



# UNIVERSITY CONDUCT BOARD MEMBER HANDBOOK

OFFICE OF  
JUDICIAL & MEDIATION SERVICES

**CLARION  
UNIVERSITY**

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# PHILOSOPHY AND GOALS OF THE UNIVERSITY JUDICIAL SYSTEM

## PHILOSOPHY

Freedom to teach and freedom to learn are inseparable facets of academic conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the university community.

*Student Rights, Regulations, and Procedures Online Handbook*

## GOALS OF DISCIPLINE

In working with each student, we have several goals which focus on the individual. Our discipline interventions are intended to increase a student's:

1. awareness of personal behavior;
2. awareness of the impact of that behavior upon others;
3. awareness of the impact of that behavior upon self;
4. awareness of options and alternative behaviors;
5. problem-solving skills;
6. sense of responsibility for their actions; and
7. self-concept.

# ASSOCIATION OF STUDENT CONDUCT ADMINISTRATION (ASCA) STATEMENT OF ETHICAL PRINCIPLES AND STANDARD OF CONDUCT

## PREAMBLE

The Association for Student Conduct Administrators (ASCA) is an organization of professional educators, many of whom hold responsibility for administering standards of student conduct within colleges and universities. The membership of ASCA believes that a primary purpose for the enforcement of such standards is to maintain and strengthen the ethical climate and to promote the academic integrity of our institutions. Clearly articulated and consistently administered standards of conduct form the basis for behavioral expectations within an academic community. The enforcement of such standards should be accomplished in a manner that protects the rights, health and safety of members of that community so that they may pursue their educational goals without undue interference.

As a means of supporting our individual commitments to fairness, honesty, equity, and responsibility, the members of ASCA subscribe to the following ethical principles and standards of conduct in their professional practice. Acceptance of membership in ASCA signifies that the individual member agrees to adhere to the principles in this statement.

### **Professional Responsibility**

Members have a responsibility to support both the general mission and goals of the employing institution and the rights, privileges, and responsibilities of the students within that institution.

### **Employment Obligations**

Acceptance of employment at an institution of higher education requires that members accept the general mission and goals of the institution and agree to adhere to the terms and conditions of the employment contract or letter of agreement for employment.

### **Legal Authority**

Members respect and acknowledge all lawful authority and refrain from conduct involving dishonesty, fraud, deceit, misrepresentation, or unlawful discrimination.

### **Nondiscrimination**

Members shall conduct their professional duties and responsibilities in a manner that complies fully with applicable law and demonstrates equal consideration to individuals regardless of status or position.

### **Treatment of Students**

Members shall treat all students with impartiality and accept all students as individuals, each with rights and responsibilities, each with goals and needs; and seek to create and maintain a campus climate in which learning and personal growth and development take place.

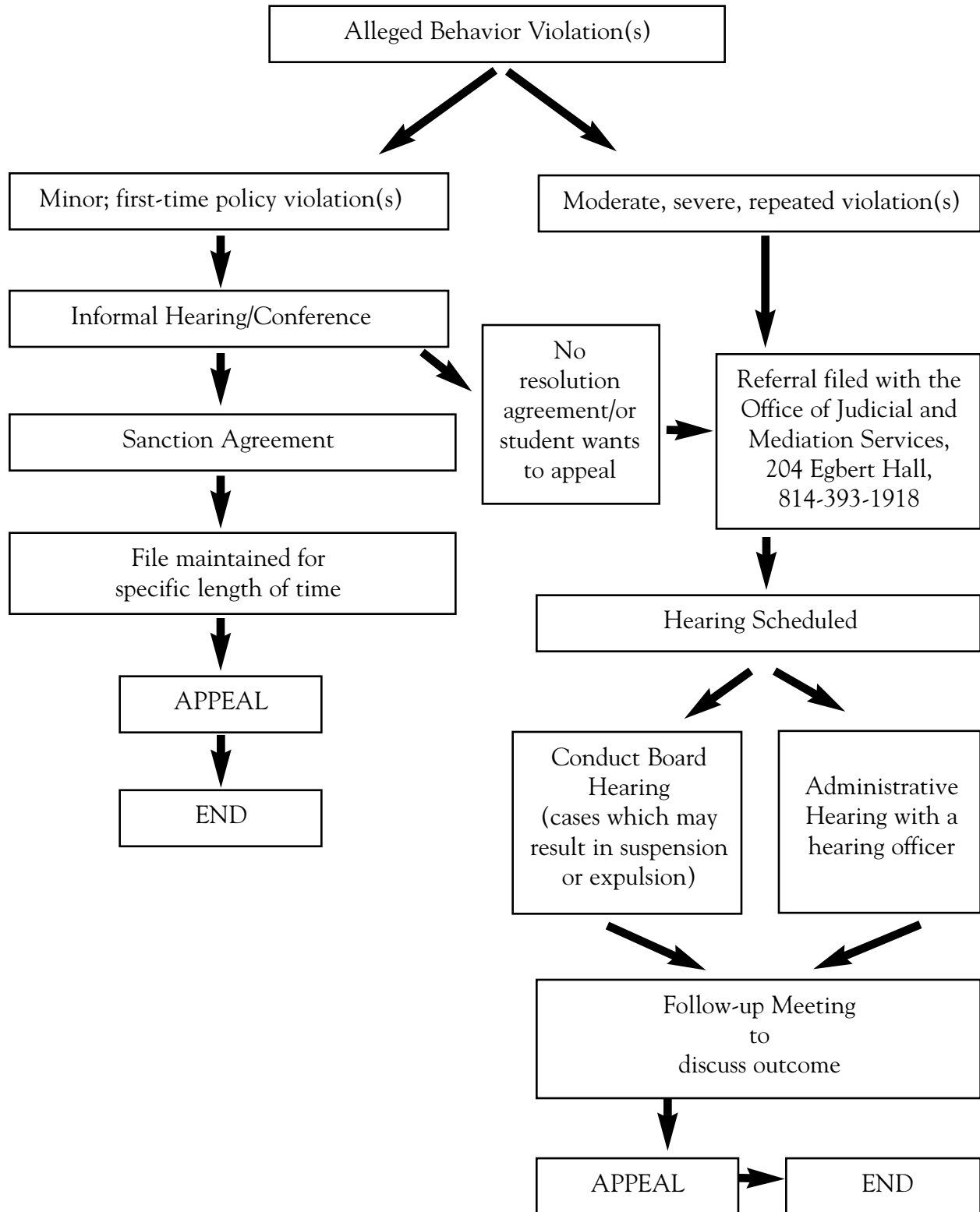
### **Development of Rules, Procedures, and Standards**

Members shall strive to ensure that rules, procedures, and standards for student conduct meet legal requirements for substantive and procedural due process and reflect the general mission and goals of the institution.

### **Student Behavior**

Members shall demonstrate and promote responsible behavior and seek to enhance the responsibility that each student takes for their own actions.

# JUDICIAL PROCESS FLOW CHART



# CONDUCT BOARD

## DUTIES OF THE CONDUCT BOARD CHAIR

In most cases, senior members of the university community who have served on UCBs in the past will serve as conduct board chair.

### **I. Preparations Prior to the Date of the Board Hearing**

1. The chair shall review the judicial file completely and check with the coordinator to ensure that all hearing participants have been properly notified of the hearing.
2. The chair shall discuss any questions or concerns with the coordinator of Judicial Affairs and Residence Life Education.
3. The coordinator and chair shall prepare the introductory script for the conduct board.

### **II. Briefing the Conduct Board Prior to the Hearing**

1. The coordinator shall ensure that the hearing room is set up appropriately.
2. The coordinator shall ensure that the tape recorder is functioning properly.
3. The coordinator shall facilitate introductions among board members as they arrive.
4. The chair shall provide background information on the case and answer any questions by board members.
5. The chair shall review the board's purpose and review acceptable versus unacceptable questions, the facts to be determined, and general hearing procedures.

### **III. Conducting the Hearing**

1. The chair shall identify all hearing participants and instruct them regarding the seating arrangements.
2. The chair shall begin audio taping. The chair shall ask board members to introduce themselves and ask the accused student(s), witnesses, and advisers to introduce themselves, and provide participants with a copy of the "Oath Signature Form." On the record, the chair shall ask the accused if she/he has any objection to the membership of the Conduct Board. If an objection is voiced, the chair shall request a rationale and then decide if an adjustment to the board membership is warranted.
3. The chair shall read the introductory statement, which includes having the hearing participants other than the board members read and sign a "Oath Signature Form." The chair shall respond to any questions or concerns regarding procedure.
4. Throughout the hearing, the chair shall ensure that established procedures are followed. The chair shall rule on any objections and shall determine if questions are relevant and appropriate.
5. The chair shall determine the need for breaks as the hearing progresses.
6. Before dismissing the accused student(s), the chair shall discuss for the record: the approximate time the student can expect a decision, the basic process of submitting an appeal, and ask the student(s) if they have any final statements for the record.



#### **IV. Facilitating the Deliberations of the Conduct Board**

1. The chair shall instruct the board to review each allegation separately and determine if the accused student is “in violation” or “not in violation,” using “more likely than not” as standard of evidence. The chair shall remind the board that all decisions shall be reached by majority vote. Generally, the student board members should be asked prior to the faculty representatives.
2. If the board finds the accused student “in violation” of one or more regulations, the chair shall instruct the board to determine appropriate sanctioning through discussion and use of the “Guidelines for Sanctioning.” The chair shall review the accused student’s prior disciplinary history (if applicable) and share any precedent for decisions.
3. The chair shall assist the board in remaining focused during the deliberations and in considering factual evidence.
4. The chair shall record the board’s decision (not individual votes) and the corresponding rationale.

#### **V. Post-Hearing Responsibilities**

1. The chair shall inform the coordinator of the Office of Judicial and Mediation Services of the hearing outcome as soon as possible during the workday.
2. The chair and coordinator shall compose the decision letter, ensuring that the rationale for the board’s decisions are clearly articulated and sanction information is specifically stated. The decision letter should indicate an “Exit Date.”
3. The coordinator shall ensure that the student signs a receipt for the decision letter.
4. As necessary, the chair shall respond to any questions that may arise during the appeal process.

## **JOB DESCRIPTION: CONDUCT BOARD MEMBER**

Service on the University Conduct Board requires that an individual become part of a three- or five-member team which is responsible for adjudicating cases involving violations of Clarion policies and regulations.

