



WAYNESBURG UNIVERSITY®

Student Code of Conduct 2022-2023

1. Students will Display Academic and Personal Integrity.....PAGE 4
 - a. Dishonesty (*page 4*)
 - b. Academic Integrity (*page 4*)
 - c. Disruption of Academic or Operational Functions (*page 4*)
 - d. Personal Integrity and the Judicial Process (*page 4*)
 - e. Disregard Official Directives or Summons (*page 5*)
 - f. Community Conduct and Civility (*page 5*)
 - (1) Damage to Public or Private Property
 - (2) Theft, Misappropriation or Unauthorized Sale
 - g. Gambling (*page 5*)
 - h. Indecent, Lewd or Sexually Offensive Material (*page 5*)
 - i. Off-Campus Behavior (*page 5*)

2. Students will Conduct Themselves in a Safe and Non-Threatening MannerPAGE 6
 - a. Fireworks, Firearms and Other Weapons (*page 6*)
 - b. Physical or Verbal Abuse or Threatening Behavior (*page 6*)
 - c. Pranks or Practical Jokes (*page 6*)
 - d. Safety Equipment and Measures (*pages 6*)
 - e. Hazing (*page 6-7*)
 - f. Social Media and Cyber-Bullying (*page 7*)
 - g. Electronics and Recording Devices (*page 7*)

3. Students will be Successful in Fostering a Comfortable Residential Community Setting.....PAGE 7
 - a. Appliances and Furniture (*page 7-8*)
 - b. Deposit and Corporate/Joint Responsibility (*page 8*)
 - c. Candles, Open Flames and Animals (*page 8*)
 - d. Dining (*page 9*)
 - e. Escort and Overnight Visitation (*page 9-10*) **Updated COVID Policy 6/24/20 & 9/2/2020
 - f. Hall Closings (*page 9*)
 - g. Withdrawal and Leave Policies (*page 9*)
 - h. On-Campus Houses (*page 10*)
 - i. Room Card and/or Keys (*page 10*)
 - j. Room Inspections and Access (*page 10*)
 - k. Roommate Selection and Room Changes (*pages 10-11*)
 - l. Quiet Hours (*page 11*)
 - m. Undergraduate Housing Policy (*page 11*)

4. Students will adhere to the Alcohol and Other Drugs Policy.....PAGE 11
 - a. Alcohol Related Violations (*pages 12-14*)
 - b. Drug Related Violations (*pages 14-15*)
 - c. Good Samaritan Policy (*page 15*)
 - d. Tobacco Free Campus (*page 15*)

5. The Campus Community will Adhere to the Anti-Harassment and Anti-Discrimination Policy on Campus	PAGE 16
a. Policy Statement/Scope (page 16)	
b. Definitions (pages 17-19)	
c. Retaliation (page 19-20)	
d. Consent (pages 20)	
e. Reporting (page 20-22)	
f. Removal/Supportive Measures (pages 22-23)	
g. Formal Complaint Process (pages 23-26)	
h. Formal Resolution Process (pages 26-31)	
i. Appeals (pages 31-32)	
j. Recordkeeping (page 32)	
k. Training (page 32)	
l. Resources (page 33)	
6. Students will Adhere to all Institutional Procedures.....	PAGE 35
a. Americans with Disabilities Act (page 35)	
b. Athletic and Co-Curricular Participation (page 35)	
c. Class Cancellation (page 36)	
d. Disciplinary Records (page 36)	
e. Grievances and Appeals (pages 36-37)	
f. Health Policies (pages 37-39)	
g. Identification Cards (page 39)	
h. Missing Persons (pages 39)	
i. Vehicles and On-Campus Parking (page 39)	
j. Privacy of Educational Records (FERPA) (pages 39-44)	
(1) Definitions	
(2) Student's Rights under FERPA	
k. Sign Posting and Solicitation on Campus (page 44)	
l. University Network Policy (page 44-45)	
A. DISCIPLINARY PROCESS AND APPEALS.....	PAGE 46
1. Complaints/Administrative Interview Process (pages 46)	
2. Disciplinary Hearing Process (Judiciary Council) (pages 47-48)	
3. Appeals (page 48-49)	
4. Disciplinary Sanctions (pages 49-51)	

A. OVERVIEW OF STUDENT DEVELOPMENT

Waynesburg University strives to provide an educationally purposeful environment that maximizes the opportunity for students to develop in all facets of life. The Student Development team complements the academic program by offering out-of-classroom experiences that develop leadership and interpersonal skills, provide for experiential learning, and encourage ethical decision-making. A fundamental question Student Development attempts to address within student life is, “How can we, in a diverse community of ideas and cultures, get along with and learn from one another?”

A wide array of services exists to meet specific student needs and a variety of activities, organizations, and programs are planned to enhance the development of the individual student and the uplifting of the campus community. Community service and service learning are understood as integral to the educational environment. They provide experiential components to the classroom as well as an impetus for the development of habits of service and an awareness of good citizenship within the local and global community.

All activities and student life auxiliary services are under the general direction of the Student Development division of the University. The main office is located on the third floor of the Stover Campus Center and is open throughout the day, Monday through Friday, to assist students with any problems, questions, or ideas.

COVID-19 Policy

Following federal, state, local, and regulatory guidelines, including guidance issued by the Centers for Disease Control, the Pennsylvania Department of Education, and state and federal associations representing peer institutions, Waynesburg University is making modifications in all areas on campus to mitigate risks associated with COVID-19 for students, faculty, staff, and the surrounding community. The Waynesburg University COVID-19 Health and Safety Plan details modifications, which include:

- Practices related to hygiene, sanitation, and face coverings on campus;
- Social distancing interventions and modifications to facilities;
- Adjustments to campus policies, such as academic, housing, employee, and other policies;
- Modifications to course modalities, schedules, and calendars; and
- Other strategies to create an environment conducive to a health, safe, and inclusion.

Members of the campus community are urged to assist in this effort by accepting personal responsibility for maintaining safe work environments and encouraging safe behaviors while being respectful of others. Students, faculty, staff, administrators and visitors are required to comply with all policies and procedures implemented by Waynesburg University to address COVID-19, including the policies in this Code of Conduct.

B. THE SIX PILLARS OF CONDUCT AND RESPONSIBILITY

Waynesburg University expects all members of the University community to accept responsibility for their personal conduct and to encourage others to do the same. If the conduct of any member of the University community is found to be detrimental to the academic, social, and spiritual development of others within the community, the University (through its various offices and personnel) will provide guidance, direction, and if necessary, discipline.

As a Christian academic institution, Waynesburg University has a vested interest in the safety and well-being of the campus community. This Code is intended to support and advance the educational and religious mission of the University, without unduly restricting or diminishing the University experience. The Student Code of Conduct outlines the minimum acceptable level of conduct expected of every student at Waynesburg University.

All laws of the Commonwealth of Pennsylvania and the Borough of Waynesburg are in effect on the Waynesburg University campus. The implementation of University disciplinary authority does not protect the student from, nor does the University consider it to be a substitution for, criminal prosecution. The University disciplinary authority is administrative in nature and purpose, and completely independent of civil or criminal proceedings in the courts of Pennsylvania.

All Waynesburg University students are responsible for knowing the procedures and policies set forth in this Code of Conduct.

1. STUDENTS WILL DISPLAY ACADEMIC AND PERSONAL INTEGRITY

a. Dishonesty Any form of dishonesty is an indictment of the integrity of an individual and is considered grounds for disciplinary action. Some examples of dishonesty are: distortion of the truth during an Interview or Hearing, purposely leaving out important information during an Interview or Hearing, hiding items or people during a room search or inspection, blaming others for violations in which you committed, cheating, plagiarism, unauthorized use or possession of an un-administered test, forgery, falsification of records, and falsification of checks, theft, and misuse of meal tickets. For further information on the Academic Integrity policy and procedures, please refer to the University Catalog and the Academic Integrity Policy which follows this section

b. Academic Integrity Please reference the University's Academic Catalog for information relative to Academic Integrity.

c. Disruption of Academic or Operational Functions Students are not to engage in any behavior disrupting the academic or operational functions of the University. Any person who disrupts or interferes with the academic or operational function of the University will be asked to immediately cease and desist. If he or she does not immediately do so, the following steps will be taken: (1) the individual will be asked to identify him or herself and (2) if the individual refuses to identify him or herself, and does not cease and desist, he or she will be removed by the Department of Public Safety.

If in the determination of the Vice President or his designee, it is determined that the University cannot meet the mental health needs of a student, it is in the best interest of the student to no longer be enrolled, and there are not any ADA requirements applicable, an administrative withdraw may be invoked. A student may reenroll in a subsequent semester pending a meeting with the Vice President or his designee and if given approval to reenroll.

d. Personal Integrity and the Judicial Process Personal integrity is required in order to insure the fair application of all University policies and rules. Any act that seeks to subvert the integrity of any disciplinary process is prohibited. Acts that subvert the integrity of the disciplinary process include, but are not limited to,

- * attempting to grant or receive a bribe;
- * threatening anyone involved in the disciplinary process;
- * filing a false incident report or complaint;
- * providing false information or false evidence at any stage of the disciplinary process;
- * tampering with or destroying any evidence related to a disciplinary process.

e. Disregard Official Directives or Summons Students are not to disregard the directives, verbal or written, of University or civil officials. Students are not to obstruct a University or civil official from carrying out his or her duties. Additionally, when a student receives an official University summons, he/she must respond to the issuing office within 24 hours. Failure to respond will warrant disciplinary action.

f. Community Conduct and Civility Waynesburg University students are expected to accept and adhere to high standards of personal conduct. Students shall treat all members and guests of the Waynesburg University community with courtesy, respect and dignity.

(1) **Damage to Public or Private Property**

Damage, Vandalism, and Littering: Students shall not damage property belonging to others, including University buildings, fixtures, furnishings and grounds. Any incident of vandalism attributed to a student will result in the payment of the repairs plus appropriate fines and disciplinary action. Littering on campus grounds is prohibited. This includes discarding cigarette butts.

Unauthorized Entry or Climbing of University Property: Forcible or unauthorized entry into any University owned or controlled building, structure, facility, or room is prohibited. Climbing on the exterior of any University building or facility is strictly prohibited. This practice is extremely dangerous and will not be tolerated.

(2) **Theft, Misappropriation, or Unauthorized Sale**

The unauthorized occupancy, use, possession, or removal of property belonging to the University, other students, guests, or vendors is strictly prohibited.

g. Gambling All forms of gambling are prohibited on campus. This includes playing cards, wagering on sports events, or other games for money or items of value. While playing cards and other games of chance without exchanging items of value might be permissible, spending large amounts of time on such games may not be beneficial.

h. Indecent, Lewd, or Sexually Explicit Material Students shall not engage in acts of an indecent, lewd or obscene nature in public or community settings. The possession of pornographic material or materials which may be considered as sexually offensive is strictly prohibited on University premises, or during University sanctioned activities wherever held. This includes material in any form (e.g., magazines, posters, art, photographs, videos, depictions of nudity or scantily clad men or women, phone sex, "cyber-sex", pornographic web sites or postings, advertisements, etc.). Obscene or harassing telephone calls are against the law. Students and their guests are strictly prohibited from engaging in this type of behavior. A first time violation will result in a meeting with University staff and removal of the material. Additional violations will result in immediate removal and disposal (of the material) and could result in other disciplinary action.

i. Off-Campus Behavior Students living off-campus are expected to abide by the Student Code of Conduct to the same extent as students living on campus. Students involved in off-campus incidents may find themselves subject to discipline by the University as well as criminal prosecution by local authorities. Waynesburg University will cooperate fully with local authorities in their investigation and prosecution of students engaged in illegal activities. In addition, the Vice President, or his/her designee, may also charge the student with a violation of the Student Code of Conduct and pursue charges in the University discipline system. In that instance, the University will follow its normal discipline process, regardless of the pending criminal proceedings arising from the same incident.

