

**WAYNESBURG UNIVERSITY  
INTERIM TITLE IX  
SEX-BASED HARASSMENT AND DISCRIMINATION  
POLICY AND PROCEDURES**

August 1, 2024

Note: This Policy applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Policy that occurred on, or before, July 31, 2024 will be processed through the Policy in effect at the time the incident occurred.

## **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 prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. Waynesburg will not tolerate sexual misconduct in any form, including sex-based harassment as defined by Title IX.

Inquiries about Title IX may be referred to Waynesburg University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

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 Sex-based Harassment 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 Title IX Sex-based Harassment, as defined in Section IV below.

As set forth herein, Waynesburg University has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or made by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

## **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:

Kelley Hardie  
Dean of Students  
Title IX Coordinator  
314 Stover Campus Center  
[khardie@waynesburg.edu](mailto:khardie@waynesburg.edu)  
(724) 852-3461

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](mailto: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 nor members of the Hearing Panel who were assigned to the matter that is the subject of the Appeal.

**Complaint:** An oral or written request to Waynesburg that objectively can be understood as a request that Waynesburg University investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Complainant:** A Complainant includes: (i) a student or employee of Waynesburg University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (ii) a person other than a student or employee of Waynesburg University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in a Waynesburg University education program or activity; (iii) a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or (iv) Waynesburg University's Title IX Coordinator.

**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.

**Hearing Panel:** The individuals responsible for conducting the Hearing under Section XI(D), reaching a decision on responsibility and assigning sanctions, if appropriate. Members of the Hearing Panel may be 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, unless the Hearing is for Complaints brought alleging Prohibited Conduct by Faculty or Staff, as described in Section X.

**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(B). The Investigator may be a Waynesburg University's employee or an external contractor. The Title IX Coordinator may serve as the Investigator.

**Parental Status:** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.

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

**Prohibited Conduct:** Prohibited Conduct is Title IX Sex-based Harassment.

**Respondent:** An individual who has been reported to have engaged in any form of Prohibited Conduct.

**Retaliation:** Intimidation, threats, coercion, or discrimination against any person by Waynesburg University, a student, or an employee or other person authorized by Waynesburg University to provide aid, benefit, or service under Waynesburg University's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or the regulations, or because the person has reported information, made a complaint, testified assisted, or participated or refused to participate in any manner in any process defined in this Policy. n Waynesburg University's Title IX process. Retaliation includes "peer retaliation" which is retaliation by one student against another student.

**Title IX Sex-based Harassment:**

(a) Definition. Title IX Sex-based Harassment is a form of sex discrimination and means Sex-based Harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions (including childbirth, termination of pregnancy, lactation, related medical conditions, and recovery), parental status, sexual orientation, and gender identity that is:

- **Quid Pro Quo Harassment:** Conduct on the basis of sex that involves an employee, agent, or other person authorized by Waynesburg University explicitly or implicitly conditioning the provision of an aid, benefit, or service of Waynesburg University on an individual's participation in unwelcome sexual conduct.
- **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in, or benefit from, Waynesburg University's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - A. The degree to which the conduct affected the complainant's ability to access Waynesburg's education program or activity;
  - B. The type, frequency, and duration of the conduct;
  - C. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - D. The location of the conduct and the context in which the conduct occurred; and
  - E. Other sex-based harassment in the recipients education program or activity
- **Title IX Sex-based Harassment** also includes the following specific offenses:
  - **Title IX Sexual Assault:** Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including:
    - **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.
    - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
    - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **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 committed by a person who: (a) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (c) Shares a child in common with the victim; or (d) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction
- **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 Sex-based Harassment, the alleged misconduct must have:

- Occurred on the Waynesburg campus or other property owned or controlled by Waynesburg or in a building owned or controlled by a student organization officially recognized by Waynesburg; or
- Occurred in the context of Waynesburg's employment or education program or activity, including Waynesburg-sponsored global education, athletic activities, or internship programs; or
- Occurred off-campus or outside of Waynesburg program or activity, including outside the United States, but has continuing adverse effects on or creates a hostile environment for Waynesburg community members while on Waynesburg's campus or other property owned or controlled by Waynesburg or in an employment or education program or activity of Waynesburg; or

- Otherwise has a reasonable connection to Waynesburg such that the conduct is within Waynesburg's disciplinary authority.

## **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 reestablished 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 Formal Complaint if the Complainant elects not to do so, the Title IX Coordinator must consider, at a minimum, the following factors: (1) Complainant's request not to proceed with initiation of a Complaint; (2) the Complainant's reasonable safety concerns regarding initiation of a Complaint; (3) the risk that additional acts of sex discrimination would occur if a Complaint is not initiated; (4) the severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; (5) the age and relationship of the parties, including whether Respondent is an employee of Waynesburg; (6) the scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals; (7) the availability of evidence to assist in determining whether sex discrimination occurred; and (8) whether Waynesburg could end the alleged sex discrimination and prevent its recurrence without initiating the Formal Complaint process. A Complainant is not required to submit a Formal Complaint in order to receive Supportive Measures.

### **A. Anonymous Reporting**

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 Employees**



There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Waynesburg University.