As a board member, your responsibilities include:

- Having a thorough understanding of the structure and function of the University Judicial System (as described in the Residence Hall Handbook and the Student Rights, Regulations, and Procedures Online Handbook).
- Having a knowledge of Student Behavior Regulations and being able to recognize behaviors and actions that violate Clarion University policies and regulations.
- Participating in training workshops/luncheons to develop an awareness and understanding of the judicial process as available.
- Committing the time and effort required to sit for a board and hear a case.
- Maintaining a high level of sensitivity, awareness, and confidentiality.
- Being willing to remove yourself from a board if you know the accused student(s) or if you feel you cannot remain unbiased in hearing a case.
- Punctuality, courtesy, attentiveness, honesty, and objectivity are the hallmarks of good member behavior.

# CONDUCT BOARD ETHICAL STANDARDS

Certain ethical standards must be maintained in order to preserve the integrity of the student conduct system and the people involved with it. Also, there are concerns that must be taken into account with regard to legal implications. Therefore, the following ethics are of paramount importance when hearing a case:

## **A. Confidentiality**

1. The nature or status of any student disciplinary situation is not to be discussed with anyone outside of the conduct board hearing or deliberation meeting.
2. The disciplinary record of any student is not to be shown or discussed outside of the conduct board hearing or deliberation meeting.
3. The vote of a board member on a judiciary matter is confidential. No part of the conversation or proceedings at a conduct board hearing shall be discussed outside of that meeting.

## **B. Removal of Self From a Case**

1. A board member must remove themselves from a hearing if they are personally acquainted with one or more persons involved in the case.

## **C. Support**

1. Conduct board decisions are considered as coming from the board as a whole.
2. All decisions must be upheld by all members of the board, regardless of how each individual voted.
3. Support for each board member is essential.

## **D. Questioning**

1. Questioning of the referring party, accused student(s), and witnesses should attempt to get at necessary information without unduly prying into personal matters.
2. Objective, non-prejudiced, and non-hostile questions are essential.

## **E. University Policies**

1. All university policies must be upheld by the conduct board.

## CONDUCT BOARD HEARING OVERVIEW: “WHO, WHAT, WHEN, WHERE, AND WHY?”

1. What constitutes a Conduct Board?
  - One chairperson (faculty or staff).
  - Five Conduct Board members (two students and three faculty/staff).
  - A Panel Board will have three Conduct Board members (one student and two faculty/staff)

All board members shall read the *Conduct Board Member Manual* prior to serving on the board.
2. Who serves on the Conduct Board?
  - Ideally, 10 faculty/staff and 10 students.
  - The coordinator often tries to mix new and returning board members.
  - The coordinator may also create a mix by gender and/or race/ethnicity .
3. Who is in charge of the Conduct Board during a hearing?
  - The chair (a small group of trained faculty and staff may serve as chair).
  - The chair is responsible for making sure that due process is safeguarded in the proceedings.
  - The chair decides if a line of questioning is appropriate.
  - The chair can remove hearing participants if necessary, etc.
4. Who attends a Conduct Board hearing?
  - The referring party (resident assistants, area coordinators, Public Safety, etc.).
  - Witnesses called by both the referring party and the accused student(s).
  - The accused student(s) has/have the option to not attend or to remain silent.
  - Accused students and alleged survivors of physical/sexual assault may bring someone to advise them privately during the proceedings.
  - Campus hearings are confidential and are not open to the public.
5. What types of cases does the Conduct Board hear?
  - Most serious allegations (examples: arson, sexual assault, physical assault, weapons possession or use, academic integrity cases, false fire alarms, or repeated, escalated behaviors).
  - Also complex cases or cases with priors.
6. Does the Conduct Board hear cases involving off-campus behavior?
  - Yes.
7. What liability do board members have for their decisions?
  - In the event of a lawsuit, university employees and duly-appointed volunteers are generally entitled to representation and indemnification, to the extent provided by state law, if the Governor’s General Counsel determines that the defendant’s conduct giving rise to the cause of action was within the scope of his employment and a good faith exercise of his authority.
8. How are cases scheduled?
  - The Office of Judicial and Mediation Services will first find a date and time when all accused students, witnesses, and referring party are available for a period of at least two hours. The coordinator will then contact Conduct Board members to see who is available and willing to serve on the appointed date and time according to the schedule that board members submitted.

- The length of the Conduct Board hearings may vary. Most are about an hour in length, but some run longer or shorter periods of time.
9. How are Conduct Board members contacted?
- Via e-mail or telephone as needed.
  - Board members are asked if they can serve at a specific date and for an estimated time period. If they can, they'll be asked if they know the involved individuals. If they don't, they'll be informed of the general allegations. If they are comfortable serving, then they are placed on the Conduct Board.
  - Board members are free to decline service on any case without explanation.
10. Why should Conduct Board members arrive early for a hearing?
- To have adequate time to prepare for the case by reading materials and getting settled in (we would suggest arriving 10-15 minutes early).
11. What are the basic procedures for a Conduct Board hearing?
- All cases are recorded via electronic recorder.
  - Introductory statement with all involved parties present.
  - Statement of Oath signed by all students except the board and chair.
  - Witnesses are excused—alleged victims may choose to stay.
  - Chair reads charge(s).
  - Referring party makes their statement and responds to questions.
  - Accused student(s) makes statement and responds to questions if desired.
  - Witnesses may make statements and respond to questions.
  - Witnesses brought by accused make statements and answer questions.
  - Closing statements presented by the accused student(s), referring party, and alleged victim, if desired.
  - Academic record of accused student is discussed.
  - All except the board members and chair are excused.
  - Conduct Board deliberates and decides the case.
  - Chair meets with the coordinator to convey board's decision verbally and submits notes from board regarding sanction.
  - Chair/coordinator prepare decision letter and director delivers it to accused student.
  - Accused student appeals, if desired, within three business calendar days.
12. What constitutes a lack of fairness on the part of the Conduct Board?
- Prejudgment based on appearance, gender, race/ethnicity, or other personal characteristics.
  - Biased questioning.
  - Not considering all evidence.
  - Not basing decision on facts presented.

# DUE PROCESS

## PENNSYLVANIA CODE

TITLE 22, PART XVII  
BOARD OF GOVERNORS  
PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION  
CHAPTER 505 (STUDENT PERSONNEL)  
STUDENT DISCIPLINARY DUE PROCESS

505.1. **Rules and Procedures.** Each university president, with trustee approval, shall create rules of student conduct and judicial procedure, consistent with these regulations, which shall provide substantive rules defining with reasonable specificity disciplinary offenses, penalties or sanctions, and procedural guidelines to adjudicate rules violations.

505.2. **Publication.** The university's rules shall be published and disseminated to all students in student handbooks and other institutional publications.

505.3. **Procedural Guarantees.** The university's rules of procedure for student disciplinary hearings shall provide students with the following procedural guarantees:

- (a) Reasonably specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence and the rules of conduct allegedly violated by the student.
- (b) Advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student.
- (c) An opportunity for submission of written physical and testimonial evidence and for reasonable questioning of witnesses by both parties.
- (d) A reasonably sufficient interval between the date of service of charges and the date of the hearing to allow the student to prepare a defense.
- (e) An impartial hearing body that may consist of a committee, board or individual appointed by the university president.
- (f) Maintenance of a written summary or audio tape record of the hearing at university expense, although students may be required to pay the costs of copies of requested records.
- (g) A decision based upon evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.
- (h) A written decision in which the facts and reasons are set forth with reasonable specificity, that shall be issued within 30 working days after the close of proceedings.
- (i) A student may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the student, unless the university grants the advisor permission to represent a student in a particular case.

505.4. **Conduct of Hearings.**

- (a) The conduct of hearings shall be committed to the hearing body which may make all rules reasonable and necessary for the orderly and efficient disposition of cases.
- (b) Hearings shall be conducted to ensure that an accused student has a fair and reasonable opportunity to answer, explain, and defend against charges.
- (c) The university shall have the burden of proof in all cases.

505.5. **Informal Hearings.** Cases not involving the sanctions of expulsion or suspension may be heard informally, as specified by university procedures, with notice and the opportunity to be heard afforded students.

505.6. **Uses of Evidence.** The university shall not be bound by formal rules of evidence. However, all evidence must be inherently reliable.

- (a) Hearsay evidence shall not be used as the sole evidence to establish any fact necessary to establish guilt or innocence in a case.
- (b) A student's previous disciplinary record shall not be used to prove their guilt in a current case but may be used to establish reputation or habit if relevant. However, the hearing body may consider a student's previous disciplinary record, in the event the student is found guilty of violating the rules of conduct, to determine the appropriate disciplinary penalty or sanction.

505.7. **Waivers.** A student, through a written statement, may waive their right to a hearing.

505.8. **Appeals.** The allowance of appeals shall be discretionary with the president of the university or designee.

505.9. **Interim Suspensions.** The president or designee may suspend a student from the university including the student's privilege to enter any university facility or property pending the final disposition of the case if it is determined the student's continued presence constitutes an immediate threat of harm to the student, other students, university personnel, or university property. In the event a student is suspended under such conditions, a hearing shall be convened within 10 working days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date.

505.10. **Maintenance of Status.** Unless an interim suspension is imposed, as provided in these regulations, a student shall continue matriculation until their case is fully adjudicated through university procedures.

505.11. **Retention of Hearing Records.** The university shall retain records of cases involving expulsions or suspensions for a minimum period of two years from the date of final adjudication. The university may retain hearing records for a longer period of time, in accordance with its policy.

505.12. **Enforcement.** A university may withhold transcripts, grades, diplomas, or other official records pending the disposition of cases if such action is reasonably necessary to preserve the university's ability to enforce its disciplinary rules.

## THE THREE RULES OF DUE PROCESS

1. The student has been notified about the policies, procedures, rules, or regulations of the institution.
2. The student has been informed that they are being accused of a violation of university policy.
3. The student has an opportunity to respond to the accusations brought against them.

*In all cases, we have an obligation to ensure each rule of due process is extended to the student. By law, we may make allowances for more due process, but we are prohibited by law to grant less due process than the Constitution of the United States and judicial precedent has established.*

## DUE PROCESS AT CLARION UNIVERSITY

Any student charged with a violation of university regulations and/or policies has the legal and ethical right to a fair and impartial review of those charges.

At Clarion University of Pennsylvania (CU), the university's rules of procedure for formal hearings shall provide students with the following procedure guarantees:

- (a) reasonable specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the student;
- (b) reasonably-advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student;
- (c) a reasonably sufficient interval between the date of service of charges and the date of the hearing, to allow the student to prepare a defense;
- (d) an opportunity for submission of written, physical, and testimonial evidence, and for reasonable questioning of witnesses by both parties;
- (e) an impartial hearing which may consist of a committee, board, panel, or individual appointed by the university;
- (f) maintenance of a written summary or audiotape record of the hearing at university expense, though students may be required to pay the cost of copies of requested records;
- (g) a decision based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not;
- (h) a written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 working days after the close of the proceedings; and
- (i) a student may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the student, unless otherwise determined by the university regarding a particular case.