2. STUDENTS WILL CONDUCT THEMSELVES IN A SAFE AND NON-THREATENING MANNER

- a. Fireworks, Firearms and Other Weapons** Weapons including all firearms, bows with arrows, knives (longer than three inches), "B.B." guns, pellet guns, paint ball guns, fire crackers, fireworks, tear gas, martial arts devices, or anything that can be used as a weapon will not be allowed on campus. Possession or keeping of any firearm, ammunition, explosive device, or other weapon on University owned or controlled property is strictly prohibited. Students found to be in possession of weapons or dangerous materials in violation of this policy will likely be subject to immediate suspension and/or expulsion and may face prosecution by local authorities.
- b. Physical or Verbal Abuse or Threatening Behavior** Any form of threat, intimidation, ethnic harassment, coercion, or other conduct which threatens or endangers the health or safety of any person is prohibited. This includes all inappropriate language, comments or actions whether made on the Waynesburg University campus or in the surrounding community. Additionally, students shall not: intentionally harm any person; take any action that creates a substantial risk of harm to another person; or threaten by any means harm or injury to another person.
- c. Pranks or Practical Jokes** Considering the potential for damage to people and property, students should demonstrate good judgment in regards to any type of practical joke or recreational activity. Students are expected to exercise common sense, show consideration for others, and to always respect the request of any staff member or university official.
- d. Safety Equipment and Measures** The unauthorized alteration or use of any fire-fighting equipment, protective devices designed for such equipment, or other emergency device is prohibited. Tampering with or otherwise rendering useless any emergency or safety equipment, such as exit signs, fire extinguishers, fire alarms, fire boxes, water/steam pipes, first aid equipment, or emergency telephones, is strictly prohibited. Obstructing fire escape routes, such as hallways or stairwells, is prohibited. Because of the potential for harm to others, sanctions for such conduct may include suspension or expulsion from the University. Hindering, tampering with, removing, or discharging any fire protection equipment, including the smoke detectors, without proper cause will result in a fine of \$75.00 and disciplinary action.
- Setting off a false alarm or igniting a fire in the residence hall or in a campus facility will result in suspension from university and possible criminal prosecution. All students, regardless of commuter or residential status, must exit University owned or controlled building, structure or facility immediately upon notification by fire alarm. Failure to comply will result in disciplinary action and a fine.
- The intentional false report of a bomb, fire, attack, or other emergency (verbal, written, or otherwise) is strictly prohibited. Any such act is a serious matter for which the maximum sanctions provided will be imposed.
- e. Hazing** Hazing is a violation of both Pennsylvania state law (24 P.S. § 5353) and University Policy. Under 24 P.S. § 5353, hazing is defined as "[a]ny action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student; this could be for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education." Hazing includes any act that could harm an individual's physical or mental health or safety, or dignity, such as: physical acts of brutality (including whipping, beating, branding, exposure to the elements, etc.), forced calisthenics, forced consumption of food, alcohol,

drugs or other substances, sleep deprivation, forced exclusion from social contact, acts causing extreme embarrassment or stress, and/or willful destruction or removal of public or private property.

Also be advised that hazing does not require coercion. Alleged voluntary acts can rise to the level of hazing if individuals feel pressured to perform such acts, or if such acts are related to membership in an organization. 24 P.S. § 5352.

The penalties for hazing include University sanctions against individuals and organizations involved in the activities, and criminal sanctions under state law. 24 P.S. § 5354(B). Such penalties may involve the imposition of fines, probation, suspension, withholding of diplomas or transcripts, or even imprisonment.

f. Social Media and Cyber-Bullying

Students are responsible for all communication conducted through social media (directly or indirectly). Threatening or disrespectful communication with any person (University or non-University affiliated) could be grounds for disciplinary action. This will include, but not limited to, text messages, photographs, Twitter comments, Facebook postings, and the use of email.

Cyber-bullying: The use of Internet technology to tease, humiliate or harass another person (directly or indirectly) will not be tolerated and are grounds for dismissal from the University. Victims of cyber-bullying are urged to save all related evidence and to report the incident immediately to the Title IX Coordinator, Department of Public Safety, or Student Development staff.

Depending on the severity of the violation, the University may treat complaints of Cyber-Bullying in accordance with the procedures outlined in the Anti-Harassment and Anti-Discrimination Policy.

g. Electronics and Recording Devices

Any unauthorized use of electronic or other devices to create a video or audio recording of any person without their knowledge or prior consent when the recording is likely to cause distress, undo harm, or injury is prohibited. To photograph or create a video or audio recording of any person in a private or secured area including, but not limited to, University housing, a locker room, or bathroom is prohibited.

3. STUDENTS WILL BE SUCCESSFUL IN FOSTERING A COMFORTABLE RESIDENTIAL COMMUNITY SETTING

Introduction

Waynesburg University has ten residence halls:

- *WOMEN'S RESIDENCE HALLS:* Denny, Burns, Ray, East, South, West and Pollock Halls
- *MEN'S RESIDENCE HALLS:* Martin, Thayer, and Willison Hall.

Each residence hall is supervised by a Resident Director (RD) who is a member of the Student Development staff and several Resident Assistants (RAs). RAs are undergraduate students who have participated in extensive training. The residence hall staff is responsible for establishing community, sharing information, conducting educational and recreational programs, and maintaining a safe, orderly environment. Students are responsible for knowing the procedures and policies for all residence hall facilities.

a. Appliances and Furniture

Appliances: A list of acceptable electrical appliances for use in residence hall rooms is available

from the Assistant Dean of Student Development. Compact refrigerators, microwave ovens and coffee pots may be used in any residence hall room. Hot plates, candle warmers (“Scentsy”), hot pots, toasters, toaster ovens, air conditioners, space heaters, and deep fryers are not permitted for safety reasons. Cooking is permitted in the kitchen of each residence hall. Only heavy-duty, UL approved extension cords may be used in any residence hall or house and may not be plugged into each other or placed under rugs. Students are strongly encouraged to use power surge boxes. When needing to extend power beyond the reach of a single extension cord, students should plug a UL approved power surge protector into the electrical outlet and then plug the extension cord into the surge protector. Plugging one extension cord into another extension cord to add length creates a fire hazard and is prohibited. A student may be required to unplug and discontinue the use of any appliance or electronic device that might overload the building’s electrical system.

East, South, West, Pollock and Willison Halls: A micro fridge is provided in each room.

On-Campus Houses: A refrigerator and stove will be provided in the kitchen of each house. No microwaves or refrigerators will be permitted in any other rooms for safety reasons.

Room Furnishings: All student rooms in the residence halls are furnished with a desk, dressers, closet and drapes or blinds. Additionally, appropriate beds are provided by the University for the residents of each room. The University requires that these beds and all other university-provided furnishings not be removed from the rooms without the permission of the Resident Director. Water beds, hanging beds, or lofts of any kind are prohibited. Altering existing beds for any reason or bringing your own bed is prohibited and may result in disciplinary action. Permission to bring your own bed, for any reason, should be sought from the Assistant Dean of Student Development. Window screens may not be removed from residence hall windows.

Common Areas: Lounge furniture is to remain in the lounge and not be removed. Residence halls are equipped with laundry and kitchen facilities for the use of the residents.

b. Deposit and Corporate/Joint Responsibility

Damage Deposit: Occupants are held financially responsible for any damage to the residence hall rooms, furnishings, and common areas. A room damage report (RDR) is completed for each student’s space at the beginning of the school year by the Resident Director. Students should bring to the attention of the hall staff any damage that has been done previously to the room by another party. A one-time damage deposit fee of \$100.00 is charged to each resident student upon enrolling at Waynesburg University. Upon checking out of the residence hall permanently, each student will receive a refund of the unused balance.

Corporate/Joint Responsibility: Students are responsible for what happens in their rooms. Individuals who are present in their own or any other residence hall room or area where University policies are being violated are subject to the same disciplinary action as the host of that room. In addition to their individual rooms, residents are responsible for the common areas in their building. This includes hallways, bathrooms, lounges, laundry facilities, and stairwells. When vandalism or damage occurs, if there is no admission of responsibility, residents are corporately responsible for damage.

c. Candles, Open Flames and Animals

Torches, candles, incense, and incendiary or explosive devices of any type are prohibited on university property (including residence halls), except as specifically authorized by the Director of Public Safety. The use of halogen lamps is also prohibited for safety reasons.

Animals are not permitted in the residence halls with the exception of service animals. This includes cats, dogs, birds, snakes, reptiles, and all types of caged rodents. Fish are permitted. Violations will result in disciplinary action.

- d. Dining** All first, second, and third year students living in University residence halls are required to take their meals at the University Dining Facilities. Any student requiring a special diet, prescribed by a doctor, should contact the Director of the Center for Student Success at (724) 852-3317 with medical documentation as outlined on the Waynesburg University website. Resident Students may select a 10, 14 or 19 meal plan. No meal plan changes may be made after the Friday before classes begin.
- e. Escort and Overnight Visitation** Conduct of Guests: Students are responsible for the conduct of their guests (a guest being any non-resident of that building regardless of age, gender, or their status as a student or non-student). Guests are expected to conform to all University policies and procedures. It is the student's responsibility to ensure that guests are informed of and abide by the policies and procedures of the University. (See Escort Policy below)
- Guests of the Opposite Sex: Students may have guests of the opposite sex visit in their residence halls from 11:00 a.m. until midnight, Sunday through Thursday, and from 11:00 a.m. until 2:00 a.m., on Friday and Saturday. First time violations will likely result in disciplinary action with a potential loss of visitation privileges. All visitors of the opposite sex must be escorted (see Escort Policy below). Failure to observe this policy will result in disciplinary action for the resident and guest, if he or she is a student of the University.
- Overnight Guests of Same Sex: Residence hall students may have guests of the same sex in their rooms on Friday and Saturday nights at no charge. Students housing guests should notify the Resident Director, complete a guest request form, and are reminded that they are responsible for the conduct of and for any damage incurred by their guests. Guests must abide by residence hall regulations. Students are not permitted to have overnight guests in their rooms on other nights of the week. All visitors regardless of sex must be escorted (see Escort Policy below).
- Escort Policy: Resident students are responsible for the behavior of their guests and their guests' compliance with all University policies. Guests of the opposite sex may visit residents during the stated visitation hours; however, they must be escorted at all times by a resident of the building. This escort policy is in effect for all private areas, hallways, stairwells, kitchens, and laundry rooms. Guests are allowed to be in the public areas without an escort during regular visitation hours. Public areas are the lounges and lobby of each residence hall. Just as with the Visitation policy, failure to comply will result in disciplinary action for the resident and guest, if he or she is a student of the University.
- f. Hall Closings** Residence halls are CLOSED for Thanksgiving, Christmas, and Spring breaks. The residence halls close at 12:00 p.m. on the day following the last classes end before a vacation break and reopen at noon the day before classes resume. At the end of each semester, all students are expected to leave the residence halls within 24 hours of their last examination, but no later than 12:00 noon on the day following the last day final exams are given.
- g. Withdrawal and Leave Policies** Please refer to the *Withdrawal and Leave of Absence Policies* found in the Academic Catalogue.

- h. On-Campus Houses** Students living in an on-campus house must abide by the same policies as a typical resident student living in a residence hall. The Alcohol and Other Drugs, Visitation and Overnight Guest Policies remain the same regardless of the location of the on-campus house. Room inspections by Residence Life staff and/or Security are conducted when needed (See “Room Inspection and Access”).
- i. Room Card and/or Keys** For the safety of students, residence halls are locked 24 hours a day. Entry to a residence hall may be gained by the use of an ID card or by invitation as a guest. Phones are located in a central area on most floors within each residence hall, enabling guests/visitors to contact the Department of Public Safety.
Each residential student will be assigned a room by request and/or availability. During check-in, your ID card will be encoded. If you lose your ID card, report it immediately to your RD and a new ID card will be issued. A new ID card is \$25.00.

The University will not be responsible for the loss or theft of a student’s personal property; therefore, it is advisable to keep your room locked. Valuable items, such as stereos or computers, may be engraved at the Department of Public Safety Office free of charge.
- j. Room Inspections and Access** The University reserves the right of Resident Directors, Maintenance and Public Safety staff, and other authorized representatives to enter the room premises at any time for the purpose of supervising conditions regarding maintenance, repair, damage, health, safety, compliance with University policies, or federal, state and borough laws. Additionally, the University reserves the right to inspect all residence hall rooms to insure compliance of rules, regulations and laws, whether or not the occupants are present at the time of inspection. All rooms will be inspected at Thanksgiving, Christmas, and Spring breaks.