If disclosure of alleged Prohibited Conduct is made to a non-confidential employee of Waynesburg University who either has authority to take corrective action on behalf of Waynesburg University or has responsibility for administrative leadership, teaching, or advising at Waynesburg University, such employee is obligated to notify the Title IX Coordinator of the Prohibited Conduct. For purposes of this Policy a “non-confidential employee” is an employee whose communications are not protected from disclosure by a privilege, confidentiality obligation recognized under state or federal law, or is considered a confidential employee recognized under a collective bargaining agreement.

All non-confidential employees must either notify the Title IX Coordinator or provide to the disclosing party the contact information of the Title IX Coordinator and information about how to make a Complaint of sex discrimination to the Title IX Coordinator.

The Title IX Coordinator will monitor Waynesburg University’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination and will take steps reasonably calculated to address such barriers.

### **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. The Threat Assessment Committee shall be comprised of the Director of Students, the Director of Human Resources and University Provost or another University administrator who is designated to serve in their absence.

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 (for employees on a paid or unpaid basis);
- 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 under the Student Code of Conduct or applicable Faculty or Staff Handbook 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 Formal 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.

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 Sex-based 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.

For all Formal Complaints, except those involving Prohibited Conduct by a Faculty or Staff member, Waynesburg University will resolve the Formal Complaints by following the Investigation and Hearing Panel processes described herein.

For Formal Complaints involving Prohibited Conduct by a Faculty or Staff member, Waynesburg University may appoint a single administrator to investigate the matter, make credibility determinations, and recommend findings in a written report. The written report will be presented to the Title IX Coordinator and the Provost, or another member of the University’s Senior Staff in their absence. The Title IX Coordinator and/or the Provost will initiate disciplinary action as soon as reasonably practicable, when in his/her judgment it is appropriate, and will attempt to take whatever steps are necessary to prevent recurrence and remedy the effects of the offending behavior. Any disciplinary action initiated shall be in consistent with the procedures outlined in the Waynesburg University Administrative Staff Handbook and Employee Handbook.

#### **A. Notice of Allegations**

Upon the filing of a Formal Complaint, Waynesburg University will notify the parties of the following:

- Waynesburg University’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date and location of the alleged incident(s);
- Retaliation is prohibited; and

- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence, as discussed in Section XI(B).

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 process, the Title IX Coordinator will issue an updated Notice of Allegations.

In addition to the Notice of Allegations, Title IX Coordinator will provide the Complainant and Respondent, if known, with the following:

- A copy of this Policy, which includes Waynesburg University's Title IX grievance procedures and a summary of informal resolution processes.
- Notice that there is a presumption 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 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.

#### **B. Dismissal for Purposes of Title IX Sex-based Harassment**

If any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint alleging any form of Title IX Sex-based Harassment:

- Waynesburg University is unable to identify the Respondent after taking reasonable steps to do so;
- Respondent is not participating in Waynesburg University's educational program or activity and is not enrolled or employed at Waynesburg University;
- Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and Waynesburg University determines that, without Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Even if proven, the misconduct alleged in the Complaint would not constitute Title IX Sex-based Harassment as defined in Section IV. Before dismissing the Complaint, Waynesburg University will make reasonable efforts to clarify the allegations with the Complainant.

The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent via email. Both the Complainant and Respondent

may appeal any decision to dismiss the Formal Complaint 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.

### **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.

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 to be disruptive or inconsistent with Rules of Decorum established by Waynesburg University, as discussed in Section XI(E)(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 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 Sex-based Harassment.

Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the following:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- The information Waynesburg University will maintain and whether and how Waynesburg University could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.
- Statement about no conflict of interest with regard to the Informal Resolution Facilitator.

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 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 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. General Principles**

Waynesburg University will treat Complainants and Respondents equitably.

Waynesburg University requires that any Title IX Coordinator, Investigator, Hearing Panel member or Appeal Officer not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Waynesburg University presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Waynesburg University will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Waynesburg University has established certain timeframes for the major stages of the formal resolution process. However, Waynesburg University may extend such timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.

### **B. Investigation**

Waynesburg will provide for adequate, reliable and impartial investigation of complaints.



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 investigate 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).

### **C. 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 conducting 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.

#### **D. Hearing Notice**

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than five (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 five (5) calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of any member 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 her sole discretion, shall determine whether a member of the Hearing Panel should be removed and/or the Hearing rescheduled. Once the members of the Hearing Panel are confirmed, the Title IX Coordinator will provide the Hearing Panel with a copy of the investigation report.

#### **E. 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 five (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 three (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 protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee is not relevant, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality. A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness is not relevant, unless Waynesburg obtains that party’s or witness’s voluntary, written consent for use. Evidence that relates to Complainant’s sexual interests or prior sexual conduct is not relevant, unless evidence about Complainant’s prior sexual conduct is offered to prove that someone other than Respondent committed the alleged conduct or is evidence about specific incidents of Complainant’s prior sexual conduct with Respondent that is offered to prove consent to the alleged sex-based harassment. However, the fact of prior consensual sexual conduct between Complainant and Respondent does not by itself demonstrate or imply Complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant.