For additional information relative to conduct regulations and disciplinary proceedings, consult the *Student Rights, Regulations, and Procedures Online Handbook*.

## THE APPEAL PROCESS

Decisions of adjudication officers that students have violated conduct regulations and decisions of faculty members that students have engaged in academic dishonesty may be appealed to the university Conduct Board. Decisions of the university Conduct Board or vice president for student affairs that students have violated conduct regulations may be appealed to the university president or her designee, which may include an Appeals Board. The appeals are made by submitting the Formal Hearing Appeal Form to the Office of Judicial & Mediation Services within three business days of receiving your hearing decision. The form may be hand-delivered or mailed to Room 204 Egbert Hall, or faxed to 814-393-1860. Appeal may also be sent via e-mail as a PDF file to [judicial@clarion.edu](mailto:judicial@clarion.edu). Upon reasonable request, the three business day deadline may be extended by the Coordinator of Judicial Affairs & Residence Life Education. Discretionary authority to review adjudication decisions is retained by the university president, or her designee, which may include an Appeals Board. An appeal or review may result in a new hearing of the case, or the original decision may be affirmed, reversed, or modified.

## GUIDELINES FOR ADVISORS

According to Clarion University of Pennsylvania Judicial Policy, a student may select an advocate to advise him/her at judicial proceedings. The following information has been prepared to familiarize Conduct Board members with the roles advocates play in the judicial system procedures/processes and the role of advocates during judicial proceedings.

### **I. The purposes of the university's judicial system are:**

- A. To hold members of the university community accountable for their actions by hearing alleged violations of rules and regulations and levying appropriate sanctions.
- B. To teach students who violate university policy the consequences of their behavior (to self, to others, to the university) and aid them in preventing future violations.

### **II. The responsibilities of a Hearing Officer/Conduct Board are:**

- A. To determine what actually happened.
- B. To determine whether the student is responsible for violating university policy.
- C. If it is more likely than not that the student violated policy, to determine an appropriate sanction(s) for their actions.
- D. If it is determined that the student is unlikely to have violated policy, to dismiss the charges against him/her.

### **III. Typical Questions**

#### *A. Who can be an advisor?*

An advocate can be another student, a friend, a faculty/staff/administrator, a member of the family, or an attorney.

#### *B. What is the role of an advisor?*

Generally, an advocate is present to provide support for a student. According to the *Student Rights, Regulations, and Procedures Online Handbook*, "A student may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the student, unless otherwise determined by the university regarding a particular case."

#### *C. What happens if the advisor does not act within the limitations outlined for him/her?*

A hearing officer or Conduct Board chair will request that the advisor comply with the limitations warning, if noncompliance persists, the advisor will be required to remove themselves from the hearing.

For more information on the Clarion University of Pennsylvania Judicial Process, please review the Clarion University of Pennsylvania *Student Rights, Regulations, and Procedures Online Handbook*.



## EFFECTIVE HEARING PARTICIPATION

During every hearing, remember the following tips for being an effective board member:

1. Carefully listen to everything that is said.
2. Watch for nonverbal behaviors which may indicate attitudes, true feelings, or emotions
3. Be sure that you clarify any conflicting information before you enter into deliberation. Continue to ask questions until you have all of the necessary facts regarding the incident. Do not wait until you are in deliberation and then start guessing at reasons why the information presented was conflicting.
4. Carefully examine the time/date sequence of the incident. Follow-up on contradictions when questioning.
5. Avoid jumping from one line of questioning to another; attempt to examine one area completely before moving on. Board members should learn to look to the other board members before changing lines of questioning.
6. Avoid unnecessary writing during the hearing. You should be concentrating on the content while developing lines of questioning. The tape recorder will provide a complete record of the hearing.
7. Note passing or whispering should not occur in the hearing unless absolutely necessary. You should show the respect to the speaker that you would expect if you were speaking.
8. Maintain your concentration throughout the hearing and remain attentive. Good posture and eye contact should be demonstrated anytime the hearing is in session.
9. Never accuse a student or participate in heated arguments. Maintain your composure even if others do not.
10. If possible, carefully prepare your questions in advance. Avoid questions that are not relevant to the hearing.
11. The hearing is about the actions of the accused. Don't be drawn into irrelevant examinations of the actions of witnesses, survivors, or other hearing participants unless they directly impact whether or not the accused student violated policy.
12. Speak up firmly and politely if you have a procedural question or wish to point out a possible error in the proceedings. Direct your comments to the chairperson.
13. Mistakes happen—if you speak out of turn or are reprimanded by the chair, apologize and move on.
14. Avoid using legalistic language (i.e. “defendant,” “guilty,” etc). You are adjudicating policy violations, not trying a student in court.

# THE DECISION-MAKING PROCESS

Rendering decisions in Conduct Board cases is often difficult, particularly when the outcome may be suspension or dismissal. The decision-making process can be simplified by utilizing the following suggestions.

## TESTIMONY BY HEARING PARTICIPANTS

Listen carefully throughout the hearing to each participant's account of the events. When information is not clear, ask questions to clarify. Pay close attention to participants' non-verbal behaviors, attitudes, and emotions, and use them to help determine how much credence to give to each person's testimony. Carefully note discrepancies and the sequence of events.

Some relevant issues to consider about testimony include:

- How relevant is the person's testimony to the core issue of the case?
- How much direct information does the person have about the incident in question?
- How did the person come to know the information being provided?
- Which of the witnesses has the most direct information?
- How detailed is the witness' account? Is this witness' account similar or different from the account given by other witnesses?
- Is there anything that causes the credibility of the witness to be in question?
- Is there any reason that the witness may be providing false or inaccurate information? Are they potentially biased toward or against the accused student(s) because of relationship issues, etc.?

It is your responsibility to question all hearing participants when information is unclear or incomplete. It's important to phrase questions in an unbiased manner. Before you ask a question, you should assess what information you hope to elicit and why it will help you in deciding the case. Keep in mind that the chair has the responsibility of intervening if you ask a biased question or ask for information that is not relevant to the judicial case.

## QUESTIONING

Appropriate questioning can help the Conduct Board determine the facts in a case and clarify confusing information.

You are encouraged to ask open-ended questions (who, what, how) rather than closed-ended questions (did you, were you). Closed-ended questions elicit "yes" or "no" answers, while open-ended questions require the respondent to answer in more detail.

Avoid asking multiple-choice questions, where you are providing the respondent with several choices. For example: "When you hit her, were you angry, frustrated, or intoxicated?" A better, open-ended, question is clearly, "What motivated you to hit her?"

Expect that some hearing participants may pause before answering questions. The hearing is often stressful for participants and some people require time to think or calm themselves before providing a response. Remember that the accused student does not have to answer any questions unless they choose. In cases where the accused student is also facing criminal or civil charges, it is not unusual for him/her to remain silent throughout the entire proceeding. In those cases, the Conduct Board must decide the case without the testimony of the accused student.

### Sample Open-Ended Questions

In addition to asking clarification questions concerning the factual evidence in a case, you may want to ask some of the following questions:

1. What effect did your behavior have on others? On the community? On yourself?
2. Explain what you hoped to accomplish through your actions.
3. Who is responsible for your actions?
4. What other options did you have in this situation?
5. How would you feel if others engaged in that behavior?
6. How is your relationship with your roommate? With other residents on your floor? With the CAs?
7. How might you react if this situation arose again in the future?

## FACT FINDING

In judicial cases where discrepancies exist, it can be very difficult to determine the facts. It's your responsibility to determine which evidence presented is clear and causes you to believe that a fact "is more likely true than not." The following are some considerations to assist you in determining the facts in a case:

Always use the standard of "more likely true than not" when determining fact. Events, circumstances, incidents, and/or actions that meet this standard may be considered to be fact.

1. Witnesses need to be credible, convincing, and able to provide a reasonable amount of detail about an event.
2. Facts are not incidents or circumstances that may or may not have occurred. That is conjecture.
3. The main question to resolve through hearing proceedings is "what happened?" Once you answer this question, you can assess whether or not the accused student is "in violation" of charges faced.
4. Conduct Board members should have a clear command of the facts in a case before beginning deliberations.

## ISSUES CONCERNING CREDIBILITY

If you find that you must make a hearing decision based on whom you believe in a hearing, you will need to assess several types of information. Some information presented in the hearing is useless and should be disregarded. To help you determine relevant versus irrelevant information, here's a list of information that may be useful in a hearing:

### 1. Motive

Did the student have any motive to violate policy?

### 2. Ability to commit the violation(s)

Did the student have the ability to commit the alleged violation(s)?

### 3. Malice

Did the accused student harbor malice toward an alleged survivor of the incident? Or, did the person raising the charges against the accused student have malice toward them?

#### 4. Threats, expressions, or earlier similar acts which imply intent

Did the accused student verbally threaten the alleged survivor with harm before an incident during which the survivor was actually hit? That may suggest the accused student's involvement in an incident.

#### 5. Miscellaneous issues that harm credibility

Did the accused student conceal their identity?

Did the accused student lie or destroy evidence?

Did the accused student resist arrest, run away, or react violently when confronted?

## TYPES OF INFORMATION

There are four kinds of information that will be presented in a judicial hearing, direct information, circumstantial information, documentary information, and hearsay information.

**Direct information** is based on an eyewitness account. You will either find the person to be credible and believe him/her or find the person to be unbelievable.

**Circumstantial information** does not involve an eyewitness to the incident, but includes enough information on surrounding circumstances so that a reasonable person believes that the accused student "more likely than not" committed the alleged violation(s).

**Documentary information** is any supportive writings (statements, reports, etc.) that support or deny a fact at issue.

**Hearsay information** is second-hand information. The board may consider hearsay information as long as it is not the sole information used to establish any fact necessary to establish a violation has occurred or not.

## WEIGHING THE INFORMATION PRESENTED IN A HEARING

All testimony and information is not equivalent in value. Testimony can often contain a degree of bias or may lead the listener toward a single interpretation of a fact or situation.