Students forcing locked doors open or keeping locked doors ajar in the residence halls or other University buildings are subject to disciplinary action
- k. Roommate Selection and Room Changes** Roommate Selection: Residence Hall accommodations are assigned to first-year students on the basis of Deposit Date and the New Student Form submission date. Upper-level students choose their rooms according to a housing selection system administered by the Assistant Dean of Student Development. Single rooms are made available as space allows for an additional cost per semester and are assigned on a seniority based upon the single room waiting list. If a roommate leaves unexpectedly during the first three weeks of any semester, beginning with the first class day (the Consolidation Period), the remaining traditional hall resident has three options: (1) choose a new roommate; (2) a roommate will be selected for the student; or, (3) pay the additional charge for a single room. If a roommate leaves after the Consolidation Period, no charge will be added to the remaining resident’s bill for that semester. However, the University reserves the right to move another student into the room with the remaining student at any time. If a roommate has not been selected by the remaining student by the end of the Consolidation Period of the next semester, the student may be required to move or to pay the additional single room charge. If a student wants a roommate but cannot find one, he or she should contact the Assistant Dean of Student Development or their Resident Director. Students assigned to East, South, West, Pollock, or Willison Halls are required to have roommates barring some exceptions, there is an additional cost to reside in these halls.

Roommate Conflict Procedure:
When students share living spaces, conflict is bound to happen. Waynesburg University Residence Life seeks to be proactive in helping roommate conflict through communication and mediation. The following is the three step process in working through “Roommate Conflict”:
 1. The Resident Assistant (RA) meets with the residents and encourages them to talk through

their issues in an intentional way.

2. If Step 1 is unsuccessful, the resident can fill out a Roommate Discussion Form. The Resident Director (RD) will then reach out to the resident and their roommate to set up a time to have a discussion around the conflict taking place. In most cases, a formal roommate agreement is created and agreed to by all parties.
3. If the previous steps are unsuccessful, the RD will take a more active role and will decide the best course of action moving forward.

More detailed information can be obtained by contacting the Assistant Dean of Student Development.

Room Changes: Room assignments are made on a yearly basis. A request for a room change should be made to the Resident Director, who will first assist you in resolving your concerns informally. If you have made a good faith effort and cannot resolve the concerns, you may be given the option to move. If a room change is granted, the student who initially registered the complaint will be the student moving to a new location.

I. Quiet Hours

Quiet hours begin at 10:00 p.m. and end at 11:00 a.m., Sunday through Thursday; on Friday and Saturday, quiet hours begin at midnight and end at 11:00 a.m. the following morning. As a group, a floor may decide to increase quiet hours, but may not decrease them. Residents are expected to be courteous and sensitive to their neighbors at all other times. Quiet hours also apply to the exterior of all residence halls. Noise should be kept to an acceptable level to permit proper conditions for study and for sleep. Ignoring a request to reduce the noise level of stereos, television sets, or musical instruments may result in their removal from the residence hall and disciplinary action being taken.

m. Undergraduate Housing Policy

Students matriculating prior to Fall 2014: All full-time first, second, and third year students, except those who are living at a permanent home address with a parent or guardian are required to live in on-campus housing unless they are approved to live off campus through the Covid-19 Addendum. Students who have more than 90 Credits may apply to live-off campus during their senior year through a change of residency status request. Seniors who apply to live off-campus must meet GPA, disciplinary record and athletic team requirements.

Students matriculating Fall 2014 and beyond: All students, except those who are living at a permanent home address with a parent or guardian are required to live in on-campus housing for their undergraduate career.

“Permanent Home Address” means residence at an address for a period not less than 2 years prior to enrollment in the University and must be within a 60-mile distance from Waynesburg University.

4. STUDENTS WILL ADHERE TO THE ALCOHOL AND OTHER DRUGS POLICY

Waynesburg University is committed to maintaining a safe and healthy environment that is conducive to academic studies and social activities for students. The presence or use of alcohol, drugs or controlled substances is contrary to this mission and purpose and is expressly prohibited on campus. In addition, this Alcohol and Drug Policy may be applied to off-campus conduct that affects the University environment.

Waynesburg University's Alcohol and Drug Policy prohibits the following with respect to alcohol or drug use:

1. Engaging in on-campus or off-campus conduct that threatens the health and safety of oneself;
2. Using, possessing, or distributing illegal drugs or controlled substances or drug paraphernalia;
3. The unauthorized possession, misuse, adulteration or redistribution of prescription or other legal drugs, synthetic drugs or household products;
4. Purchasing, possessing, consuming or being under the influence of alcoholic beverages;
5. Being in the presence of alcohol on University-owned property;
6. Serving, distributing, furnishing or otherwise providing alcohol to individuals;
7. Engaging in public drunkenness;
8. Refusing to cooperate with Public Safety or other law enforcement;
9. Operating a vehicle while under the influence of alcohol or other drugs;
10. Otherwise violating federal or state law with respect to the purchase, possession, consumption or alcohol or drugs.

Determinations of Responsibility: When there is an alleged violation, the student shall meet with Student Development to discuss the allegations and options for a negotiated resolution of the alleged violation. Student Development shall have discretion to resolve any alleged violation in a manner that is reasonable under the circumstances and fosters the University's educational mission. If a negotiated resolution cannot be achieved, the student will be afforded the right to a hearing before a designated panel of three administrative staff members designated by the Senior Staff Member supervising Student Development (the "Investigative Panel"). The Investigative Panel will determine whether a violation of this Alcohol and Drug Policy occurred and may impose, in its discretion, sanctions commensurate with the severity of the violation and whether the violation is a repeat offense. Sanctions may range from a warning, required counselling or imposition of an administrative fee to imposition of suspension or expulsion when the violation is severe or results in endangerment to others.

Appeals: Any student may appeal a determination of the Investigative Panel by filing a written appeal of the determination with the Dean of Students within seven (7) days of the Investigative Panel's decision. The written appeal shall set forth the basis for the appeal and the reason why the student believes the Investigative Panel's determination on responsibility or sanction was improper. The Dean of Students or Appeal Panel, consisting of the Dean of Students and two (2) senior administrators, shall review the written appeal, the evidence that the Investigative Panel considered and may meet with the student as part of the review. Thereafter, within 7 days of the submission of the written appeal, the Dean of Students or Appeal Panel shall render a decision on whether the Investigative Panel's determination had a rational basis in light of the Policy and the evidence presented at the hearing.

During the appeal process, and provided the student has not otherwise been placed on suspension, the student may attend classes.

Good Samaritan Policy

Student health and safety are primary concerns of the Waynesburg University community. To ensure that students receive prompt and appropriate medical attention for alcohol or other drug intoxication and to reduce impediments to seeking such assistance, the University has instituted this Good Samaritan Policy.

In those instances where students contact the Department of Public Safety or other University officials to request medical assistance (either for themselves or for another student) due to intoxication, neither student will be subject to formal disciplinary action for being intoxicated or under the influence of other drugs or for having provided the intoxicated person with alcohol. In lieu of formal disciplinary action, the involved students will meet with a student development staff member to discuss the incident. The student requiring medical attention will be referred to the Coordinator of Alcohol and Other Drug Education for an assessment and must complete the assessment and any resulting treatment recommendations in a timely manner. This policy does not excuse or protect students who flagrantly or repeatedly violate the Drug and Alcohol Policy and does not preclude disciplinary action regarding other Institutional Policies.

The intent of the Good Samaritan Policy is that we have an ethical responsibility to help people in need. As a Christian community Waynesburg expects all members to take active steps to protect the safety and wellbeing of other members of the community.

Tobacco Free Campus

The smoking of tobacco (or other similar products), rubbing snuff, or chewing tobacco is not permitted in any University residence hall, house, academic building, or administrative building. This also applies to all common areas, including lounges, laundry rooms, rest rooms, entry ways, etc. The smoking policy does not apply to public rights of way (sidewalks or streets) on the perimeter of campus. The use of tobacco products is also prohibited in any motor vehicle owned, leased, or otherwise operated for University business. Violation of this policy will result in disciplinary action. Guests and visitors will be expected to comply with this policy. Students are responsible for the actions of their guests. Questions regarding this policy may be directed to the Student Development Office.

5. THE CAMPUS COMMUNITY WILL ADHERE TO THE ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY

I. POLICY STATEMENT

Waynesburg University is committed to fostering a living, learning and working environment free of discrimination and harassment. Waynesburg University is subject to Title IX of the Educational Amendments of 1972 (“Title IX”), 20 U.S.C. §§1681, *et seq.*, which states that “[n]o 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 financial assistance.” Waynesburg University does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form, including as defined by Title IX or Waynesburg University’s community standards. Waynesburg University’s complete Notice of Non-discrimination is available at <https://www.waynesburg.edu/title-ix>.

II. SCOPE OF POLICY

Waynesburg University’s Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures (“Policy”) applies to all Waynesburg University community members, including students, faculty, staff and third parties, such as volunteers, contractors and visitors. Alleged misconduct subject to this Policy (“Prohibited Conduct”) includes both Title IX Sexual Harassment (which is defined by law) and Community Standards Sexual

Misconduct (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate Waynesburg University's community standards), as discussed further in the Definitions (Section IV) below.

III. TITLE IX AND THE TITLE IX COORDINATOR

The following individual is responsible for coordinating Waynesburg University's efforts to comply with Title IX and this Policy:

Thomas Helmick
 Director, Human Resources
 Title IX Coordinator
 210 Miller Hall
 thelmick@waynesburg.edu
 724-852-3210

Please contact the above with questions regarding Title IX or this Policy. Questions may also be directed to:

Assistant Secretary for Civil Rights
 U.S. Department of Education
 Office for Civil Rights
 400 Maryland Avenue, SW
 Washington, D.C. 20202-1100
 Telephone: 800-421-3481
 Email: OCR@ed.gov

IV. DEFINITIONS

Terms used in this Policy have the following meanings:

Advisor: An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent, subject to the provisions of Section X(C).

Appeal Officer: The individual responsible for determining an appeal under Section XII. The Appeal Officer may be a Waynesburg University's employee or an external contractor. The Appeal Officer shall not be the Waynesburg University Title IX Coordinator, nor the Investigator or Hearing Officer who were assigned to the matter that is the subject of the Appeal.

Community Standards Sexual Misconduct: Community Standards Sexual Misconduct includes conduct by an individual or a recognized student organization that does not constitute Title IX Sexual Harassment, but that (a) has continuing adverse effects on or creates a hostile environment for individuals participating or attempting to participate in Waynesburg University's education program or activity, or otherwise has a reasonable connection to Waynesburg University; and (b) constitutes one of the following:

- **Community Standards Sex Discrimination:** Discrimination on the basis of sex.
- **Community Standards Sexual Harassment:** Community Standards Sexual Harassment means conduct on the basis of sex that involves an employee of Waynesburg University conditioning the provision of an aid, benefit, or service of Waynesburg University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Waynesburg

University's education program or activity. Community Standards Sexual Harassment also includes the following:

- **Community Standards Sexual Assault:** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- **Community Standards Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
- **Community Standards Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Community Standards Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Community Standards Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- **Community Standards Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
- **Community Standards Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

Consent: A knowing, voluntary and mutual decision among participants to engage in sexual activity, as discussed further in Section VI.

Formal Complaint: A document submitted by a Complainant and bearing the Complainant's physical or digital signature, or otherwise indicating that the Complainant is the one filing the Formal Complaint, requesting that Waynesburg University investigate the allegations of Prohibited Conduct. The Title IX Coordinator also may sign a Formal Complaint, as discussed in Section X, but does not become the Complainant by doing so. In order to file a Formal

Complaint a Complainant must be participating in or attempting to participate in Waynesburg University's education program or activity at the time a Formal Complaint is filed.

Hearing Panel: The individuals responsible for conducting the Hearing under Section XI(D), reaching a decision on responsibility and assigning sanctions, if appropriate. The Hearing Panel may be a Waynesburg University employees or external contractors. The Hearing Panel shall not contain the Waynesburg University Title IX Coordinator, nor the Investigator who investigated the matter that is the subject of the Hearing.

Informal Resolution Facilitator: The individual responsible for facilitating Informal Resolution, as discussed in Section X(D). The Informal Resolution Facilitator may be a Waynesburg University's employee or an external contractor.

Investigator: The individual responsible for conducting the investigation of alleged Prohibited Conduct, as discussed in Section XI(A). The Investigator may be a Waynesburg University's employee or an external contractor. The Title IX Coordinator may serve as the Investigator.

Party or Parties: Party refers to a Complainant or a Respondent. Parties refers to Complainant and Respondent collectively.

Prohibited Conduct: Prohibited Conduct includes Title IX Sexual Harassment and Community Standards Sexual Misconduct.

Respondent: An individual who has been reported to have engaged in any form of Prohibited Conduct or an organization that has been reported to have engaged in Community Standards Sexual Misconduct.

