IX Coordinator, Investigator, Hearing Officer, Appeal Officer, and Mediator.

Additionally, where the College is required to Respond to an allegation of Prohibited Conduct, the Title IX Coordinator will create, and maintain for no less than seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. The Title IX Coordinator will document the basis for its conclusion that its response to the alleged Prohibited Conduct was not deliberately indifferent, and document that the College has taken measures designed to restore or preserve equal access to the College's Education Program or Activity. If the College does not provide a Complainant with Supportive

Measures, then the Title IX Coordinator will document the reasons why the College's response was not clearly unreasonable in light of known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

#### **XI. 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.

#### **XII. 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.

### **XIII. Prevention of Prohibited Conduct.**

Prevention of the Prohibited Conduct under 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.

**XIV. 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.

**XV. 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](mailto:titleix@manor.edu) (primary email for Title IX)
  - [kkilmer@manor.edu](mailto:kkilmer@manor.edu)
  
- Tina Colella, Deputy Title IX Coordinator
  - Basileiad Manor
  - (215) 780-1188
  - (215) 885-2360 ext. 1273
  - [ccolella@manor.edu](mailto:ccolella@manor.edu)
  
- John Dempster, Deputy Title IX Coordinator
  - Mother of Perpetual Help Hall
  - (215) 885-2360 ext. 2206
  - [jdempster@manor.edu](mailto:jdempster@manor.edu)
  
- Shamika Ford, Deputy Title IX Coordinator
  - St. Josaphat Residence Hall
  - (215) 885-2360 ext. 3295
  - [slford@manor.edu](mailto:slford@manor.edu)
  
- Chris Hartman, Deputy Title IX Coordinator
  - Basileiad Manor
  - (215) 885-2360 ext. 1208
  - [chartman@manor.edu](mailto:chartman@manor.edu)
  
- Allison Mootz, Deputy Title IX Coordinator
  - Mother of Perpetual Help Hall
  - (215) 885-2360 ext. 2276
  - [amootz@manor.edu](mailto:amootz@manor.edu)
  
- Kahdijah Venable, Deputy Title IX Coordinator
  - Basileiad Manor
  - (215) 885-2360 ext. 1235
  - [kvenable@manor.edu](mailto:kvenable@manor.edu)

Questions about the application of Title IX at Manor College should be directed to the Title IX Coordinator, Katharina Kilmer, at [titleix@manor.edu](mailto: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.

#### **XVI. 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 Policy – 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)

**Employee Code of Conduct Policy – HR 0101**

See “Employee Code of Conduct in the Manor College Employee Handbook located on the intranet: <https://sites.google.com/a/manor.edu/manorcollegeintranet/policies-handbooks/human-resources>



## 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).