Here are some guidelines to use when weighing information:

1. When you are weighing one person's words against another's, the testimony of the least biased person is more credible. Uninvolved witnesses or a police officer are likely to be less biased than an accused student's significant other.
2. The testimony of a single, unbiased, disinterested witness is more persuasive than several similar testimonies provided by biased witnesses. Quantity of information is less important than quality or credibility of that information.
3. If the accused student claims that they violated a policy because they didn't know the policy, you should still hold the accused student accountable for their actions. Ignorance is not an excuse.
4. If an accused student admits responsibility for the charges against them, you do not need to question the facts of the case unless you require clarification. You should instead focus on gathering information that will assist you in determining appropriate sanctions.
5. When a witness is asked to identify the accused student as the responsible party, their testimony has the most credibility when the witness has been acquainted with the accused student. If the witness has never met the accused student before, be sure to ask specifically how and why the witness can make a positive identification.
6. Testimony of character witnesses is of little value to the process of fact finding in the hearing. Most people can find someone who supports them and will speak highly of their character—that does not

address whether or not the student committed a particular act. Generally, character witnesses are not allowed to participate in the hearing process.

7. Clarion University uses a preponderance of 51 percent as previously stated to determine if a violation of university policy has occurred.

The above information was adapted from *Model Training and Selection Manual: Student Judicial Boards*, Linda Murphy and Melora Sundt, American College Personnel Association, Commission on Campus Judicial Affairs and Legal Issues, 1993; IUP Judicial Training Handouts, 2002; Slippery Rock University, 2001; SSHE Legal Council Briefs, '98, '99, '02.

## SEXUAL ASSAULT GUIDELINES

### ADVICE FOR QUESTIONING IN ALLEGED SEXUAL ASSAULT CASES

It is particularly important in alleged sexual assault/rape cases to ask only those questions which pertain to the charges. These cases deal with delicate subject matter and often involve great emotion. The board should only be concerned with facts that answer the question of whether or not sexual assault or rape occurred.

**Avoid asking condescending/blaming questions that begin with the words “Did you know,” or “Didn’t you know.”**

Strongly Discouraged

- Ex: Didn't you know that alcohol in your system makes it easier to be raped?  
Did you know that most rapes that occur on campus involve alcohol?

**Avoid questions related to the way the survivor was dressed unless the question is related to evidence.**

Not Recommended

- Ex: How short was your skirt?  
Do you always wear tight-fitting clothes?

Acceptable

- Ex: Mr. Blank stated that you removed your own blouse over your head, you said he ripped it off of you.  
Could you describe the blouse you were wearing?

**Avoid questions about the sex life of the survivor.**

Not Recommended

- Ex: How many persons living in the house have you had sex with?

Acceptable

- Ex: Could you describe your relationship with the accused?

### List of Recommended Questions

- Did they force themselves upon you?  
Did penetration occur?  
Did you consent to the act in question?  
Did you at anytime verbally and audibly say, “NO?”  
Was alcohol involved? If so, how much had you consumed?  
Did you tell anyone about the alleged assault/rape?  
Did you go to the hospital?

**adapted from Ohio State  
University Rape Education  
and Prevention Program**

## SEXUAL ASSAULT ON CAMPUS: “THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT”

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereafter referred to as “The Jeanne Clery Act”) was enacted in parts, beginning in 1990, as “The Campus Security Act” and continuing until July 2000. While there are many provisions in the Jeanne Clery Act, the focus in this handout is on the requirements related to sexual assaults on campus.

According to the act, universities must disclose:

- a description of educational programs related to raising awareness about sexual
- offenses, including the frequency of offenses, locations, etc.;
- possible judicial sanctions resulting from campus hearings involving sexual assaults; and
- procedures students should follow if a sexual offense occurs, including who to contact, who to report the incident to, and the importance of preserving evidence.

These disclosures are made by Clarion University of Pennsylvania and available to the public in the safety and security information that is published online at [www.clarion.edu/securityinfo](http://www.clarion.edu/securityinfo) and updated each October.

In addition, a “Victim’s Bill of Rights” provision requires that:

- Victims have the same opportunity as accused students to have others present at a campus hearing.
- Victims will be notified of the hearing outcome.
- Victims will be notified of their option to report a crime to the campus or local police.
- Victims will be notified of their options for support and counseling.
- Victims will be informed of their options for changing living conditions or academic situations following an assault.

## HOW MUCH DO YOU KNOW ABOUT GENDER-RELATED VIOLENCE?

Questions	Please Circle	
1. Date rape is only a bad sexual experience.	T	F
2. There are some women who provoke rape because of their appearance, behavior, or reputation.	T	F
3. About 1 in 1,000 male college students recently surveyed said they had committed acts that met the legal definition of rape or attempted rape.	T	F
4. Date rape only happens between people who have just met or don't know each other well.	T	F
5. Rape does not include having sex with an intoxicated woman who passes out.	T	F
6. Sexual harassment occurs infrequently and is a remote issue in university settings.	T	F
7. Harassment affects victims' work or studies and their psychological well being.	T	F
8. One of the best ways for a victim to end harassing behavior is to avoid the harasser or ignore the problem.	T	F
9. Sexual harassment can occur only between members of different sexes.	T	F
10. A student-sponsored wet T-shirt contest is a form of sexual harassment.	T	F
11. Violence against people who are gay parallels and is related to violence against women.	T	F

*Adapted from the UCLA Women's Resource Center and Dean of Student's Office.*

## Answers

1. False. The most powerful and longstanding myth about rape is that rape is sex. Believing the myth led to the belief that rape survivors do not suffer as a result of the experience, that women actually enjoy rape, and that somehow they are responsible for the crime. The definition of rape varies from state to state, however it usually includes “sexual intercourse against someone’s will through the use of force or threat of force.” Rape is motivated by a violent urge, not a sexual one. The rapist is motivated by a need to control, dominate, and degrade rather than fulfill sexual impulses.

In date rape situations, most men have not planned to rape, but have planned to have sex, no matter what the wishes of the other person. A situation like this becomes rape when one person, in most instances the woman, says no, does not consent to sex, and despite that, the aggressor forces her to have sex against her wishes. Miscommunication can be a factor in a situation that leads to rape. Many times men and women enter into a dating situation with different sexual expectations. A woman may agree to a certain amount of intimacy and at some point she makes a decision that she doesn’t want to have sex. Some men feel cheated and angry. Most men will stop at this point and not coerce or force a woman into having sex. Some men, however, do not stop or respect her right to say no and force her to have sex against her will. Date rape, however, is not merely a result of miscommunication. It is an attempt to assert power and anger. In stranger rape and acquaintance rape situations, the aggressor makes a decision to force his victim to submit to what he wants. The prime motive for each type of rape is the same: to overpower and control someone.

2. False. The myth that women somehow provoke rape stems from the myth that rapists are motivated by lust and thus were enticed by their victim. The misconception that only a “certain kind” of woman is raped may serve as a kind of false security against the frightening fact that anyone can be victimized. Women of all ages, from a baby as young as four months to a 90-year-old woman, have been raped. People rape women from all age groups, backgrounds, races, classes, religions, and levels of education and physical descriptions.

A woman who is raped by someone she knows is often suspected of “asking for it” because she may have agreed to go to the man’s room, let him buy dinner, or agreed to some form of intimacy other than intercourse. The idea that women are responsible for rape is ingrained in both men and women at an early age. A survey of 1,700 sixth-to-ninth graders in Rhode Island found that 51 percent of the boys and 41 percent of the girls said that a man has the right to force a woman to kiss him if he spent a lot of money on her. “A lot of money” was defined by 12-year-olds as \$10-\$15. Thirty-one percent of the boys and 32 percent of the girls said it would not be improper for a man to rape a woman who has had previous sexual experiences.

No one deserves to be raped, regardless of what they say, wear, or do, just as no one deserves to be robbed because they are carrying money. The responsibility lies with the person committing the crime, not with the victim.

3. False. In the Ms Magazine/National Institute of Mental Health (MS/NIMH) survey, one in 12 men admitted having forced or tried to force a woman to have intercourse through physical force or coercion, thus admitting to have raped or attempted to rape someone. Yet, virtually none of those men identified themselves as a rapist. A study at Auburn University (1982) found 15 percent of college men said they had forced a woman to have intercourse. There also appears to be a significant number of men who don’t find sexual aggression reprehensible, and who are somewhat attracted to it although they have never committed such actions. In a recent survey conducted by UCLA communications professor Neil Malamuth, 26 percent of the men surveyed said they would be somewhat likely to commit rape if they could escape punishment.

Most men are not rapists, but some are. Those men are not considered “psychotic” and are not distinguishable by race or educational or economical background. Most men who rape women they know seem quite normal, perhaps even charming. The only similarities that have been shown among convicted rapists are their inability to control anger, a strong belief in traditional male and female roles, and a high degree of hostility or anger toward women.



4. False. Date rape can happen between people who are on a first date or who are engaged. The definition of rape has nothing to do with how well the victim knows the assailant. In the MS/NIMH study, 47 percent of the reported rapes were committed by first or casual dates, or a romantic acquaintance. Yet it's not uncommon for women to be raped by someone they have been dating for a long time, by a former boyfriend, or by a spouse.
5. False. California law defines an act of intercourse as rape if the victim is prevented from resisting, for example if she is under the influence of an intoxicating substance with the knowledge of the accused, or if the victim is unconscious of the nature of the act.
6. False. Although not a scientific survey, a review of a newspaper article suggests an "outbreak of bigotry on United States campuses." (New York Times. 6-23-89). In 18 months, demonstrations against racists acts occurred at Stanford, University of Michigan, Dartmouth, UC Berkeley, Dennison University, University of Kentucky, and Penn State, to name a few.

Surveys at Cornell University (1986), MIT (1986), and University of Rhode Island (1980) confirm reports across the nation that between 70-92 percent of the women and approximately 57 percent of the men surveyed had experienced unwelcome sexual attention. According to Catherine MacKinnon, one of the foremost experts on sexual harassment, at least seven out of every 10 women will be sexually harassed during their work lives.

7. True. The effects of harassment range from emotional responses such as embarrassment, anger, depression, anxiety, disgust, and indecision to loss of self confidence and abandonment of career or academic goals.
8. False. Studies have shown the problem does not go away. It is important for a victim to let a harasser know that the behavior is unacceptable, although few victims want to confront their harasser. It's a good idea for the victim to keep a record of dates, times, places, witnesses and the nature of the harassment.
9. False. Sexual harassment may occur between any combination of sexes. Sexual harassment is a form of sex discrimination. Although both men and women are harassed, more than 95 percent of sexual harassment cases reported involve a woman being harassed by a man.
10. True. Wet T-shirt contests, X-rated pornographic movies used as fund raisers, and calendars of nude or partially-clothed women used as promotional devices are all examples of ways women are demeaned by portraying them primarily as sexual beings. Those examples convey the message that women are not valued as individuals and that they should not be taken seriously. Sexual harassment involves unwanted sexual attention, which may take the form of a sexually demeaning climate or atmosphere. The cumulative effect of that type of harassment can be devastating.
11. True. Different forms of oppression in our society, such as homophobia and sexism are closely connected to each other in various ways. For instance, when gay men "break ranks" with traditional heterosexuals, and make roles through bonding and affections outside the arenas for war and sports, they are perceived as not being "real men," that is, as being identified with women. Thus gay men are often seen as people who must be eliminated. Lesbians are often seen as threats to the status quo because of the perception that a lesbian is someone who has stepped out of line, who is not sexually or economically dependent on a man, and who is, therefore (however illogically), against men. Homophobia is alive and well on our nation's college campuses. In a 1988 study of freshman across the country, UCLA professor Alexander Astin found 49 percent of students surveyed believed homosexual relations should be prohibited.