Title IX Sexual Harassment: (a) Definition. Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Waynesburg University conditioning the provision of an aid, benefit, or service of Waynesburg University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Waynesburg University's education program or activity. Title IX Sexual Harassment also includes the following:

- **Title IX Sexual Assault (Rape):** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- **Title IX Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
- **Title IX Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Title IX Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Title IX Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- **Title IX Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of

Pennsylvania or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

- **Title IX Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(b) Jurisdiction. In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Waynesburg University's education program or activity, which is defined as locations, events or circumstances over which Waynesburg University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Waynesburg University.

V. RETALIATION

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Allegations of retaliation will be handled under the provisions of this policy. In evaluating whether retaliation has occurred, Waynesburg University may consider whether the conduct in question constituted the exercise of rights protected under the First Amendment or was covered by another Waynesburg University policy, including with respect to freedom of expression or academic freedom.

VI. CONSENT

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate willingness to engage in the sexual activity. Consent cannot be obtained through coercion. For purposes of this Policy, coercion is the use of threats (*i.e.*, words or actions) or intimidation (*i.e.*, implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting. Once Consent is withdrawn, the sexual activity must cease immediately. Consent must

be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute Consent to sexual activity on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

VII. REPORTING

Any person may report conduct constituting possible Prohibited Conduct to the Title IX Coordinator in person, by mail, by telephone, by email or by the Stop It Solutions anonymous reporting phone app. The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (*see* Section IX) and to explain the process for filing a Formal Complaint.

Complainants are encouraged, but not required, to proceed with a Formal Complaint. If the Complainant desires to proceed with a Formal Complaint, the Title IX Coordinator or designee will begin the Formal Complaint Processes (*see* Section XI). If the Complainant decides not to submit a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint when the Title IX Coordinator deems doing so necessary to address the possible Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of the Waynesburg University community. In deciding whether to sign a Complaint if the Complainant elects not to do so, the Title IX Coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation or weapons. A Complainant is not required to submit a Formal Complaint in order to receive Supportive Measures.

A. Anonymous Reporting

With the exception of Authorized and Responsible Employees, discussed in Section VII(B), any individual may anonymously report allegations of Prohibited Conduct by utilizing the StopIt Solutions phone app. Depending on the information provided, Waynesburg University's ability to take action in response to an anonymous report may be limited.

B. Reports to Authorized and Responsible Employees

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Waynesburg University. Whether that disclosure constitutes actual notice to Waynesburg University triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made, as follows:

- Authorized Employees: A disclosure or report of Prohibited Conduct made to an Authorized Employee (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to the institution (*i.e.*, actual knowledge), triggering a response under this Policy. All Authorized Employees are required to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Authorized Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Authorized Employees:
 - Title IX Coordinator
 - Senior Staff members
 - Dean of Students
 - Athletic Director
 - Dean of Graduate and Professional Studies
 - Assistant Provost
 - Director of Public Safety
- Responsible Employees: A disclosure or report of Prohibited Conduct made to a Responsible Employee (regardless of whether the disclosure is made by the Complainant or a third party) does not constitute a report

to the institution (i.e., is not “actual knowledge”) triggering a response under this Policy. Waynesburg University as a matter of policy, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Responsible Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Responsible Employees:

- Campus Security Officers
- Resident Directors
- Resident Assistants
- Department Chairpersons
- Graduate Program Directors

All students and employees, even if not Authorized or Responsible Employees, are encouraged to report instances of possible Prohibited Conduct to the Title IX Coordinator.

C. Privacy and Confidentiality

Waynesburg University respects the privacy of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (*i.e.*, with the Complainant’s identity not being disclosed to the Respondent and an investigation not being commenced), the Title IX Coordinator will evaluate that request in the context of Waynesburg University’s responsibility to provide a safe and nondiscriminatory environment for all members of its community. Waynesburg University may question an employee-Respondent about alleged Prohibited Conduct without disclosing the identity of the Complainant, provided that it does not take disciplinary action against that Respondent without implementing the Formal Complaint Processes in Section X.

The Complainant is not required to file a Formal Complaint to receive Supportive Measures (*see* Section IX), but there may be instances when disclosing the Complainant’s identity is necessary to provide certain Supportive Measures (*e.g.*, where the Respondent would need to know the identity of the Complainant in order to comply with a no-contact order). Waynesburg University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain professionals at Waynesburg University are legally required to keep information shared by an individual truly confidential, without reporting it to the Title IX Coordinator. Those confidential resources and support services are discussed further in Section XV.

D. False Reports and Other False Information

The submission of knowingly false information is prohibited and will be addressed under Waynesburg University’s Code of Conduct for students and employment policies for faculty and staff. This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or Hearing decision.

VIII. EMERGENCY REMOVALS

If at any point following the receipt of a report of Prohibited Conduct, Waynesburg University determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, Waynesburg University may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Waynesburg University Threat Assessment Committee will undertake an individualized safety and risk analysis concerning Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if Waynesburg University Threat Assessment Committee concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of Waynesburg University's campus facilities, academic program, or other programs or activities. While Waynesburg University may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (*e.g.*, changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify Respondent of the terms imposed in connection with an Emergency Removal. Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, Respondent shall submit an appeal via email to the Provost for both students and employees, within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. In evaluating the appeal, the Provost as appropriate, may seek additional information from Respondent or any other individual. The Emergency Removal will remain in place while the appeal is pending. The Provost shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the Emergency Removal process, the Title IX Coordinator may request that Provost place an employee-Respondent on an administrative leave, with or without pay.

IX. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Coordinator to be appropriate and reasonably available. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures are available beginning at any time after the submission of a report of Prohibited Conduct.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint. Supportive Measures are designed to restore or preserve equal access to Waynesburg University's educational programs and activities, without unreasonably burdening the other party. Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Coordinator, as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair Waynesburg University's ability to provide them.

Supportive Measures may include, but are not limited to, the following:

- Access to counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, "no contact" orders);
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas; or
- Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to Waynesburg University's programs and activities.

A student or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

X. FORMAL COMPLAINT PROCESSES

In order to commence Formal Complaint Processes, a Complainant must file a Formal Complaint with the Title IX Coordinator. Alternatively, if the Title IX Coordinator has received a report of Prohibited Conduct, but the Complainant elects not to submit a Formal Complaint or the Complainant is unknown, the Title IX Coordinator has the discretion to sign the Complaint if the Title IX Coordinator deems doing so necessary to address Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of its community. In doing so, the Title IX Coordinator does not become the Complainant.

There is no time limit within which a Complainant must file a Formal Complaint. However, at the time a Formal Complaint is filed, the Complainant must be participating or attempting to participate in Waynesburg University's programs or activities.

Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

If the Title IX Coordinator receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one Party against the other Party (i.e., "counterclaims"), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Title IX Coordinator has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all Parties must receive the same version of the written determination.

A. Written Notice

Upon the submission of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complaint and Respondent, if known, including the following:

- A copy of this Policy.
- Notice of the allegations of conduct that may constitute Prohibited Conduct, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident.
- The presumption that the Respondent is not responsible for the alleged Prohibited Conduct unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process.
- Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section X(C).
- The identity of the Investigator as described in Section XI(A).
- Notice that the Parties may inspect and review evidence gathered during the investigation as discussed in Section XI(B).
- Notice that Waynesburg University's Student Code of Conduct, The Waynesburg University Administrative Staff handbook and The Waynesburg University Faculty Handbook prohibits knowingly making false statements or knowingly submitting false information during the Formal Complaint Processes.

If additional allegations of conduct that might constitute Prohibited Conduct are identified during the course of the investigation and will be included in the Formal Complaint Processes, the Title IX Coordinator will issue an updated notice.

B. Dismissal for Purposes of Title IX Sexual Harassment

If any of the following circumstances are met, the Title IX Coordinator will dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:

- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV;
- The misconduct alleged in the Formal Complaint did not occur in Waynesburg University's education program or activity, which is defined as locations, events or circumstances over which the institution exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Waynesburg University; or
- The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.

Further, if any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, in the Title IX Coordinator's sole discretion:

- Complainant notifies the Title IX Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
- Respondent is no longer enrolled or employed at Waynesburg University; or
- Specific circumstances prevent Waynesburg University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent via email. The notice will advise the parties whether the Formal Complaint will proceed as possible Community Standards Sexual Misconduct. Both the Complainant and Respondent may appeal any decision to dismiss the Formal Complaint for purposes of Title IX Sexual Misconduct by submitting a request for appeal to the Title IX Coordinator by email within three (3) calendar days of the date of the Title IX Coordinator's email. The appeal will be determined using the procedures set forth in Section XII.

The decision whether the matter will proceed as potential Community Standards Sexual Misconduct is not subject to appeal.

C. Advisors

The Parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, Hearings and other meetings or proceedings held in connection with a Formal Complaint ("Formal Complaint Process Proceedings"). An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The Parties are responsible for identifying their own Advisor, if they wish to have one. Waynesburg University will maintain a list of employees who have agreed to serve as Advisors at no cost to Complainants or Respondents, whom the Complainant or Respondent may, but are not required to, contact to determine whether they are available for that purpose.

As discussed in Section XI(D)(5), the Parties must have an Advisor for purposes of conducting cross-examination at a Hearing. If a Party has not identified an Advisor to accompany them to the Hearing for purposes of conducting cross-examination, Waynesburg University will provide one for that limited purpose.

Except when conducting cross-examination as discussed in Section XI(D), Advisors may not speak aloud during any Formal Complaint Process Proceedings, including by addressing anyone other than the individual for whom they are an Advisor. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Waynesburg University representative conducting the Formal Complaint Process Proceeding. An Advisor whose presence is deemed at that individual's sole discretion to be improperly disruptive or inconsistent with Rules of Decorum established by Waynesburg University, as discussed in Section X(D)(7), will be required to leave and may be prohibited from participating in future Formal Complaint Process Proceedings.

While Waynesburg University may consider short delays in scheduling to reasonably accommodate an Advisor's availability, whether to grant such a request is in the sole discretion of the Waynesburg University representative responsible for the event in question.

D. Informal Resolution

Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student-Complainant's allegations that an employee has engaged in Title IX Sexual Harassment. Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, and any consequences of participation (*e.g.*, as it relates to any subsequent formal resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It is conducted by an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate. Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- **Mediation:** Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- **Restorative Justice:** Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.

If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, unless the Complainant and the Respondent otherwise agree in writing before the commencement of an Informal Resolution process or as otherwise may be required by applicable law, (1) all communications, documents, and materials that were created for, or in the course of, the Informal Resolution process and exchanged between the participants for the process will be confidential and may not be submitted as evidence as part of any subsequent Formal Resolution Process between the same Parties and (2) the Informal Resolution Facilitator may not serve as a witness in any subsequent Formal Resolution Process between the same Parties.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. Informal Resolutions will not constitute a reportable disciplinary outcome for purposes in connection with such items as graduate school applications, reference checks, etc. Informal Resolutions will be taken into consideration in the event of future findings of responsibility for Prohibited Conduct or other violations of the Waynesburg University's policies.

The Informal Resolution process typically should be completed within thirty (30) calendar days of the Parties documenting their agreement to participate. That period may be extended at the discretion of the Title IX Coordinator.

XI. FORMAL RESOLUTION PROCESS

Waynesburg University strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint, but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from a number of factors, including but not limited to the appeal of a dismissal as discussed in Section XII, impacts of concurrent criminal processes, or an attempt at Informal Resolution. The Title IX Coordinator may extend the time for completion of the Formal Resolution Process for good cause as determined in the sole discretion of the Title IX Coordinator, and will provide written notice to the Parties of the reason for extension or delay.

At the discretion of the Title IX Coordinator, possible violations of the Student Code of Conduct or other policies that occurred directly in connection with the alleged Prohibited Conduct may be, but are not required to be, addressed under the Formal Resolution Processes here in lieu of engaging in a separate decision-making process for those possible violations.

A. Investigation

The written notice described in Section X(A) will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator in writing within three (3) calendar days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

The Investigator will conduct an investigation of the allegations in the Formal Complaint, and is responsible for interviewing the Parties and witnesses, and gathering relevant inculpatory and exculpatory evidence. The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

All Parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator. Parties will be provided with written notice of the date, time, location, participants and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview, as described in Section X(C).

B. Investigation Report

The Investigator will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (*e.g.*, medical records regarding which the Party has not authorized disclosure).

Prior to completing the investigation report, the Investigator will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Processes. Complainant and Respondent will have ten (10) calendar days to provide a written response concerning the evidence to the Investigator, including identifying additional evidence for the Investigator's consideration prior to completing the investigation report. The response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other Party.

After receipt of the Parties' responses concerning the evidence and at least ten (10) calendar days before the hearing, the Investigator will provide the Complainant and Respondent, and their Advisors, if any, a copy of the investigation report. The Complainant and Respondent may, but are not required to, provide written responses to the investigation report. Any response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other party.

