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

I. POLICY STATEMENT

Waynesburg University (the "University") does not discriminate on the basis of race, color, sex, gender, sexual stereotypes, marital status, national or ethnic origin, religion, age (over 40), disability, pregnancy or related conditions, or status as a Vietnam-era, qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law in the educational programs or activities it offers.

Waynesburg University is committed to fostering a living, learning and working environment free of discrimination and harassment. The 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." The University does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form, including as defined by Title IX, the Pennsylvania Fair Educational Opportunities Act (PFEOA) (24 P.S. §§ 5006(6) and 5007), as amended by the act of December 22, 1992 (P.L. 1688, No. 187), or the University's community standards. The University's complete Notice of Non-discrimination is available at https://www.waynesburg.edu/title-ix.

Further, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is federal legislation that requires educational institutions that participate in federal student aid programs to maintain and disclose non-identifying information about the crimes that occur on or near their campus including allegations of sexual misconduct, specifically sexual assault, domestic violence, dating violence, and stalking. In compliance with the Clery Act, the College will publish non-identifying information about Clery criminal offenses and annually submit the College's Annual Fire Safety and Security Report (AFSSR) to the U.S. Department of Education. For more information about Clery Act compliance or to obtain a copy of the AFSSR, contact [the University's Department of Public Safety]. Waynesburg, an officer, employee, or agent of Waynesburg, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities in this policy as required under the Violence Against Women Act.

II. SCOPE OF POLICY

The University is committed to maintaining an atmosphere where basic rights and its Christian educational mission are upheld. The University condemns discrimination and harassment of any kind and prohibits behavior or practices which would be regarded as such. To help ensure an

environment free from discrimination and harassment, all members of the University community are responsible for reporting incidents of discrimination and harassment of any kind.

The University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures ("Policy") applies to all the 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 the University's community standards), as discussed further in the Definitions (Section IV) below.

III. TITLE IX AND THE TITLE IX COORDINATOR

Kelley Hardie, Assistant Vice President of Student Development, is the University's Affirmative Action Officer, Title IX Coordinator and the designated coordinator for overseeing compliance with this Anti-Harassment and Anti-Discrimination Policy. She may be contacted at:

Kelley Hardie
Assistant Vice President of Student Development, Dean of Students
Title IX Coordinator
Stover 314
khardie@waynesburg.edu
724-852-3461

The Title IX Coordinator is the resource available to anyone seeking addition information or to file a complaint related to discrimination or harassment. Inquiries concerning Title IX may also be referred to the U.S. Department of Education, Office for Civil Rights (OCR). OCR is the federal agency charged with enforcing compliance with Title IX. Information regarding OCR can be found at: www.wd.gov/ocr.

The University prohibits retaliation against any individual who complains of a violation of this Policy or assists in providing information about a complaint of discrimination or harassment, including, but not limited to, sexual assault, sexual misconduct and sexual harassment.

This Policy shall govern the treatment of discrimination and harassment cases at the University, including sexual assault, sexual misconduct, sexual harassment, domestic violence, dating violence, and stalking. To the extent the Policy conflicts with the provisions found in the Student Handbook, the Administrative Staff Handbook or the Faculty Handbook, the terms of this policy shall control.

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

The Pennsylvania Human Relations Commission
Pittsburg Regional Office
301 Fifth Avenue, Suite 390
Piatt Place, Pittsburgh, PA 15222
Telephone (General): 717-787-4410
Telephone (Pittsburgh Regional Office):
412-565-5395 | 412-565-5711 TTY
www.pa.gov/agencies/phrc/programs-and-services/file-a-complaint/education-discrimination-complaint.html

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), and who may or may not be an attorney.

Appeal Officer: The individual responsible for determining an appeal under Section XII. The Appeal Officer may be a 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, that is either prohibited under the Pennsylvania Fair Educational Opportunities Act (PFEOA) (24 P.S. §§ 5006(6) and 5007), as amended by the act of December 22, 1992 (P.L. 1688, No. 187), and/or that (a) has continuing adverse effects on or creates a hostile environment for individuals participating or attempting to participate in the University's education program or activity, or otherwise has a reasonable connection to the University; and (b) constitutes one of the following:

- Community Standards Sex Discrimination: Discrimination on the basis of sex, consistent with state and federal law.