# GUIDELINES FOR DETERMINING SANCTIONS

Once the adjudicator has ascertained that a student is “in violation” of one or more behavioral policies, they are responsible for determining disciplinary sanctions that will encourage the accused student to make deliberate, informed behavioral choices in the future.

Sanctions which are intended to deter further disciplinary infractions by reminding the student of a pending loss of status (such as a “Warning,” “Reprimand,” “Disciplinary Probation,” or “Removal from University-owned Housing-in abeyance”) are most often effective when used in conjunction with an educational sanction.

Educational sanctions are an integral component in challenging students to grow and change as an outcome of a conduct board hearing. Sanctions, which necessitate that a student lose a privilege (for example, no visitation in a particular residence hall, loss of a specific room assignment, or removal from university-owned housing) can serve as powerful incentives to make behavioral changes.

The following several pages provide the minimum sanctions that should be given in response to first-time, singular policy violations. The information is intended to promote consistent sanctioning amongst adjudicators in the residence life disciplinary system, and throughout the campus system.

When students engage in multiple and/or repeat policy violations, the adjudicator will need to increase sanctions beyond the minimum level provided here.

## **Small Increases Over Minimum Sanctions Should be Given When:**

1. The student engages in multiple policy violations during one incident, but does not have a previous disciplinary record.
2. The violation(s) does/do not constitute a danger to the accused student or other members of the community.
3. During the informal judicial hearing, the student demonstrates understanding of the impact their choices had on self and others.
4. The student is unlikely to repeat the behavioral violation(s) in the future.

## **Significant Increases Over Minimum Sanctions Should be Given When:**

1. The student has a previous disciplinary record (new sanctions should build upon past sanctions).
2. The violation(s) involves potential or demonstrated harm to self or others.
3. The student does not exhibit understanding of the implications of their behavior.
4. The student is likely to repeat the behavioral violations in the future.

The adjudicator is expected to take time to consider all aspects of the incident and the judicial hearing before determining the sanction(s) that are appropriate. They should trust their intuition and knowledge of student behavior, apply the information they learned in the disciplinary encounter, and consult with a colleague as necessary.

The adjudicator who determines a sanction has the responsibility to ascertain whether or not they are handling a case that merits an exception to the guidelines for sanctioning. Generally, the minimum sanctions list should be adhered to, but, on a rare occasion, a case may need to be considered “exceptional.” If the adjudicator is uncertain as to whether or not a case is an exception, they should consult with the Office of Judicial and Mediation Services.

Campus Police officers, students, and staff often choose to file civil or criminal charges against a student for the same behavior(s) that prompted a judicial referral. In these situations, the civil or criminal charges and the campus judicial charges are adjudicated separately and independently from one another.

The following parameters exist regarding the type of sanctions that may be given at various levels of the residence life and administrative-level disciplinary system:

**Informal Hearings/Conferences – Sanctions that may be given include:**

- disciplinary warning;
- behavioral contract;
- educational task/community service;
- referral to a health workshop for BASICS and/or the Marijuana Workshop;
- referral for a chemical health assessment/counseling;
- restricted contact with an individual;
- restricted visitation in a building/area;
- restitution;
- disciplinary probation;
- enforced room change;
- (deferred) revocation of on-campus housing;
- letter to parents/guardians;
- Judicial Educator Modules;
- counseling; and
- referral for one-on-one meetings with coordinator of Health Promotions and/or Peer Mentor meetings.

**Formal Judicial Hearings/Waivers of Judicial Hearings – Sanctions that may be given include:**

- any sanction that may be given at an informal hearing;
- no trespassing on university-owned property;
- loss of eligibility for university-owned housing;
- suspension from the university; and
- dismissal (expulsion) from the university.

It is the responsibility of any University Conduct Board to determine a sanction from the listed sanctions (reprimand, probation, suspension, or expulsion). There is leeway in providing educational opportunities and other mandates to aid the student and/or protect the community.

## NOTES:

# COMPLIANCE MANUAL

## DRUG-FREE SCHOOLS AND COMMUNITIES ACT AND DRUG-FREE WORKPLACE ACT

The Drug-Free Schools and Communities Act Amendment of 1989 (U.S. Public Law 101-226) and the Drug-Free Workplace Act require annual distribution of certain information to all students and employees. This booklet is being provided in compliance with these requirements. This booklet includes the following:

1. campus standards prohibiting unlawful possession, use, or distribution of illicit drugs and alcohol;
2. description of laws pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol;
3. description of health risks associated with the use of illicit drugs and abuse of alcohol;
4. description of drug and alcohol treatment and rehabilitation programs;
5. description of sanctions; and
6. a policy statement concerning the disciplining of employees who violate laws and policies concerning illicit drugs and alcohol.

Direct inquiries to the office of Health Promotions & Programs at the Keeling Health Center, 814-393-1949.

## STATE SYSTEM OF HIGHER EDUCATION DRUG-FREE WORKPLACE POLICY STATEMENT

As required by the federal "Drug-Free Workplace Act of 1988," the State System of Higher Education, Commonwealth of Pennsylvania, hereby declares as its policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any workplace under the authority of the Board of Governors. Any employee violating the policy will be referred to the commonwealth's employee assistance program and/or disciplined, in an appropriate manner, up to and including termination. Discipline, when appropriate, shall be taken under relevant provisions of collective bargaining agreements, Civil Service Policy, or other Personnel Policies adopted by the Board of Governors.

NOTE: The above policy was adopted by the Board of Governors of the State System of Higher Education on April 20, 1989. Clarion University of PA is a member of the State System.

### **Disciplinary Sanction**

Students violating any of the above unlawful acts are subject to disciplinary actions, up to and including expulsion. Discipline procedures are explained in the Student Rights, Regulations and Procedures handbook. Since Clarion University is a member of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse, the minimum sanction for illegal sale and distribution of drugs would include separation from the institution and referral or prosecution.

Employees and students may also be subject to arrest for violation of federal, state, and local drug and alcohol laws and ordinances.

### **Employer Notification**

The Drug-Free Workplace Act requires the employee to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

# CLARION UNIVERSITY ALCOHOL POLICY

Two basic factors dictate Clarion University's policy on alcohol:

1. Studies indicate that a majority of the misconduct incidents involving students are related to alcohol consumption.
2. Clarion University is a state agency, and as such it cannot authorize, condone, sanction, or otherwise support activities in which state law is violated. The consumption of alcoholic beverages by those under 21 years of age is such a violation.

Because of these factors, the university has adopted regulations under which the following acts constitute student misconduct:

1. the possession or consumption of alcoholic beverages in or around university and university-supervised facilities and property;
2. the possession or use by, and sale or furnishing of, alcoholic beverages to those under 21 years of age;
3. the serving of alcoholic beverages to a student which contributes to subsequent misconduct by that student; and
4. the act of public intoxication as defined by PA law and driving while intoxicated.
5. residential prohibitions include empty alcohol containers of any kind for the traditional halls, suites, and apartments.
6. alcohol violations depicted on social media, on or off campus are addressed through the student conduct system.
7. knowingly and willingly being present while a violation, including alcohol and drugs, constitutes a violation of a university policy. All students are encouraged to report violations and/or minimally remove themselves from the incident or address the issue as a bystander.

In addition to its regulations, the university attempts to provide a program of alcohol awareness, education, treatment, counseling, and information to help students understand the university's alcohol policy and its implementation.

## **Alcohol On Campus**

With the exception of special university events in designated locations with presidential approval, the consumption, possession, or transport of alcohol is prohibited on campus. Student possession or consumption of alcoholic beverages in or around university supervised facilities and property is considered an act of misconduct without exception. This prohibition is not a matter of law, but university policy. Simply put, the university's position is that the interests of both the students and the university are best served by an alcohol-free campus.

Therefore, students who bring or consume alcoholic beverages on campus will be penalized. Students under 21 years of age who become involved with Campus Police will also be subject to citation for underage possession and/or consumption.

## **Alcohol Off Campus**

In *Kusnir v. Leach*, 1982, the Commonwealth Court of Pennsylvania affirmed that the university could exercise disciplinary jurisdiction over off-campus conduct. With regard to university alcohol regulations, misconduct off campus can be grounds for disciplinary action.

Experience and common sense indicate the potential for problems related to “open” type parties and/or furnishing of alcohol to a minor.

Many who attend such parties have no acquaintance or association with the party organizers, whose primary motive is to make money. Typically, alcoholic beverage consumption is the primary focus of the activity, but there is little or no mutual sense of responsibility between party attenders and organizers. Thus, the party participants have little concern if unfortunate events occur during or following a party. While there is always the possibility that underage consumption of alcoholic beverages will get the consumer and/or furnisher into difficulty, it should be obvious that neither university nor law enforcement officials have the resources or inclination to monitor all the off-campus activities of university students. It should be equally obvious, however, that the likelihood of reaction by authorities is much greater in situations where alcoholic beverages are present when the situation involves public disturbance, fighting, indecent acts, or the like. Again, such incidents tend to be associated with “open” type parties. Because “open” type parties have such problematic potential, disciplinary violations associated with such activity are considered serious misconduct acts.

In *Fassett v. Delta Kappa Epsilon*, 1986, The U.S. Court of Appeals, Third Circuit, affirmed the criminal culpability of those who furnish alcoholic beverages to minors. The court reasoned that it is a violation of the criminal code for minors to consume alcoholic beverages, and under Pennsylvania law those who furnish alcoholic beverages to a minor were accomplices to the minor in violating the code. The court held, further, that this standard could be applied to civil actions as well.

In defining “furnishing,” the court rejected the notion that only the actual server was culpable. An accomplice, said the court, was one whose actions promoted or aided a minor’s consumption.

It specifically held that:

1. allowing a party to take place on one’s premises with the knowledge that minors will be served alcoholic beverages constitutes being an accomplice, and
2. participating in the planning of a party or in the buying of alcoholic beverages to be served at a party with the knowledge that minors will be served constitutes being an accomplice.