C. Hearing Notice

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than 5 calendar days before the hearing, the Title IX Coordinator will issue a Hearing notice via email advising the Parties of the following:

- The date, time and location of the Hearing.
- The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- The individuals to serve as the Hearing Panel; and
- That at the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted to the Title IX Coordinator via email at least 5 calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of the members of the Hearing Panel for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days of the Title IX Coordinator issuing the Hearing Notice. The Title IX Coordinator, in their sole discretion, shall determine whether a member of the Hearing Panel should be removed and/or the Hearing rescheduled. Once the Hearing Panel is confirmed, the Title IX Coordinator will provide the Hearing Panel with a copy of the investigation report. 29

Waynesburg University ~ date printed: January 14, 2021

D. Hearing

Hearings are governed by the procedures set forth below. The formal Rules of Evidence that may apply to any courtroom proceeding do not apply to Hearings conducted under this Policy.

The only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, and witnesses called by the Hearing Panel. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Hearing Panel. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator may be present throughout the Hearing, as may other Waynesburg University representatives at the discretion of the Hearing Panel. If a Party fails to attend a Hearing, the Hearing may be held in the Party's absence, at the discretion of the Hearing Panel.

1. Witnesses

At least 5 days before the Hearing, the Hearing Panel will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than 3 calendar days after such notice, the Parties may request that additional witnesses be requested to be present at the Hearing. The request must be submitted to the Hearing Panel in writing, including a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such request as potentially providing relevant information shall be in the sole discretion of the Hearing Panel, who will advise the requesting Party of the final decision. If the request is approved, the Hearing Panel will advise the other Party as well.

2. Documents

All documentary evidence provided to the parties under Section XI(B) will be made available at the Hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Panel.

3. Relevance

The Hearing Panel is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, “relevant” means that the evidence is probative of any material fact.

Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Hearing Panel. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

4. Standard of Proof

The Hearing Panel will make decisions on responsibility using a clear and convincing standard of proof.

5. Advisors at Hearings

The parties may be accompanied by their Advisor at the Hearing. As discussed in Section X(C), the Advisor may not address the Title IX Coordinator, Investigator, Hearing Officer, other Advisors or any other individuals participating in the Hearing. The only exception is with respect to cross-examination as discussed below. Like the parties, Advisors are required to adhere to the Rules of Decorum applicable to Hearings, as outlined in Section XI(D)(7). An Advisor who fails to do so may, at the sole discretion of the Hearing Officer, be required to leave the Hearing.

The parties shall inform the Title IX Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than 3 days before the Hearing. If a party has not identified an Advisor, Waynesburg University will provide one for the sole purpose of conducting cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor. If an Advisor is required to leave a Hearing for failure to adhere to the Rules of Decorum or for any other reason, the Hearing Officer shall recess the Hearing until Waynesburg University appoints an Advisor for purposes of cross-examination. Advisors provided by Waynesburg University will be adults with an understanding of the purpose of cross-examination, but will not be attorneys or have training commensurate to attorneys with respect to conducting cross-examination.

6. Hearing Procedures

The procedures here provide the general framework for any Hearing. The Title IX Coordinator or Hearing Panel may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.

a) Recording

The Hearing will be recorded by means of an audio recording. Recesses taken or approved by the Hearing Panel, including for the Hearing Panel to consult with the Title IX Coordinator, Investigator or any other Waynesburg University representative, will not be recorded.

b) Opening Statements

Each Party will have the opportunity to make a brief opening statement. The Parties will make any statements themselves, not through their Advisor.

c) Parties

Generally, the Hearing Panel will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Hearing Panel. The Hearing Panel will ask relevant follow-up questions of each party. Each Party's Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses. If a Party does not submit to cross-examination, the Hearing Panel must not rely on any statement of that Party in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Panel cannot draw an inference regarding responsibility based solely on a Party's absence from the Hearing or refusal to answer questions.

With respect to cross-examination, Advisors are limited to asking only relevant questions. The Hearing Panel will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Hearing Panel will provide a brief explanation and the question will be precluded. The Hearing Panel's decision is not subject to challenge or objection during the Hearing.

d) Witnesses

A similar process and the same rules that apply to Parties will apply to the testimony of witnesses. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness.

If a witness does not submit to cross-examination, the Hearing Panel must not rely on any statement of that witness in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Panel cannot draw an inference regarding responsibility based solely on a witness's absence from the Hearing or refusal to answer questions.

The Investigator may be called as a witnesses. At the Hearing Panel's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.

e) Closing Statement

Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.

7. Rules of Decorum

The following Rules of Decorum apply to parties, Advisors and witnesses participating in any Hearing. Individuals failing to follow the Rules of Decorum may be directed to leave the Hearing, at the Hearing Officer's sole discretion. Although the Hearing Officer may provide warnings or reminders of the Rules of Decorum before such removal, a pre-removal warning or reminder will not necessarily be provided depending on the nature of the conduct in question.

No person participating in the Hearing may act in a disorderly or disruptive manner or otherwise impede the orderly conduct of the meeting. Questions will be asked from a seated position. Questions or other statements that are considered badgering or unduly repetitive will not be permitted. Interactions must be civil and respectful. Cell phones and other electronic devices shall be turned off unless being offered as evidence. Other than the recording being made by Waynesburg University, no participant may record any portion of the Hearing. The Panel Chair may establish specific additional rules for a Hearing in the interest of efficiency and orderly progress.

E. Hearing Outcome Letter

Within 5 calendar days of the conclusion of the Hearing, the Hearing Panel will issue the Hearing Outcome Letter via email to the Parties.

The Hearing Outcome Letter will include:

- A description of the allegations that lead to the Hearing, as potentially constituting Prohibited Conduct.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to Waynesburg University's education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator is responsible for implementing such remedies.
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

F. Sanctions and Remedies

1. Sanctions

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Panel with the Respondent's prior conduct record for consideration in the Hearing Panel's assignment of a sanction or sanctions. The range of available sanctions includes:

If the Respondent is found responsible for charges against him/her, the Hearing Panel will determine by majority vote the sanction to be imposed on the student. The Hearing Panel may impose any sanction that they find to be fair and proportionate to the violation; in the interests of the Waynesburg University community (including the complainant and accused student); and authorized by the Student Code of Conduct, the Waynesburg University Administrative Staff Handbook or the Waynesburg University Faculty Handbook.

Any substantiated charge of prohibited conduct, discrimination or unlawful harassment may result in disciplinary action, up to and including educational counseling, community service, suspension, dismissal or expulsion. Any disciplinary action shall result in the inclusion of the sanction in the student or personnel file.

In determining an appropriate sanction, the hearing officers may consider the nature and severity of the violation(s) and any mitigating circumstances; any record on the part of the accused student of past violations of the Student Code of Conduct; and the sanctions imposed in any similar cases. The hearing officers will consider as part of their deliberations whether the accused student poses a continuing risk to the complainant and/or University community.

2. Remedies

The Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to Waynesburg University's education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions.

XII. APPEALS

Either Party may appeal a determination of responsibility (or non-responsibility) as set forth in the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within 3 calendar days of the Hearing Panel's issues of the Hearing Outcome Letter. Appeals may be based on only one of the following:

- A procedural irregularity that affected the determination of responsibility;
- The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter; and
- 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.

As discussed in Section X(B), appeals may also be based on the dismissal of a Formal Complaint alleging Title IX Sexual Harassment.

The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides. Upon receipt of an appeal, the Title IX Coordinator will notify the other Party that the appeal has been filed, permitting the party 3 days to provide a response, and providing the parties with the identity of the Appeal Officer who will determine the matter. The Party's response will be provided to the appealing party, but no further exchange of positions is permitted.

The Parties may challenge the appointment of the Appeal Officer for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within 3 calendar days of the Title IX Coordinator issuing the notice. The Title IX Coordinator, in their sole discretion, shall determine whether a new Appeal Officer should be identified.

The Title IX Coordinator will forward the appeal and the other Party's response to the Appeal Officer. The Appeal Officer will evaluate the appeal on the written record and recording of the Hearing, and may seek input from the Title IX Coordinator, Investigator and/or Hearing Panel as deemed appropriate in the Appeal Officer's sole discretion.

For appeals from a Dismissal in Section X(B), the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within 5 days of the Hearing Panel's receipt of the appeal materials.

For appeals from a Hearing Outcome, the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within 5 days of the Appeal Officer's receipt of the appeal materials. If the Appeal Officer determines that:

- A procedural irregularity affected the outcome of responsibility, then the matter will be remanded to the Title IX Coordinator to remedy the error.
- New evidence exists that was not reasonably available at the time of the Hearing that could affect the outcome of the matter, then the Hearing process [XI(D)] will be reopened. Parties will be allowed to respond to new information and new findings may be issued.
- The Title IX Coordinator, Investigator or Hearing Panel 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, then the biased party will be removed from the process, and the Formal Resolution Process will return to the point where bias entered and subsequent steps will reoccur.

The Appeal Officer's decision is final. No further appeals are permitted.

XIII. RECORDKEEPING

Waynesburg University will retain records created in connection with a Formal Complaint for seven (7) years. Such records include those relating to any Informal Resolution, the investigation, any determination regarding responsibility (including any audio or audiovisual recording or transcript), any disciplinary sanction imposed, any appeal and any remedies provided to the Complainant designed to restore or preserve equal access to Waynesburg University's education program or activity.

Waynesburg University will also document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education program or activity. If Waynesburg University provides no Supportive Measures to the Complainant, it will additionally document why such a response was not clearly unreasonable in light of all the known circumstances.

XIV. TRAINING

Any individual serving as Waynesburg University's Title IX Coordinator, Investigator, Informal Resolution Facilitator, Hearing Officer or Appeal Officer will receive training on the this Policy, the scope of Waynesburg University's education program or activity, how to conduct an investigation and Formal Resolution Processes (including Hearings, Appeals and Informal Resolution, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Further, they will receive training on questions of relevance, and on preparing an Investigation Report, Hearing Outcome Letter or Appeal decision, as appropriate.

XV. WAYNESBURG UNIVERISTY AND COMMUNITY RESOURCES

Confidential Resources include any Waynesburg University employee who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, and mental-health professionals, and clergy when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services. Confidential Resources will not disclose information about Prohibited Conduct without the individual's written permission or as set forth in the Confidentiality section above. When individuals who otherwise are Confidential Resources receive information outside of the provision of services, the Confidential Resource is required to share that information with the Title IX Coordinator. For example, a licensed counselor who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Title IX Coordinator. The following are on-campus Confidential Resources:

Waynesburg University Counseling Center

Room 320, Stover Center

724-852-2233

counselingcenter@waynesburg.edu

The Counseling Center is staffed by professional, licensed counselors and is available to all students. The office is open from 8:30 am to 4:30 pm Monday through Friday. Appointments can be made by calling 724-852-3233. Emergency counseling services are available after hours by calling the Security Office at 812-488-2051, and asking for the counselor on call.

Campus Ministry

106 Stover

724-852-7717

campusministry@waynesburg.edu

Campus Ministry is staffed with clergy who provide pastoral care and counseling resources to Waynesburg University. Chaplains are best available by appointment.

Student Health Center

Lower Level Wiley Armory

724-852-3332

healthservices@waynesburg.edu

The Student Health Center is available to all full-time students. The Student Health Center is open from 7:30 am to 5:00 pm Monday through Friday during the fall and spring semesters, with reduced hours in the summer.

While these Confidential Resources will ordinarily be able to maintain the confidentiality of the information shared with them in the course of their duties, there are certain limited circumstances where they may be required by law to share information. Those circumstances include:

- If they believe there is imminent danger of self-harm, or harm to others.
- If there is reason to believe that child, elder, or dependent abuse has occurred.
- If you report being sexually assaulted and are under the age of 18.
- If the individual express threats of violence towards another person.
- If federal law enforcement officials request your information under the United States Patriot Act.
- Under court order, subpoena or as otherwise required by law.

In addition to Waynesburg University Resources, the following community resources are available to students and staff:

Waynesburg Police: 724-627-8113

Southwest Regional Hospital ER: 724-627-2606

Rape Crisis Center: 724-627-6108

Night: 888-480-7283

6. STUDENTS WILL ADHERE TO ALL INSTITUTIONAL PROCEDURES

a. American with Disabilities Act

The Amended Americans with Disabilities Act of 1990 (ADA) is a civil rights act that prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. This prohibition on discrimination on the basis of a disability extends to exclusion, segregation, and unequal treatment in public accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504).