## **4. Standard of Proof**

The Hearing Panel will make decisions on responsibility using a preponderance of the evidence 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 Panel, other Advisors or any other individuals participating in the Hearing. 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 Panel, 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 three (3) days before the Hearing. If a party has not identified an Advisor, Waynesburg University will provide one for the party. The Parties may not conduct cross-examination themselves; cross-examination must be performed by members of the Hearing Panel. The Parties and their Advisor may request that any member of the Hearing Panel ask certain questions. 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 Panel shall recess the Hearing until Waynesburg University appoints an Advisor. Advisors provided by Waynesburg University will be members of the University Community, but may not be attorneys or have training commensurate to attorneys.

## **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) Location**

Waynesburg University will conduct the live hearing with the parties physically present in the same geographic location or, at Waynesburg University's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

### **b) 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.

If the single investigator model is used, all interviews shall be recorded and made available to the Parties. The Parties may propose follow-up questions for the investigator to ask witnesses.

### **c) 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.

**d) 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 and any witness. Each Party's may propose relevant questions that may be asked during the live hearing by the Hearing Panel. Advisors are reminded of the importance of adhering to the Rules of Decorum. The Hearing Panel may choose to place less or no weight upon statements by a party who refuses to respond to questions deemed relevant and not impermissible. The Hearing Panel cannot draw an inference about whether sex-based harassment occurred based solely on a party's refusal to respond to such questions. With respect to cross-examination, only relevant questions will be asked. The Hearing Panel will determine whether questions are relevant. 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.

**e) 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.

The Hearing Panel may choose to place less or no weight upon statements by a witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Panel cannot draw an inference about whether sex-based harassment occurred based solely on a witness's refusal to respond to such 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.

**f) 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 Panel's sole discretion. Although the Hearing Panel 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.

#### **F. Hearing Outcome Letter.**

Within five (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 summary of the allegations that led to the Hearing, as potentially constituting Prohibited Conduct.
- A summary 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.

#### **G. 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. 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.

The range of available sanctions includes:

- Probation;
- Conduct warning;
- Community service;
- Education;
- Loss of certain privileges;
- Suspension;
- Expulsion/permanent separation;
- Organizational sanctions including probation and rescinding recognition; and/or
- Any other educational and/or remedial measures to eliminate, prevent or address Prohibited Conduct.

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 Panel 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 Panel 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. Remedies may include items that constitute Supportive Measures, and also may take the form of items that constitute 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 three (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 would change the outcome;
- The existence of new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Investigator or members of the Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, which would change the outcome.

As discussed in Section X(B), appeals may also be based on the dismissal of a Formal Complaint alleging Title IX Sex-based 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 three (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 three (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 five (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 five (5) days of the Appeal Officer's receipt of the appeal materials. If the Appeal Officer determines that:



- A procedural irregularity would have changed the outcome, 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 the dismissal was made that would have changed the outcome of the matter, then the Hearing process 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 would have changed 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**

All Waynesburg University employees will receive Title IX training, promptly upon hiring or a change of position that alters their duties under Title IX, and annually thereafter. The Title IX training will not rely on sex stereotypes, and will address Waynesburg University's obligations to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, and all applicable notification and information requirements under the Title IX regulations.

Any individual serving as Waynesburg University's Title IX Coordinator, Investigator, Informal Resolution Facilitator, member of the Hearing Panel or Appeal Officer will receive additional training on 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.

All Informal Resolution Facilitators will receive training on Waynesburg University's informal resolution process and how to serve impartially, including avoiding conflicts of interest and bias.

The Title IX Coordinator and its designees will receive additional training including (i) on specific actions to prevent discrimination against students based on current, potential or past pregnancy or related conditions, and ensure their equal access to educational programs and activities; (ii) the required response when notified of conduct that may reasonably constitute sex discrimination, including specific actions to promptly and effectively end sex discrimination in Waynesburg University's education program or activity, prevent its recurrence, and remedy its effects; (iii) offering supportive measures; (iv) Waynesburg University's recordkeeping system; and (v) any other training necessary to coordinate compliance with Title IX.

## **XV. WAYNESBURG UNIVERSITY 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](mailto: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](mailto: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

[studenthealthservices@waynesburg.edu](mailto:studenthealthservices@waynesburg.edu)

The Student Health Center is available to all full-time students. The Student Health Center 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 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: 1-888-480-7283
- Disability Service Coordinator: 724-852-7727 or [dso@waynesburg.edu](mailto:dso@waynesburg.edu)

## **XVI. PREGNANCY AND RELATED CONDITIONS**

As set forth above, this Policy protects students, employees, and applicants from discrimination based on pregnancy, parental status, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery.

When a student (or a student's parent or other legal representative) informs a Waynesburg University employee of the student's pregnancy or related conditions, the employee will provide the person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the education program or activity.

Once a student or the student's representative notifies the Title IX Coordinator, the Title IX Coordinator will:

- Inform the student of the recipient's obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on recipient disclosure of personal information, as well as provide the recipient's notice of nondiscrimination.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the recipient's education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return.
- Ensure the student's access to a clean, private space for lactation.