In exercising its disciplinary authority in alcohol violations off campus, the university applies these findings.

## CLARION UNIVERSITY NOTICE FOR STUDENTS REGARDING ACT 66 OF 2011 ALCOHOL AMNESTY INFORMATION (Effective: September 5, 2011)

### **ACT 66 is:**

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in provisions relating to minors, further providing for the offense of purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

### **The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:**

Section 1. Section 6308 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

\* \* \*

- (f) Exception for person seeking medical attention for another.—A person shall be immune from prosecution for consumption or possession under subsection (a) if he can establish the following:
- (1) The only way law enforcement officers became aware of the person's violation of subsection (a) is because the person placed a 911 call, or a call to campus safety, police or emergency services, in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury.
  - (2) The person reasonably believed he was the first person to make a 911 call or a call to campus safety, police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.
  - (3) The person provided his own name to the 911 operator or equivalent campus safety, police or emergency officer
  - (4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended.

The university reserves the right to provide alcohol amnesty to the reported survivor of sexual violence in efforts to increase the likelihood of reporting such incidents.

#### Section 2. Act 66 (Alcohol Amnesty Compliance).

Clarion University is committed to abiding by Act 66 and will comply with provisions of this Amendment to Title 18 of the Pennsylvania Consolidated Statutes went into effect on September 05, 2011. There will be no student conduct action taken (informal or formal hearing) for individuals who qualify for amnesty. A student must meet each of the four listed criteria above to qualify for amnesty.

Students qualifying for amnesty will be asked to speak with a Student Affairs professional and will be asked to complete the BASICS alcohol workshop and only modules relating to decision making and alcohol at no cost to the student. Education in the form of BASICS and modules is an integrated approach to lowering risks associated with dangerous drinking behaviors.

Please contact the following offices with questions:

University Police; 814-393-2111

Office of Alcohol & Drug Programming; 814-393-1949

Office of Judicial and Mediation Services; 814-393-1918

# SEXUAL VIOLENCE AND/OR SEXUAL ASSAULT INFORMATION

Clarion University, like other institutions receiving federal funds, is required to comply with Title IX as well as any updated state requirements such as Article XX-G. Clarion University, pursuant to those directives, has established policies and procedures for educating, reporting, investigating, and resolving any possible act of sexual assault and/or rape, intimate partner/domestic violence, stalking, and sexual harassment which the University has been made aware of.

## NOTICE OF NONDISCRIMINATION:

Clarion University of Pennsylvania is committed to equal employment and equal educational opportunities for all qualified individuals regardless of race, color, sex, religion, national origin, affectional or sexual orientation, age, gender identity, disability, or other classifications that are protected under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other pertinent state and federal laws and regulations. Direct equal opportunity inquiries to: Assistant to the President for Social Equity, 207 Carrier Administration Building, Clarion, PA 16214-1232, 814-393-2109.

## REPORTING:

Possible sexual assault and/or rape, intimate partner/domestic violence, stalking, and sexual harassment may be reported to:

1. Clarion University Police; 814-393-2111
2. The Office of Social Equity; 814-393-2109
3. The Office of Judicial and Mediation Services; 814-393-1918

\*It is imperative that University Police is contacted for reported acts of sexual assault and/or sexual violence in order for investigatory procedures to be implemented.

## TITLE IX COMPLIANCE OFFICER:

A representative from The Office of Social Equity shall operate as the Title IX Compliance Officer at Clarion University of Pennsylvania:

Dr. Jocelind Gant, Office of Social Equity  
814-393-2109

Incidents may also be reported to Judicial and Mediation Services by filling out an incident report found at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) and submitting the materials for review. Please go to [www.clarion.edu/crimestats](http://www.clarion.edu/crimestats) for information related to Clarion University Clery Statistics which includes forcible and non-forcible sex offenses as required by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C § 1092(f).

## INVESTIGATION:

Investigations may be made by University Police, the Office of Social Equity, the Office of Judicial and Mediation Services, or other office designated to investigate claims. Investigations may take time to ensure all information has been collected while still maintaining a prompt and equitable resolution. The Office Civil Rights (OCR) states that an investigation should take no longer than 60 days from the report of an incident. Clarion University will investigate most cases within 14 working days but no longer than 60 days prior to the beginning of an on campus conduct hearing.



## RESOLUTION AND APPEALS:

As the Title IX Compliance Officer, a representative from The Office of Social Equity will be utilized to ensure compliance under Title IX for a prompt and equitable resolution while maintaining that the process and investigation is conducted impartially for both the complainant and the accused student. A University Conduct Board is the preferred process for the student conduct adjudication of charges under the *Rights, Regulations, and Procedures Online* related to sexual violence or sexual harassment. Both the complainant and the accused student(s) will be provided written notice of the hearing, written notice of charges, the ability to have an advisor, the ability to have witness, and the ability to discuss the incident and provide other relevant evidence. Both parties may also request that a decision be appealed. Appeals for the complainant are based on new evidence which was not available at the time of the hearing, there was procedural error in the original case, or on the grounds that evidence in the original hearing was not considered during the deliberation of the case. Further information related to the student conduct process is contained in this publication.

Resolution through University Police and the Criminal Justice System may run concurrent with student conduct proceedings but is a separate process held to a different standard than that of the process utilized through the Office of Judicial and Mediation Services.

## EDUCATION:

Information pertaining to this topic is disseminated through on campus programs in the residence halls and other areas of campus, through Discovery Weekend, and via other forms of mass communication.

## TIMELINE:

Unless under extenuating circumstances; an investigation will begin within 24 hours of the report of an incident. The Office of Judicial and Mediation Services will work in collaboration with University Police, the Office of Social Equity, and other campus and community resources to provide the survivor/victim with resources within 24 hours of a report. The Office of Judicial and Mediation Services will also provide No Contact Orders and/or Persona Non Grata Orders within that timeframe. Verbal orders may be given to involved parties' if circumstances prohibit the issuance of written documents and/or e-mail notifications until a later time.

The investigation and filing of student conduct charges may take as little as 14 working days but no longer than 60 days from the time of the report. A University Conduct Board is the preferred process used by Clarion University for cases involving possible act of sexual assault and/or rape, intimate partner/domestic violence, stalking, and sexual harassment. Both the complainant and the accused student(s) will be provided a written notice of the board decision within 24 hours of the signing of the document by the board chair to ensure the letter specifies the outcome(s) of the board. Students will be notified no later than on the first working day following a weekend or university closure if the decision letter is signed on a Friday or day prior to a closure.

Appeals documentation will be provided to both the complainant and the accused student. Appeals should be in writing and based on specified criteria. Appeals should be submitted within 72 hours (workday hours) of the issuance of the documents. Appeals for a University Conduct Board are reviewed by the president or president's designee. There are no other appeals following this decision. Appeal decisions are made in writing generally within seven (7) to ten (10) working days but no longer than 30 days from the receipt of the appeal. The person reviewing the appeal will have access to all information including written and audio files.

# CLARION UNIVERSITY

## STUDENTS' BILL OF RIGHTS

The Students' Bill of Rights specifically was created to aid survivors/victims however all students who experience harm will have the following rights.

**As required by Title IX and Article XX-G; Clarion University provides survivors of sexual assault, sexual harassment, stalking, and/or intimate partner/domestic violence, or other violent acts with the following rights:**

1. The right to have any and all alleged violations treated with seriousness. This includes an investigation, adjudication, or mediation to bring closure to the incident.
2. The right to be treated with dignity.
3. The right to pursue any and all avenues of redress.
4. The right to be informed of university resources, including, but not limited to, the University Police, the Office of Social Equity, Counseling Services, and the Keeling Health Center.
5. At the victim's option, the right to present alleged violations to the University Conduct Board, request that the coordinator of Judicial Affairs and Residence Life Education present charges for the survivor, or permit a designee from the Office of Judicial and Mediation Services to present charges. A University Conduct Board hearing is the preferred formal administrative procedure for these types of cases at Clarion University.
6. The right to a prompt and equitable resolution to the complaint. All hearings will examine the preponderance of the evidence presented.
7. The right, upon request, to a No Contact Order to have no unwanted contact with the accused student(s).
8. The knowledge that a Protection From Abuse Order (PFA) will be honored.
9. The right, upon request, to have a persona non grata (trespass order) filed limiting the accused students' access to particular buildings, areas of campus, and/or classroom buildings. A student may also request a housing assignment change. In some cases, an accused student or students may be placed on interim suspension from Clarion University if possible violations meet the criteria for interim suspension as outlined in the *Rights, Regulations, and Procedures Online* which may be found at [www.clarion.edu/studentrights](http://www.clarion.edu/studentrights).

**Survivors and/or victims who have experienced harm are guaranteed the rights listed above in addition to the following:**

1. The right to an advisor at any administrative hearing. The advisor may be any person of her/his choice and may include legal counsel at the expense of the student.
2. The right to present charges at a hearing, under the assistance of the coordinator of Judicial Affairs and Residence Life Education including all information related to the case and the right to present witnesses or other information (physical evidence) as relevant to the case.
3. The right to have only those questions relevant to the alleged violations asked during the disciplinary information gathering process and hearing. The University Conduct Board, or hearings officer may exclude statements and questions concerning the prior sexual history of any party if deemed irrelevant.
4. The right to provide a victim's impact statement verbally or in writing to the University Conduct Board or hearings officer.
5. The right to be present and hear all information and evidence related to the alleged violation(s) and ask questions of all involved parties including witnesses and the accused student(s). The complainant and accused student(s) will not directly ask questions of each other as to not perpetuate a hostile environment any further. The complainant may also choose to be included via conference call from a safe and undisclosed location rather than be present in the room with the accused student(s).

6. The right to be notified of the outcome of disciplinary proceedings in writing within 24 hours of the signed decision of the University Conduct Board or administrative hearings officer. Information will be provided to the complainant on the first business day following the signing of the decision letter if the decision letter is approved on a Friday and/or day prior to a University closure. The accused student(s) are also notified within the same timeframe.
7. The right to submit an appeal based on the set appeals criteria utilized by all students involved in formal administrative hearings.

There are several offices available to assist survivors/victims of crime and/or students who have experienced harm on or off campus including the University Police, Keeling Health Center, Counseling Services, Office of Social Equity, PASSAGES, SAFE, and the Office of Judicial and Mediation Services. Further information may be obtained online at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) through the Office of Judicial and Mediation Services or through the Office of Social Equity at [www.clarion.edu/socialequity](http://www.clarion.edu/socialequity). University Police may be reached at 814-393-2111 to report an incident directly to the police or go to [www.clarion.edu/crimestats](http://www.clarion.edu/crimestats) for information pertaining to Clery Statistics for Clarion University of Pennsylvania. Additional information pertaining to resources and more information related to reporting may be found in the *Rights, Regulations, and Procedures Online* at [www.clarion.edu/studentrights](http://www.clarion.edu/studentrights).