Waynesburg University is committed to the principles of equal access and opportunity for persons with disabilities in compliance with the ADA and Section 504. Waynesburg will not discriminate on the basis of disability against a qualified person with a disability in regard to application, acceptance, grading, advancement, training, discipline, graduation, or other aspects related to a student's participation in an academic or extra-curricular program. A student desiring specific information about these requirements, about obtaining a reasonable accommodation or about the grievance procedure should contact the Director of the Center for Student Excellence and Disability Services at 724-852-3317 or ext. 317. Waynesburg University, upon request and after an interactive process with the student, may make a reasonable accommodation for a qualified individual with a disability to allow the performance of the essential requirements of an academic or extra-curricular program. Waynesburg University will not make an accommodation if the requested accommodation alters the academic nature of the program or would result in an undue hardship to the University or threaten the health and safety of the student with a disability or other individuals.

b. Athletic and Co-Curricular Participation

Please reference the University Academic Catalog for established prerequisites for involvement in co-curricular organizations.

Satisfactory academic progress is defined as twenty-four credit hours earned by the beginning of the third semester of full-time enrollment; forty-eight semester hours earned by the beginning of the fifth semester of full-time enrollment; and seventy-two semester hours earned by the beginning of the seventh semester of full-time enrollment.

In addition to the above requirements, varsity athletes must earn a minimum of 24 credit hours between seasons of competition. A varsity athlete must earn a minimum of 12 credit hours per semester; any exceptions must be in compliance with NCAA guidelines. Repeat courses should be approved by the Registrar where eligibility is concerned.

All student-athletes are required and comply with the "Athlete Code of Conduct", which is distributed to each athlete prior to their participation each season.

An active member of an honorary society must maintain a cumulative GPA of 2.50 or better to remain a member in good standing. If a member of an honorary society does not earn a 2.50 cumulative GPA in a given semester, he or she will be placed on probation for the following semester. If, after one semester of probation, the student does not achieve a 2.50 cumulative GPA, he or she cannot participate in any honorary activities. Failure to comply can result in sanctions against the student and/or the honorary organization.

Fraternities and Sororities: The University no longer sanctions or recognizes social fraternities and sororities. Any student or group of students who advertise or otherwise hold themselves out to be a social fraternity or sorority affiliated with, recognized, chartered, or sanctioned by Waynesburg University may be subject to disciplinary sanctions.

**c. Class
Cancellation**

Information regarding inclement weather or other emergency conditions affecting class cancellations, school delays, and school closings can be obtained by calling 724-852-8573 or by viewing the University's main web page. Information regarding school closings will also be broadcast on the following radio and television stations: KDKA-AM (1020), WANB-FM (103.1), WASP-FM (94.9), WJPA-AM (1450), WMBS-AM (590), WRIJ-FM (106.9), WTAE-AM (1250), WVAQ-FM (101.9), WVTY-FM (96.1), KDKA-TV (channel 2) and WTAE-TV (channel 4).

**d. Disciplinary
Records**

Disciplinary records are kept on file for as long as the student attends Waynesburg University, and for three years following graduation or withdrawal. If a student is not permitted to return to the University resulting from disciplinary action, that record will be maintained for those purposes. Disciplinary actions taken become the basis for more severe sanctions during the entire time a student attends Waynesburg University. Student discipline records consist of any official University disciplinary action taken or mediation contracts. While the University intends to comply with the standards of the Family Education Rights and Privacy Act (1974), in certain situations when the educational interests of the University and/or the student are substantially affected, it may be deemed appropriate to communicate with a student's parents and to disclose information contained in his/her file. Waynesburg University will, upon written request, disclose to the alleged victim of a crime of violence or a nonforcible sex offense, or to the alleged victim's next of kin (if the victim dies as a result of the crime or offense), the final results of any institutional disciplinary proceeding dealing with that crime or offense.

**e. Grievances
and Appeals**

Waynesburg University is committed to its mission of Christian higher education. In pursuit of those goals, we seek to maintain an environment where students are treated fairly and with justice based upon this mission expressed through institutional policies and procedures. As a result, procedures have been established to provide for student appeals concerning possible unfair treatment, unjust enforcement of policies or where a student believes he or she has been denied his/her rights as a student of the University. These procedures are listed below as well as some of them also listed in the University Catalog.

Occasionally, disputes and conflicts may arise between members of the Waynesburg University community over particular policies, procedures or actions both within the academic and non-academic areas of the institution. Many times, the dispute may be resolved at the personal level between the student and the faculty/staff member. The student should request an appointment to meet with the particular faculty/staff member to present his/her complaint to the person concerned. In some cases, this meeting should occur with a department chairperson on behalf of the department or one of its committees. This presentation should be offered in a civil manner and with respect for the position of the University employee. If the dispute is not resolved, the student may initiate a formal grievance in accordance with the procedures listed below for either designated issues or for general academic and non-academic matters.

Grievance Procedures: The purpose of the formal grievance is not to express personal disagreement with a particular policy, but an appeal based upon unfair treatment. In order to initiate a formal grievance, the student must submit a written statement of the grievance outlining the alleged unfair treatment, a description of the basis for the appeal, any attempts to resolve the problem informally, and any suggested resolutions to the problem.

With particular policies, existing grievance and appeal procedures are listed with the policy (Student Code of Conduct, Sexual Harassment/Assault, etc.). In these cases, these procedures should be followed by the student desiring to initiate an appeal in accordance with this Handbook or the University Catalog.

With regard to other general University policies and procedures, this written grievance should be

submitted to the appropriate Vice President or Dean supervising the particular area. If the student is unsure to whom the grievance should be submitted, consultation is available from the Dean of Student Development.

In the case of complaints concerning implementation of general policies and procedures, the grievance should be submitted within ten business days from the alleged unfair treatment. The respective Dean (or designee) may request additional information, secure relevant documents, interview involved parties or any other actions s/he deems necessary in order to investigate the issue and render a decision.

After receipt of the written grievance, the appropriate Dean will render a decision within thirty (30) business days. This decision will be transmitted to the student in writing through delivery to the student's on-campus mailbox. The decision rendered by the Dean is final.

In order to assist students concerning potential areas of grievances, the following policies specify the initial contact person for consultation in the process. This contact information is intended to be helpful, but is not a substitute for the individual student understanding and fulfilling procedures outlined in University Catalog or Student Development Handbook.

**Academic – See the University Catalog
Non-Academic**

Title IX / Anti-Harassment and Anti-Discrimination Policy –

Director of Human Resources, 724-852-3210

Americans with Disability Act/Section 504 –

Director of the Center for Student Success and Disability Services, 724-852-3317

AIDS policy –

Dean of Student Development or designee, 724-852-3315

Family Educational Rights and Privacy Act –

Registrar, 724-852-3252

Student Conduct / Disciplinary Sanctions –

Assistant Dean to Student Development, 724-852-3402

**f. Health
Policies**

AIDS Policy: As advised by the American University Health Association, Waynesburg University maintains a policy of dealing with individual cases of AIDS as they arise. The University's greatest concern is to insure a safe, healthy, and productive environment for all its students, faculty, and staff. Educational programming for the whole campus is a part of the services of the Student Health Service and the Student Development Office.

Keep Waynesburg Well Plan

Failure to follow the Waynesburg University Keep Waynesburg Well Plan may result in sanctions which could include, but not limited to, monetary fines, dismissal from campus, suspension, or have campus access revoked.

Isolation or Quarantine

If it is determined that a student is experiencing symptoms or the student has been in close contact with a person who has tested positive for COVID-19, the student will have to quarantine as instructed by Health Services. In this event, the student will be moved to one of the isolation units on campus or can opt to go home or another approved, safe, self-isolation location. Meals and other services will be provided. Remote learning options will be utilized; however, no external

placements will occur during the isolation period.

Students who are in isolation or quarantine must follow the instructions of Health Services and remain in place until advised to return to their normal routine. Please reference the “When to Start and End Quarantine” document for more detailed information.

Health Services

Hours and Services: The Student Health Service, located in the lower level of the Wiley Armory across from the Fitness Center, is open Monday - Friday, 9:30 a.m. – 4:30 p.m. The University nurses are prepared to assist you with your health concerns while respecting the medical ethics of confidentiality. There is no charge for most services. Students will be responsible for payment for any laboratory work, x-rays, or medications if they are prescribed. If the student is covered under their parents’ insurance, they should have the policy name and numbers. Certified Physicians Assistants (P.A.), working under the University physician, comes to the Health Service Office at various times during the week. The hours are posted on the door or you may call the Health Services Office (724-852-3332) or contact the residence hall staff. You are strongly encouraged to use the P.A. services while they are on campus, to avoid emergency room expenses and need for transportation. There is a doctor on call at all times.

Resource: The Health Service is also a resource center for health and medical information with booklets on many different topics and a video library on medical subjects available for loan. Emergency care is provided at Southwest Regional Medical Center. If you are covered by your parents’ insurance company, please bring the card or have the policy numbers to present to the Emergency Room in case the need arises. The Southwest Regional Medical Center will, however, treat you without proof of insurance in an emergency.

Contact the Student Health Service, Extension 332, to:

- Arrange for allergy shots*
- Obtain medical or dental advice
- Know more about accident or medical insurance
- Make an appointment with a Physician Assistant

*Please note that allergy shots are not given on campus. The Health Service staff will assist in setting up a shot schedule with the local allergy specialist.

Required vaccinations/immunizations:

1. the tetanus booster must be within ten years, Tdap recommended after 5 years,
2. a second dose of measles vaccine is required, unless the student meets one of the other criteria,
3. if the Hepatitis B series is not completed, provide dates already given and continue series as recommended
4. proof of Varicella (chicken pox) or titer or dates of vaccination
5. residence hall students – date of Meningitis vaccination with doctor’s signature or the signed waiver
6. non-resident students - discuss Meningitis vaccination with your family doctor
7. athletes are not able to participate until the following steps have been completed:
 - a. medical forms are completed and approved
 - b. sickle cell documentation has been provided
 - c. the training staff has coordinated physicals

A student who has not received a meningitis vaccination must sign a waiver as part of the required University medical forms to be admitted to University Housing. The Student Health Service can

order the vaccine.

Failure to complete University medical forms and to comply with the immunization requirements can result in a fine and/or refusal to allow registration for the following semester.

* Students are encouraged to check with their local (home) State Health Department for their policy on free immunizations.

g. Identification Cards

Every student is required to carry a University ID card. This ID card is prepared by the Student Development Office and is given to all new students. A \$25.00 fee is charged for a replacement. The ID is required to gain access to the residence halls, individual rooms, to meal plans, the fitness center, to utilize services in the library, to receive payroll checks and for admission to many University events. All students must carry, and when requested by University Officials, furnish their student I.D. card. Any falsification or other misuse of a student I.D. card is prohibited. The I.D. card is the property of the University and must be surrendered upon withdrawal from enrollment. Duplication or possession of University keys or key-cards by unauthorized persons is not permitted and will typically result in disciplinary action.

h. Missing Persons

Students are encouraged to provide the institution with contact information for a person to be notified in the event that the student is officially reported as missing. The emergency contact information provided to the University by the student is strictly confidential. If University officials determine that a student, for whom a missing person report has been filed, has been missing for more than 24 hours, the staff will proceed with the following procedures:

- Notify the individual identified by the student to be contacted in this circumstance
- If the student is under 18 years old, notify a parent or guardian; and
- Notify appropriate law enforcements, in cases where the student is over 18 and has not identified a person to be contacted.

i. Vehicles and On-Campus Parking

Resident students must park in designated residence hall lots. Commuting students are permitted to park in the lot beside Stover Hall, Marisa Fieldhouse, the lot next to the maintenance building and the lot on the north side of the Armory. On street parking is also available at no cost. The Miller Hall lot and the Stewart Hall lot are reserved for faculty, staff, and handicapped parking. Please note that students must obtain a parking placard at the beginning of each academic year from the Department of Security located on the first floor of the Stover Campus Center before using the campus parking lots. All motor vehicles operated by students on campus must be registered and must display a valid University parking placard. First-year students, with the exception of commuting students, may not bring motor vehicles to campus unless special permission is obtained from the Assistant Dean of Students. Fines will be imposed for parking and other motor vehicle violations. Outstanding fines will result in a “hold” being placed on your records through the Registrar’s Office. Placards may be revoked after three violations in a single semester. Repeated violations may result in the wheel locking or towing of vehicles. The privilege of operating a motor vehicle may be rescinded by the University if the vehicle is not operated in accordance with the law, or if the operator endangers other students, or disrupts the educational process of the University. Placards may also be revoked for a violation of campus AOD policy.

j. Privacy of Educational Records

(The Family Education

The Family Education Rights and Privacy Act of 1974 (FERPA) requires universities such as Waynesburg to protect the privacy of students with regard to educational records maintained by the University, and to provide students with access to records directly related to them. The law applies to students who are at least eighteen years old or who attend or attended a post-secondary institution, even if they have not reached the age of eighteen. It is Waynesburg University’s policy to comply with all provisions of FERPA. Below is a summary of the important rights granted to

**Rights and
Privacy Act of
1974)**

students under FERPA. To view the definitive set of regulations and for other helpful information, please visit: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

(1) Definitions

Education Record - Education Record means any record (1) directly related to a student and (2) maintained by the University or a party acting for the University. There are several important categories of records that are specifically exempted from the definition of an Education Record:

- Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker of the records, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records.
- Records maintained by a law enforcement unit of the University that were created by that law enforcement unit for the purpose of law enforcement.
- Records relating to individuals who are employed by the University, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose.
- Records relating to a student which are: (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment.
- Records that only contain information about an individual after he or she is no longer a student at the University.