- Community Standards Sexual Harassment: Community Standards Sexual Harassment means conduct on the basis of sex, that involves an employee of the University conditioning the provision of an aid, benefit, or service of the 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 the 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.

Discrimination: Discrimination is the unfair treatment that prejudices an individual or class of individuals based on race, color, sex, gender, sexual stereotypes, marital status, national or ethnic origin, religion, age (over 40), disability, pregnancy or related conditions, or status as a Vietnam-era, qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law in admissions, employment and administration of the University's programs or activities are prohibited.

Formal Complaint: A document filed 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 the 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 the University's education program or activity at the time a Formal Complaint is filed.

Harassment: Harassment is any action that may be reasonably expected to threaten, coerce or intimidate an individual or class of individuals based on race, color, sex, gender identity, national or ethnic origin, religion, age (over 40), disability or status as a Vietnam-era, qualified disabled veteran or other protected veteran or status as a member of any protected class under federal or state law. Harassing conduct may take many forms, including verbal acts; written statements; displays of racist, sexist or age-related objects or pictures; or other conduct that may be physically threating, harmful or humiliating. Harassing conduct may include the use of cell phones or the internet. Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassment of any employee or student of the University in any form is prohibited.

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 University employees or external contractors. The Hearing Panel shall not contain the 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 University 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 University 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: Title IX sexual harassment means conduct on the basis of sex that involves: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct; or (2) 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 the University's education program or activity; and (3) the alleged misconduct must have occurred: (i) in the United States; (ii) in the University's education program or activity, which is defined as locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the University; or (iii) sexual assault, dating violence, domestic violence, or stalking as defined below. A University program or activity may encompass online conduct.

- 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 (Non-consensual touching): 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) 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 (including online when such conduct occurs in the University's education program or activity), follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) a 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.
- Jurisdiction: In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in a University's education program or activity, which is defined as locations, events or circumstances over which the 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 the 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, the University may consider whether the conduct in question constituted the exercise of rights protected under the First Amendment or was covered by another 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 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, the University's ability to act 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 the University. Whether that disclosure constitutes actual notice to the 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. the 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 Mentors
    - 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

The 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 the University's responsibility to provide a safe and nondiscriminatory environment for all members of its community. The 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). The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain professionals at the 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 the 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, the 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 the University's campus facilities, academic program, or other programs or activities. While the 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 the 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 the 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 the 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 the 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, who may or may not be an attorney, 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.

Suppose 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. In that case, 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 the 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 the 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 the University; or
- Specific circumstances prevent the 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. Where the alleged conduct is deemed not to constitute Title IX Sexual Harassment, but rather to constitute potential Community Standards Sexual

Misconduct, the matter will proceed to resolution following the informal and formal resolution processes described in Sections X.D or XI, and the appeals process described in Section XII.

C. Advisors

The Parties are entitled to identify an Advisor of their choice, who may or may not be an attorney, and 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. The University will maintain of 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, the 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 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 the 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 the 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 allegation 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 Complaint, 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 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

The 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.

D. 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. 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 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 convincing preponderance of evidence standard of proof. This means that the Hearing Panel will decide whether it is "more likely than not," based upon the information provided, that the Respondent is responsible for the alleged violation(s). A not responsible finding means that the evidence presented did not meet the standard necessary to determine responsibility.

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, the 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 the University appoints an Advisor for purposes of cross-examination. Advisors provided by the 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 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 witness. 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 the 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 and the Student Code of Conduct to these 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 the 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 the charges alleged, 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 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 the 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, which 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

The 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 the University's education program or activity.

The 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 the 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 the University's Title IX Coordinator, Investigator, Informal Resolution Facilitator, Hearing Officer or Appeal Officer will receive training on the this Policy, the scope of the 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 UNIVERSITY AND COMMUNITY RESOURCES

Confidential Resources include any 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.

Health Services
Level Wiley Armory
724-852-3332
healthservices@waynesburg.edu

Health Services is available to all full-time students. Health Services is open from 8:30 am to 4:30 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 University Resources, the following community resources are available to students and staff:

Department of Public Safety: 724-852-3303
Waynesburg Police: 724-627-8113

Southwest Regional Hospital ER: 724-627-2606
Rape Crisis Center: 724-627-6108
Night: 888-480-7283