## REPORTING CRIMINAL ACTIVITY

Students, Faculty, and Staff are directed to contact University Police at 814-393-2111 if you see, hear about, or know about possible abuse of children in any form, including child abuse, child pornography, sexual contact with a child, or other illegal acts with children on Clarion University Property. This includes acts involving camps, conference groups, other guests, or other individuals who may be utilizing facilities on campus. Callers who are Faculty or Staff members should, inform their immediate supervisor who, in turn, will contact his/her respective vice president. Students reporting abuse are urged to contact the Office of Judicial and Mediation Services, and/or Office of Social Equity once University Police are contacted. It is essential that University Police are notified immediately in order for investigatory procedures to be implemented.

# SEXUAL HARASSMENT POLICY AND PROCEDURES

Published jointly by Office of Social Equity and Presidential Commission on Sexual Harassment

This revised policy was approved on April 15, 2010, by the Council of Trustees.

## I. POLICY

It is the policy of Clarion University of Pennsylvania that harassment of students and employees based on sex is unacceptable and will not be tolerated. Clarion University is committed to insuring that the learning environment for its students and the working environment for its employees are free of unlawful discrimination of any kind. The university affirms its commitment to human rights and dignity. Sexual harassment violates basic human rights as well as state and federal laws, and is inconsistent with the principles and goals of an academic community.

Clarion University of Pennsylvania will make every effort to protect students, staff, and faculty from sexual harassment. Retaliatory actions taken against persons filing sexual harassment complaints will not be tolerated. The university also recognizes that accusations of sexual harassment are grievous and have serious consequences. Therefore, the university will make every effort to protect students, staff, and faculty from false accusations.

Any employee or student of the university found to be in violation of this policy will be subject to appropriate disciplinary action that may include termination or expulsion.

Clarion University, through the Office of Social Equity and the Presidential Commission on Sexual Harassment will ensure that this policy receives wide dissemination so that students, parents, faculty, administration and staff are aware of the policy and its provisions.

## II. DEFINITION OF SEXUAL HARASSMENT

In accordance with the Equal Employment Opportunity Commission (EEOC) Guidelines of 1980, Section 703 of Title VII of the Civil Rights Act of 1964, as amended, the pertinent case laws of Title IX of the Education Amendments of 1972, and Section 5(a) of the Pennsylvania Human Relations Act, Clarion University defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature will constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals; or
- (3) Such conduct is sufficiently pervasive or severe to have the effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Sexual Harassment occurs in a variety of situations which share a common element (see "Examples of Conduct that could Constitute Sexual Harassment" at [www.clarion.edu/165047](http://www.clarion.edu/165047)).

Clarion University is committed to the principles of free expression and academic freedom. As such, "sexual harassment," as defined in this policy, is neither legally protected expression nor the proper exercise of academic freedom.

Discussion of ideas or theories that some employees or students may find offensive is not necessarily sexual harassment. Examples of sexual harassment include:

- Conduct of a sexual nature that is sufficiently severe or pervasive to have the effect of harassing or stigmatizing others on the basis of their sex, sexual orientation, or gender identity.
- This may include the use of sexually explicit pictures, objects, or materials in classroom or work areas that have no legitimate or instructional purposes; unwelcomed letters, e-mail or phone calls of a sexual nature; sexual graffiti or visuals; unwelcomed touching, pinching, or patting; repeatedly

asking for a date after the person has expressed disinterest; and pressure for sexual favors.

- Extreme forms of sexual harassment include sexual assault/violence or rape, which are considered criminal offenses, and must first be reported to the University's Public Safety department (see "Examples of Conduct that could Constitute Sexual Assault/Violence" at [www.clarion.edu/165047](http://www.clarion.edu/165047)).

### III. RELATED UNPROFESSIONAL CONDUCT

The university's mission and core values are predicated on professionalism in interpersonal relationships. Since professional relationships are instrumental to the mission and core values of the university, it is essential to establish a standard of expected conduct in these relationships. Personal relationships should be avoided when they call into question professional integrity or interfere with an individual's work experience. A university employee with professional responsibility or supervision of another who has real or potential power and authority over that individual in a variety of roles including, but not limited to, supervisor, mentor/advisor, professor, thesis/evaluation committee members, etc., shall not abuse that power. Absent contradictory evidence, an amorous or sexual relationship between individuals where one possesses or appears to possess authority or power over another is presumed to be exploitative and shall constitute unprofessional conduct. The consensual nature of such a relationship does not necessarily constitute a defense to a charge of sexual harassment or related unprofessional conduct especially when the indirect result of the relationship creates a hostile workplace environment.

Therefore, any employee in a supervisory role who enters into a sexual relationship with another employee enters into that relationship with risk. These persons will be subject to scrutiny if a complaint of sexual harassment is leveled against the "supervisory person" by the "subordinate person" or if a third party brings a complaint<sup>1</sup>.

### IV. PROCEDURES

The procedures described below are applicable to any student, employee, or applicant for education programs or employment who believes that he/she has been the victim of sexual harassment. Except in the cases noted in section A.2, concerns of sexual harassment should be brought to the Office of Social Equity directly. Individuals must bring their concerns about sexual harassment to a faculty member or advisor, a public safety officer, a residence hall assistant or director, a member of the university administration or any member of the President's Commission on Sexual Harassment for the purpose of obtaining information and/or moral support. Such individuals must then report the concerns to the Office of Social Equity and encourage the complainant to go to the Office of Social Equity to discuss the matter further. All supervisors are obligated to report any known allegations of sexual harassment to the Office of Social Equity.

- Complainant: the individual who is making allegations that sexual harassment has occurred.
- Respondent: the individual against whom the allegations of sexual harassment have been made.
- Sexual Harassment complaints should be reported promptly to the Office of Social Equity. They may be reported by anyone who becomes aware that sexual harassment may have occurred.
- Resolution of the complaint shall be sought as quickly as possible while maintaining standards of fairness.
- These procedures are not intended to replace other university procedures available under established laws or collective bargaining contracts and, where permissible, a complainant may choose either this procedure or any other applicable procedure. (See Appendix B.)
- The Office of Social Equity has the responsibility for investigating sexual harassment complaints filed and will attempt to conduct the investigation within 30-60 calendar days from receipt of the complaint.
- The Office of Social Equity will notify employees and students respondent of sexual harassment generally within a twenty (20) day period, subject to exceptions that are provided to protect the complainant.
- Investigative information may be retained for up to three years in the Office of Social Equity as part of a data file on sexual harassment at the university.

**A. Reporting Complaints of Sexual Harassment**

1. All complaints of sexual harassment (with the exception of complaints made against the hearing office (Office of Social Equity and/or the President of the university) shall be filed with the Assistant to the President for Social Equity (207 Carrier Hall, 814-393-2109).
2. All complaints of sexual harassment made against the Assistant to the President for Social Equity and/or the President shall be filed with the Office of the Chancellor, PA State System of Higher Education (PASSHE), Dixon Center, Harrisburg, PA 17110, 717-720-4000.

**B. Informal Review**

1. The complainant reports the complaint to the Office of Social Equity. After an initial interview, the social equity officer may suggest that the complainant take individual action to resolve the problem through verbal or written communication with the person whose actions the complainant found offensive.
2. If that approach does not resolve the matter, or if the complainant does not want to interact directly with the respondent, the social equity officer will attempt to act as mediator in an effort to achieve an informal resolution to the problem. The respondent will be informed of the concerns or complaint as presented by the complainant and will be afforded an opportunity to respond. Said response may be a written or oral presentation of factual data.
3. During all informal attempts to resolve a problem, every effort shall be made to: (1) notify the respondent of the nature of the complaint (which is generally within a twenty (20) day period); (2) identify or defer the identification of the complainant, as appropriate; and (3) maintain confidentiality of the investigative process.
4. The respondent will be afforded an opportunity to respond to the complaint. Said response may be a written or oral presentation of factual data.
5. The complainant or the respondent party may be accompanied by any person of their choosing from within the university community during the informal process or meetings for the purpose of consultation. If either party is covered under a collective bargaining agreement with the university, the social equity officer will inform that party of his/her right to union representation.

**C. Formal Review**

1. All formal complaints are based on specific charges heard at the informal level. If the concerns raised cannot be resolved through informal discussions, or if the conduct reported is so egregious that the complainant wishes to proceed directly to formal procedures, the complainant should consult with the social equity officer and then file a formal written complaint.
2. If the social equity officer believes that the complaint has merit (that it warrants an investigation) the social equity officer will notify the respondent that a complaint has been filed and will send a copy of the formal, written complaint to the respondent. This notification will generally take place within a twenty (20) day period.
3. If either party is covered under a collective bargaining agreement with the university, the social equity officer will inform that party of his/her right to union representation.
4. The respondent will be afforded an opportunity to respond to the charges as specified in the formal complaint and to prepare a response to these charges, including written and oral presentations of factual data. The complainant and respondent may be accompanied by any person of their choosing from within the university community during the investigation and resolution of the case for the purposes of consultation.
5. All formal, written complaints will be given a specific, full, impartial, and expeditious investigation by the Office of Social Equity. During such investigations, while every effort will be made to protect the privacy rights of all parties, confidentiality cannot be guaranteed.
6. The social equity officer has the responsibility for investigating complaints filed. When feasible, the investigation will be completed within thirty to sixty (30-60) days from receipt of the written complaint. As part of the investigative process, the social equity officer will gather evidence on the alleged sexual harassment complaint. This evidence may take the form of written or oral presentation of factual data or the collection of said data.

7. The complainant and respondent will have access to the results of the investigation at the conclusion of the investigation.

#### **D. Sanctions and Remedies**

1. If the investigation of a reported occurrence of sexual harassment reveals that the complaint is without merit, both parties will be so informed. If, however, the social equity officer finds that it is more probable than not that there has been a violation of the university's Sexual Harassment Policy, the officer will report these findings to the president or to the vice president for student affairs (in student related cases) as appropriate. Disciplinary proceedings, if and when initiated, against staff or faculty will be in accordance with the appropriate procedures and collective bargaining agreement. Disciplinary proceedings, if and when initiated, against a student will be in accordance with the appropriate procedures outlined in the *Student Rights, Regulations, and Procedures Online Handbook*.
2. Possible sanctions include, but are not limited to: a verbal warning, a written warning, a formal reprimand, reassignment of responsibilities, suspension, expulsion from the university, or termination of employment. The complainant and the respondent will be informed of the specific action taken. The overall remedy desired in valid sexual harassment cases is the removal of the cause of the complaint. The university will earnestly attempt to do whatever is necessary to achieve this end in seeking remedies as dictated by the specific case.
3. If the complainant is not satisfied with the results of the process, he/she may seek administrative remedies as noted in paragraph #4 below.
4. The complainant generally has 180 calendar days from the actual date of which the incident occurred to file a formal complaint with the Pennsylvania Human Relations Commission and 300 calendar days to cross-file with another federal agency such as the United States Equal Opportunity Commission, or the United States Department of Education, Office of Civil Rights.
5. In the event it is shown that a complaint has been filed maliciously or without a legitimate basis, appropriate sanctions will be imposed on the complainant.