School Official - School Official means a person employed by the University in an administrative, supervisory, academic or research, or support staff position, including health or medical staff; a trustee, public safety officer, or outside contractor such as an attorney or auditor acting as an agent for the University; a student serving on an official committee, such as a disciplinary or grievance committee or who is assisting another School Official in performing his or her tasks; and any contractors, consultants, volunteers or other party to whom the University has outsourced institutional services or functions as long as the individual: (1) performs a service for which an institution would otherwise have to use its own employees; (2) is under the direct control of the University with respect to the use and maintenance of the education record; and (3) is subject to the same conditions on use and re-disclosure of education records that apply to other School Officials

Directory Information - Directory Information means the following student information:

- Student Name
- Local address and telephone number
- Campus e-mail address
- Dates of attendance at the University
- Registration status
- Graduating Class
- College or school
- Major field of study
- Awards
- Honors
- Degree(s) conferred and date(s) received
- Past and present participation in officially recognized sports and activities
- Physical characteristics (height, weight) of NCAA athletes

- Previous educational institutions attended

Legitimate Education Interest - Legitimate Education Interest means an interest that a School Official has in the protected records when the School Official is performing a task that is:

- Specified in his or her position description or contract agreement;
- Related to a student's education; or
- Related to the discipline of a student.

Personally Identifiable Information - Personally Identifiable Information includes, but is not limited to:

- The student's name
- The name of the student's parents or other family members
- The address of the student or student's family
- A personal identifier, such as the student's social security number, student number, or biometric record
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
- Other information that , alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
- Information requested by a person who that educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(2) Student's Rights Under FERPA

Right of Inspection and Review - Current and former students have the right to inspect and review their Education Records within 45 days of the date that the University receives a request for access. A request form is available and should be completed in the Student Development Office by the individual student that is seeking access to information in the student's records.

A request that identifies the Education Record(s) to be reviewed or inspected must be submitted in writing by the student to the Student Development. The Student Development Office will make arrangements for access to the records and will notify the student of the time and place where the records may be inspected.

Right to Request Amendment of Education Record - The University provides a student with the opportunity to request amendment to the contents of an education record which he/she considers to be inaccurate, misleading, or otherwise in violation of his/her privacy or other rights. If the Student Development receives such a request they will coordinate with the University Registrar and they will decide within a reasonable period of time whether corrective action consistent with the student's request will be taken. The student must be notified of the decision. If the decision is in agreement with the student's request, the appropriate record(s) must be amended. A student who is not provided full relief sought by his/her challenge must be informed by the Student Development, in writing, of the decision and his/her right to a formal hearing on the matter.

Right to Consent to Disclosure of Education Records - The University will disclose information from a student's Education Records only with the written consent of the student, unless one of the following exceptions apply:

- Directory Information may be made available to anyone who makes a request

for such information, without first notifying the students, unless a Request for Non-Disclosure of Directory Information form is completed by a student while he/she is enrolled and the form is submitted to the Office of the University Registrar.

- The disclosure is to authorize federal and state representatives for audit or evaluation or compliance activities.
- This disclosure is to School Officials that are in the process of carrying out their assigned educational or administrative responsibilities and have a Legitimate Educational Interest. The determination as to whether or not a Legitimate Educational Interest exists will be made by the University Registrar, who serves as the FERPA Officer for the University. When the FERPA Officer has any questions regarding the request, the FERPA Officer should withhold disclosure unless he or she obtains consent from the student or the concurrence of a supervisor or other appropriate official that the record may be released.
- The disclosure is to provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- The disclosure is to maintain the health and safety of the student or others on or off campus. When the University discloses personally identifiable information under the health or safety emergency exception, the University must record the significant threat to health or safety of a student or other individuals and the parties to whom the information was disclosed. This documentation must be done within a reasonable period of time after (but not necessarily prior to) the disclosure and must be maintained with the student's education records. This documentation should identify the underlying facts the University relied upon in determining there was a defined and significant threat.
- The disclosure is to officials of other institutions in which a student seeks or intends to enroll, as long as the disclosure related solely to the purposes of the transfer, on the condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure, unless the student initiates the transfer.
- The disclosure is in connection with financial aid for which a student has applied or received, if the information is necessary for the determination of eligibility, amount and conditions of aid or to enforce the terms and condition of aid.
- The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs or to improve instruction, provided that individual identity of students is not made and that the disclosure is restricted to the representatives of the organization that have a legitimate interest in the information. Information may only be disclosed per a written agreement between the University and the organization conducting the study on the University's behalf that:
 - Identifies the purpose, scope, and duration of the study; requires the organization to use personally identifiable information from education records only to meet the purpose of the study as noted in the agreement; requires that the organization conduct the study in a manner that does not permit personal identification of parents and

- students by anyone other than representatives of the organization with legitimate interests; and requires the organization to destroy or return the personally identifiable information to the University when the information is no longer needed and specifies the time period in which the destruction or return must occur.
- Requires that organization to use personally identifiable information from education records only to meet the purpose of the study as noted in the agreement;
 - Requires that the organization conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
 - Requires the organization to destroy or return the personally identifiable information to the University when the information is no longer needed and specifies the time period in which the destruction or return must occur.
- The disclosure is to accrediting organizations carrying out their accrediting functions.
 - The disclosure is to comply with a judicial order or a lawfully-issued subpoena, provided that the University makes a reasonable attempt to notify that student in advance of compliance. If a contractor receives a subpoena for a student's information, the contractor is required to provide the appropriate notice. The University is not required to notify the student if a federal grand jury subpoena or any other subpoena is issued for a law enforcement purpose orders the institution not to disclose the existence or contents of the subpoena. In addition, the University is not required to notify the student if disclosure is necessary to comply with an ex-parte court order obtained by the U.S. Attorney General or an Assistant Attorney General concerning certain criminal investigations and prosecutions.
 - The disclosure is to a victim of an alleged crime of violence or non-forcible sex offense, or to the alleged victim's next of kin (if the victim dies as a result of the crime or offense). The disclosure may only include the final results of the disciplinary proceeding conducted by the institution, regardless of whether the University concluded a violation was committed or not. The University may not require students who are sexual assault victims to sign confidentiality pledges to protect from further disclosure the disciplinary proceedings.
 - The disclosure is to the parents of a student under 21 years of age who has been found responsible for a violation involving the use or possession of alcohol and/or drugs.
 - The disclosure is related to a student registered sex offender and is information that was provided to the University pursuant to the Federal Violent Crime Control and Law Enforcement Act of 1994 and other applicable federal guidelines. In addition, the University may make available to the campus community additional information about a student who is also a registered sex offender where the information is relevant to protecting the public.
 - The disclosure is one where all Personally Identifiable Information has been removed. Written record of such a disclosure is not required.

In the event that a student wants to provide ongoing access to their Education Records to an individual such as a parent or family member, they must first complete a FERPA waiver. This will allow the individual named by the student to have complete or limited access to the student's

Education Record until such permission is revoked by the student.

Right to File a Complaint - Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue
SW Washington, DC 20202-5920

For further information about procedures for access and review of education records, please contact the Student Development.

k. Sign Posting and Solicitation on Campus

All recognized student organizations must seek permission by the Dean of Student Development, to post signs publicizing their events on the bulletin boards provided for that purpose. No posters, signs, or notices may be displayed on any internal or external walls, doors, or windows. No commercial notices or advertising may be posted on campus property at any time.

University facilities may not be used for selling merchandise for profit. Solicitation by Non-University businesses is not permitted on University property. Student organizations wanting to hold a fund-raiser to benefit their organization must complete a fundraising form located on myConnect. This must be approved by both the organization's advisor and the Dean for Student Development.

l. University Network Policy

Responsible Use of Technology: As a community of people committed to the values and perspectives of the Christian tradition, we recognize the potential benefit, as well as danger, in the use of technology. Consequently, we make careful use of the products of science and technology in order that we might responsibly fulfill our callings as students, faculty and staff. We are stewards of technology and therefore, acknowledge our accountability to one another, to the mission of the institution and to God. To clarify what is meant by responsible use, we provide guidelines in relation to the following areas of concern: Respect for equitable access to resources, respect for another's opinions, values and feelings, respect for property, and respect for one another's privacy.

All computing resources and facilities at Waynesburg University are provided as a privilege to Waynesburg University students, faculty and staff. All users of these resources are responsible for exercising this privilege in an effective, efficient, ethical, and legal manner. The policies and procedures assume a commitment to support ethical behavior in every aspect of the academic community within the University. **These policies and procedures are not exhaustive, but rather provide the essential framework for acceptable use of the computer and communication resources of Waynesburg University.** Inevitably, the responsibility for utilizing common sense and upholding common standards of decency and fairness must be employed by the users for the benefit of others within the University community.

Accessing the Waynesburg University Network at ANY security level constitutes an agreement by the user to abide by ALL Rules & Policies as well as updated rules, policies, and responsibilities that may come into effect in the future. The user waives all claims against Waynesburg University, legal or otherwise, which may be incurred through the use and/or registration for use of the Network.

Violations of the policies and procedures for the Waynesburg University Network may result in the loss of computer use privileges and disciplinary review. Violations of some of the listed policies

may be illegal and may be subject to prosecution by state and federal authorities. A more in-depth overview of the ITS Policies, Procedures and Guidelines can be found on the web under the MyConnect link.

Computer Labs and Network Accounts: The computer labs listed below are fully networked general purpose labs available to all students, and open during a wide range of hours. Lab hours are subject to change as needs change. Please check the schedules posted on the main door of each lab for specific times the lab is open and which hours a lab assistant is on duty to answer questions and provide assistance.

All students receive Internet access and an Email account, free of charge, when they begin at the University. These accounts and other University computer resources are to be used for educational purposes and in accordance with the University's mission, goals, and policies. Failure to use resources appropriately may result in disciplinary sanctions. For computing services assistance, please contact the ITS Help Desk at (724) 852-3413.

The Network Policy relates directly to Social Media and Cyber-Bullying in a previous section

C. DISCIPLINARY PROCESS AND APPEALS

Complaints

Any student, faculty, or staff member of the institution may make a complaint alleging violation of University policies or the Student Code of Conduct. Additionally, any police reports and documentation supplied by members of the community concerning Waynesburg University students may be used to submit a complaint against a student. Any student may contact a member of the Student Development staff to file a complaint alleging violation of University Policy by another student. Department of Public Safety, residence life officers or Student Development staff who either observe a student violation or receive a report which he/she is able to corroborate will submit a written report. Waynesburg University will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, or to the alleged victim's next of kin (if the victim dies as a result of the crime or offense), the final results of any institutional disciplinary proceeding dealing with that crime or offense.

**Administrative
Interview
Process**

Upon complaint of a violation of the Code of Conduct, the Dean of Student Development or his/her designee will appoint an individual(s) to serve as the investigating officer(s), meet with the appropriate student(s) to determine the legitimacy of the allegations, and ascertain responsibility for these violations of the Code of Conduct. The Dean of Student Development or his/her designee will notify any accused student(s) of the specific charges, including the date(s) and time of the alleged incident. If it is determined that the allegation is without merit, the investigation shall promptly cease and no record of the accusation will be made in the accused student's file.

Administrative Interview: If the Investigating officer(s) determine the allegation is merited, an administrative interview will be conducted with the accused student. During the administrative interview, the Investigating officer(s) shall notify any accused student(s) of the specific charges, including the date(s) and time of the alleged incident. During the administrative interview, students charged with a disciplinary violation will be given the opportunity to admit to the charge and acknowledge responsibility for their actions. When an admission of responsibility is made, the opportunity for a disciplinary hearing is no longer applicable. The student will be given a sanction determined by the investigative officer. The student may appeal the sanction only in accordance with the same appeal procedures available for hearing dispositions. If the student denies responsibility for the violation, a disciplinary hearing will be scheduled during the administrative interview to occur within 10 working days of that date. The accused student may examine relevant portions of reports as well as other pertinent evidence and may request a copy for their personal use.

The Dean of Student Development, or his/her designee, will handle all cases involving a violation of University policy by a student organization. An organization charged with violation of University policy will have the opportunity to admit to the violation and receive an appropriate sanction. The opportunity for a hearing is then dismissed. The organization may appeal the sanction imposed to the Dean of Student Development or the Provost of the University (if the Dean of Student Development conducted the hearing). If the organization denies the charge, a hearing will be conducted. The organization will be notified of a hearing date in writing and a single Hearing Officer (the Dean of Student Development or his/her designee) will conduct the hearing in conformity with the procedures governing student disciplinary hearings in matters initiated by report of a University official. Its current President, who may be assisted by another student from the same organization, shall represent the organization at the hearing. The President of the organization may present evidence and question witnesses on behalf of the organization in the same manner as an individual respondent.

Please review "Personal Integrity and the Judicial Process" for more details on the interview process.

**Disciplinary
Hearing
Process**

The disciplinary hearing will normally be conducted by the Student-Faculty Judiciary Council. The Student-Faculty Judiciary Council will not ordinarily be convened during the last week of classes of each semester, during final examinations, or during summer school sessions.

**(Judiciary
Council)**

Depending upon the seriousness and sensitivity of the accusations or the time of the semester, the disciplinary hearing may be held before a designated hearing officer at the discretion of the staff member conducting the administrative interview. In this case, the Dean of Student Development will assign the hearing officer. It is within the discretion of the Dean of Student Development or his/her designee, or the Disciplinary Panel, to require that certain matters be submitted to mediation prior to a disciplinary hearing. If the involved parties (complainant(s) and accused) agree, the matter will be submitted to mediation before a staff member acceptable to all parties. Any mediation will result in a "Contract of Resolution" which will specify any terms of settlement and define any future behavioral expectations.

Summary Suspension: In appropriate circumstances, the Dean of Student Development or his/her designee may issue a summary suspension pending an investigation and disciplinary hearing. A student under summary suspension must immediately leave campus and may not return except to participate in the disciplinary hearing. A summary suspension may be imposed when the Dean of Student Development or his/her designee has reason to believe that the student is an immediate or imminent threat to persons or property, and/or that his/her presence may disrupt the operations of the University. Any student who returns to campus during the period of summary suspension without the permission of the Dean of Student Development shall be subject to further disciplinary action, including but not limited to, suspension, dismissal or expulsion. The imposition of a summary suspension shall not create any presumption of responsibility with respect to the underlying accusations. Parents of the student may be notified of the summary suspension.

The disciplinary hearing will be scheduled with the student within ten working days of the Administrative Interview. If the accused student is unable to appear at the scheduled hearing date, he/she will have until 4:00 p.m. two days prior to the scheduled hearing to notify the hearing officer or body. Should the accused fail to appear without giving this proper notice, the case will be heard in his/her absence. At the scheduling of the hearing, the accused student may examine relevant portions of reports as well as other pertinent evidence and may request a copy for their personal use. Evidence and witnesses must be submitted to the Student Development staff member at least three days prior to the scheduled hearing.

Student-Faculty Judiciary Council:

The Judiciary Council is composed of three students (one senior, one junior, and one sophomore) appointed by the Student Senate President, two faculty members appointed by the President of the University, and a member of the Student Development staff. The Student Development staff member will serve as the chairperson in a non-voting capacity. Student alternates will also be appointed for availability in the case of a conflict of interest. To be eligible to serve on the Judiciary Council, students must be in good academic standing (minimum 3.0 GPA), have been full-time students at Waynesburg University for at least one year immediately prior to the appointment, may not have been the subject of any major disciplinary action, and did attend a mandatory training session in the fall of the academic year.

Hearing Procedures: All hearings before the Student Faculty Judiciary Council or an individual hearing officer shall proceed in accordance with the following guidelines:

1. All hearings shall be considered confidential and shall be conducted in private.
2. No transcript of the proceeding will be produced.
3. Admission of any person to the hearing shall be at the discretion of the hearing body. Since hearings are intra-institutional functions, students are not entitled to representation by legal counsel. Moreover, as the presence of the accused student's (hereinafter "the respondent") parents would not facilitate the hearing process; their attendance is not permitted unless presented as a witness to the events at issue.
4. When an incident or series of related incidents have given rise to complaints against more than one student, the hearing body may, in its discretion, conduct separate hearings, or hear one or more related cases together.
5. When a complaint has been filed by a reporting officer of the University (security, residence life staff, administrative staff, and faculty members), the initial written report and any supplemental reports will be submitted to the hearing body and read aloud at the outset of the hearing. Unless requested in advance by the student, the reporting officer will not be expected to testify before the council. The Assistant Dean of Students or his/her designee will serve as the complainant and present the relevant information to the hearing body,

including calling and questioning witnesses.

6. When both complainant and respondent are students, the Assistant Dean of Students or his/her designee will present relevant information to the hearing body, including calling and questioning witnesses with firsthand knowledge. Both the complainant and the respondent shall each be permitted to ask questions of all witnesses.
7. A list of witnesses must be provided to the hearing body at least three days in advance of the hearing. Where either party or the Assistant Dean of Students has called a witness known to the hearing body to possess relevant evidence, the Judiciary Council or hearing officer may call the witness to testify.
8. Both the complainant and the respondent are permitted to have a support person during the hearings to provide moral support and attend to the needs of the complainant or the accused student. The support person will not be allowed to speak at the hearing or question the witness.
9. The hearing body has broad discrimination in determining the type and quantity of testimony and materials to accept as evidence. The hearing body may accept written statements in lieu of live testimony when the circumstances warrant; e.g., where a witness is unavailable.
10. In matters before the Judiciary Council, the chairperson shall decide all matters pertaining to issues of procedure, including objections or requests to submit evidence.
11. The standard by which all disciplinary matters shall be decided is a preponderance of the evidence, i.e., it is more likely than not the accused student violated the Student Code of Conduct.
12. The Judicial Council shall determine by majority vote both whether the student has violated University Policies and/or the Student Code of Conduct and/or the appropriate sanction for each violation.
13. The decision of the hearing body will be in written form and mailed or emailed to the accused student within two (2) business days. If the hearing determines there was a violation, the sanction shall be listed. The written decision will also list the procedures available to the student for appeal of either the violation or the sanction.

Appeals

Any student may appeal a determination of the Investigative Panel or Judiciary Council by filing a written appeal of the determination with the Dean of Development within seven (7) days of the Investigative Panel's decision. The written appeal shall set forth the basis for the appeal and the reason why the student believes the Investigative Panel's determination on responsibility or sanction was improper. The Dean of Students or Appeal Panel, consisting of the Dean of Students and two (2) senior administrators, shall review the written appeal, the evidence that the Investigative Panel considered and may meet with the student as part of the review.

The Dean of Student Development, or the Appeal Panel as the case may be, shall review the appeal through written materials to determine the following:

1. Whether the original hearing was conducted fairly and in conformity with the prescribed procedures;
2. The sanction(s) imposed were appropriate for the violation found to have been committed;
3. Any new evidence raised in the appeal was not available to the student at the time of the original hearing and if presented at the hearing would have changed the outcome.

Within 7 days of the submission of the written appeal, the Dean of Development or Appeal Panel shall render a decision on whether the Investigative Panel's determination had a rational basis in light of the Policy and the evidence presented at the hearing. The Dean of Student Development, or the Appeal Panel, may uphold the decision and sanction imposed, reduce or increase the sanction imposed, or

remand the case to the original hearing officer or body for a new hearing. All decisions on appeals are final.

When an appeal is made, the disciplinary sanction will not be implemented pending a decision on the appeal. During the appeal process, and provided the student has not otherwise been placed on summary suspension, the student may attend class but may not participate in extra-curricular activities or live on campus. The student must check in with Security when they arrive and depart campus daily. Appeals in the case of expulsion may be made to the President, whose decision will be final.

Disciplinary Sanctions

The investigative officer, hearing officer, and the Judiciary Council have broad discretion in determining the appropriate sanctions for code violations for students as well as organizations. Any or all of the following sanctions may be imposed, separately or in combination:

Sanction	Explanation
Disciplinary Warning	A written warning may be issued when the individual's conduct or disciplinary involvement merits official admonition. Disciplinary warning is a written notice that the conduct in question was inappropriate and that future incidents will be treated more severely. The warning is recorded in the confidential discipline records of the Student Development Office.
Loss of Privilege	Loss of privilege is the withdrawal of the right to participate in a specified activity, or to use a specified service, for a specified period of time. Loss of privilege is recorded in the confidential discipline records of the Student Development Office.
Fine	The levying of a monetary fine may be utilized as a sanction. The intended purpose of the fine is to deter future violations and the amount of the fine should reflect this intended purpose, as well as the relative seriousness of the offense.
Restitution	Restitution requires the student or organization to reimburse the University or complainant for damages caused by their conduct. The fact and amount of the restitution is recorded in the confidential discipline records of the Office of Student Development.
Disciplinary Work Assignment	Disciplinary sanctions may be issued in the form of work assignments, such as campus or local area work projects. Failure to complete the work assignment within the time allowed will result in additional sanctions.
Counseling	A student may be required to attend educational counseling that it is deemed appropriate.
Residence Hall Suspension	Residence hall suspension is the separation of the student from his or her residence hall for a definite period of time. In appropriate circumstances, specific conditions for re-admittance may be imposed. The student's parents will be notified of a residence hall suspension.
Disciplinary Probation	A student or organization placed on disciplinary probation is required to comply with all restrictions imposed by the terms of the probation, and to generally behave in accordance with all University rules and regulations for the period of probation. Failure to abide by the imposed restrictions, or any violation of any University rule or regulation, will result in more severe sanctions, up to and including suspension, expulsion, revocation of recognition or dissolution. While on disciplinary probation, the student or organization membership may be prohibited from participation in varsity

	sports or other extracurricular activities. The student's parents may be notified of the probationary status. Disciplinary probation is recorded in the confidential discipline records of the Student Development Office.
Disciplinary Suspension	<p>Disciplinary suspension may exclude the student from registration, class attendance, residence on campus, the use of University facilities, or all of the above, for a specified period of time. In unusual circumstances (when the presence of the student on campus is deemed to be acceptable), suspension may be deferred to the end of the term. In the intervening time period, the privilege of the use of University facilities will be withdrawn, unless specific permission is obtained from the Dean of Student Development. The student's parents will be notified of the suspension status. Upon completion of the period of suspension, the student may request to be readmitted. A three-person Panel, selected by the Dean of Student Development, will review the following information:</p> <ol style="list-style-type: none"> 1. Academic admission standard of 2.50 G.P.A. 2. Prior disciplinary record 3. Availability of on-campus housing 4. Reasoning stated in request to return letter <p>The decision of the Panel is a final decision and could result in denial of admission, loss of privileges or other disciplinary measures. Any violations of University policy after the student is readmitted will likely result in expulsion.</p> <p>In the case of organizations, suspension prohibits the organization from participating in any University sanctioned activities or events, or otherwise operating as an organization, during the period of suspension. Any violation of the terms of the suspension will result in the revocation of recognition and dissolution of the organization.</p>
Disciplinary Expulsion	<p>Disciplinary expulsion is the permanent withdrawal of the privilege of registration, class attendance, or residence on the campus with no possibility of readmission. Access to campus will be restricted, and visiting campus or attending events is at the discretion of the Assistant Dean of Student Development (requests must be made 48 hours in advance). Parents of the student will be notified of the disciplinary expulsion.</p> <p>In the case of an organization, "disciplinary expulsion" will be in the form of permanent revocation of recognition and dissolution, without the possibility of reinstatement at any time in the future.</p>

Fines must be paid by the date assigned or further disciplinary action will likely be taken which could include University transcripts not being released. Fines received for payment of damage to property will be deposited in an account to benefit the damaged building. Fines resulting from other disciplinary action will be deposited in an account benefiting students.