#### **E. Prohibition of Retaliation**

Neither the complainant nor other individuals (e.g. witnesses) shall be subjected to discharge, suspension, discipline, harassment, or any form of retaliation for having participated in or having helped others use this complaint process. Any individual who is found to have retaliated against any person involved in the complaint process is subject to discipline, up to and including termination or expulsion.

#### **F. Counseling**

Counseling is made available to any student or employee who believes that he/she has been subjected to any form of harassment. Counseling services may be obtained through the university's Counseling Center for students and, for employees, the State Employees Assistance Program (SEAP). SEAP may be contacted through the Office of Human Resources.

#### **G. Sexual Harassment Prevention Training**

The university will provide training on sexual harassment prevention online or otherwise on an annual basis. All faculty and staff are required to participate in this training. All new employees and students are required to participate in this training within 60 days of commencing employment or matriculation at the university. The university will also provide training to orientation leaders and residence hall assistants.

#### **H. Revisions**

In order to be responsive to changes in state system policies and case law, this policy may be revised periodically. Written copies of this policy are available at the Office of Social Equity, 207 Carrier Hall, or on the Clarion University Website at [www.clarion.edu/433](http://www.clarion.edu/433)

**Pennsylvania Human Relations Act of 1955**, as amended, prohibits discrimination based on sex, race, color, religion, and national origin in the Commonwealth of Pennsylvania.

**The Equal Pay Act of 1963**, an amendment to the Fair Labor Standards Act, prohibits pay discrimination based on sex on jobs that are substantially equal.

**Title VII of the Civil Rights Act of 1964**, prohibits discrimination based on sex, as well as on race, color, religion and national origin, in hiring or firing; wages; fringe benefits; referring, assigning, or promoting; extending or assigning use of facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges or employment.

**Title IX of the 1972 Education Amendments** states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

**The Women's Education Equality Act of 1974** authorizes activities at all levels of education to overcome sex-stereotyping and achieve equality for women.

**The Job Training Partnership Act of 1982**, PS 97300, permanently authorizes job training programs for economically disadvantaged individuals and others who face serious barriers to employment. JTPA replaces Comprehensive Education and Training Act. Programs and activities funded or otherwise financially assisted in whole or in part under this act are considered to be programs and activities receiving federal financial assistance and thus subject to prohibitions against discrimination based on sex under Title IX of the Education Amendments of 1972.

**The Executive Order 11246**, as amended by Executive Order 11375, requires federal contracts to include language by which contractors pledge not to discriminate against any employee or applicant for employment because of sex, race, color, religion, or national origin. Large contractors must further pledge to take affirmative action to ensure nondiscriminatory treatment.

**The Vocational Education Act**, as amended, requires the provision of activities to eliminate sex bias, stereotyping, and discrimination in federally funded vocational education programs and requires each state to employ a full-time sex equality coordinator to ensure the elimination of bias and occupational segregation in those programs.

**Article 43: - Collective Bargaining Agreement** negotiated between the State System of Higher Education and APSCUF, delineates the provisions regarding the investigation of complaints against faculty members.



# SUPPOSE YOU WERE RAPED TOMORROW HERE'S WHAT YOU SHOULD KNOW TODAY

## **Get medical attention immediately.**

You could be injured—externally and internally. You could become pregnant, or you could get a sexually transmitted disease. A medical examination could also provide important evidence of rape for prosecution. Community police officers will help. Rape Crisis Center (814-226-RAPE, hot line) 9-1-1, or the Rape Crisis Center in Oil City (814-677-7273) also provide trained support staff to assist you.

## **Don't bathe or douche.**

Bathing or douching might be the first thing you want to do—but don't. You might literally be washing away valuable evidence. Wait until you have a medical examination.

## **Save your clothing.**

It's all right to change clothes, but save what you were wearing. Your clothing could be used as evidence for prosecution. Place all items in a paper bag.

## **Report to the Campus Police 814-393-2111 (Clarion Campus).**

## **Report to the Oil City Police Department 814-678-3080 (Venango College).**

Reporting a rape isn't the same thing as prosecuting a rape. Please call the Campus Police (Clarion Campus) or the Oil City Police Department (Venango College) and report the rape. Prosecution can be determined later. It's up to you, but some rapists are repeat offenders and police can only apprehend offenders when they know about the crimes.

## **We are here to help.**

Understanding officers will be assigned to work with you, to help you to apprehend the offender. Your contact with the police officers will be confidential. The assigned officer will explain the various aspects of criminal prosecution should the offender be identified.

The necessity for quick reporting cannot be overemphasized. If an attacker rapes you, rapes someone you know, or attempts to commit a rape on the campus, notify Campus Police immediately on the Clarion Campus at **814-393-2111**. The Oil City Police Department can be reached at **814-678-3080**.

- Get medical attention immediately.
- Don't bathe or douche.
- Save your clothing.
- Report to Campus Police.
- We are here to help.

## MEDICAL TREATMENT ON CLARION CAMPUS

A medical examination is conducted at Clarion Hospital following a reported rape. If you wish to keep the option of prosecution open, the exam at the hospital ensures legal evidence is obtained. This evidence would include human hair, evidence of seminal stains, and other identifying markers. Follow-up care for disease, injury, or pregnancy is available at the hospital. Counseling is recommended and available at Counseling Services, 148 Egbert Hall, 393-2255, or at the Rape Crisis Center, 814-226-RAPE or STAR, 814-226-2720.

## MEDICAL TREATMENT AT VENANGO COLLEGE

A medical examination is conducted at Northwest Medical Center following a reported rape. If you wish to keep the option of prosecution open, the exam at the hospital ensures legal evidence is obtained. This evidence would include human hair, evidence of seminal stains, and other identifying markers. Follow-up care for disease, injury, or pregnancy is available at the hospital. Counseling is recommended and available at Counseling Services, 202 Montgomery Hall, or at the Rape Crisis Center, 677-7273.

## POLICE INVESTIGATION

An officer will immediately be dispatched when a rape is reported. The officer will provide transportation to a medical facility and will, if possible, obtain a description of the attacker and information about the time and location of the attack. He or she will not seek detailed information but only enough to permit all officers to begin looking for the attacker.

An investigator will then be assigned to you and will be in contact with you from the initial interview through the entire investigation and any criminal prosecution which might result. He or she will interview you in detail about the offense, and it will be necessary that you work closely with the officer while attempting to identify the offender. Some questions may be embarrassing but they are important in apprehending the attacker.

The officer will explain the criminal complaint process, the preliminary hearing, a pre-trial conference, and the trial. He or she will explain in detail what is expected of a victim should a prosecution be initiated. He or she will also advise you about available counseling services and assist you in any manner possible.

Reporting a crime and prosecuting the attacker are two separate things. Begin by reporting to Campus Police. Your report can help other women—or yourself—in the future.

## ON-CAMPUS SAFETY AND EQUITY RESOURCES

As you may be aware, Clarion University has been ranked as one of the top 15 safest campuses in the country. However, like any other community, we must continue to remain cautious, vigilant, and aware of our own personal safety.

To assist you in becoming informed about the services Clarion University provides, we have developed this reference guide of on-campus resources.

It is in our own best interest to take the time to educate ourselves and others on ways to prevent acts of abuse and discrimination. Our collective efforts will continue to ensure that Clarion University remains a safe and tolerant community.

Clarion University does not tolerate harassment or discrimination in any of its many forms. In the university's continuing efforts to provide support and education to the entire campus community, the following is provided as a reference guide of on-campus resources available to persons who feel they have been harassed or discriminated against.

Any student of the Clarion, Venango, or Pittsburgh sites may avail himself or herself of the resources referenced in this brochure.

## RAPE/SEXUAL ASSAULT

Inasmuch as all allegations of sexual assault and rape have the potential to involve criminal conduct, the university strongly urges all victims to first report directly to Campus Police.

### *Campus Police, Ext. 2111*

Explanation of process; investigation of incident; arrange transportation to hospital; brochures and printed materials; referrals to other appropriate agencies.

### *Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

### *Student and University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures/printed materials; referrals to other appropriate agencies.

### *Social Equity, Ext. 2109*

Investigates allegations of sexual harassment; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

### *Keeling Health Center, Ext. 2121*

Medical treatment; STD testing; brochures and printed materials; referrals to other appropriate agencies.

### *Sexual Assault Network, Ext. 1877*

Support and liaison; brochures and printed materials; referrals to other appropriate agencies.

### *S.T.A.R., Ext. 2720*

Students Together Against Rape, recognized student organization; peer counselors; pro-active events and services.

### *Campus Ministry, Ext. 2711*

Clergy contact; counseling services; brochures and printed materials; referrals to other appropriate agencies.

## SEXUAL HARASSMENT/SEX DISCRIMINATION

### *Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

### *Student and University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

### *Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## RACIAL HARASSMENT/ETHNIC INTIMIDATION

### *Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student & University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Campus Police, Ext. 2111*

Investigates allegations; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## DISABILITY HARASSMENT/DISCRIMINATION

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student & University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## SEXUAL ORIENTATION HARASSMENT/DISCRIMINATION

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student & University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## VETERANS' STATUS DISCRIMINATION

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student and University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## ALL OTHER DISCRIMINATION

### *Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

### *Student and University Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

### *Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## APPENDIX A

### OFFICES AND AGENCIES PROVIDING ASSISTANCE

Clarion University Office of Social Equity . . . . .	814-393-2109
207 Carrier Hall	
Clarion University Counseling Services Department . . . . .	814-393-2255
148 Egbert Hall	
Clarion University Office of Director of Student Affairs. . . . .	814-676-6591
114 Rhoades, Venango Administration, Venango College	Ext. 1270
Clarion University Counseling Services Department . . . . .	814-676-6591
234 Montgomery Hall, Venango College.	Ext. 1281
PASSAGES. . . . .	.800-793-3620 or 814-226-7273
105 S. 5th Avenue, Clarion, PA 16214	
PASSAGES. . . . .	814-849-5303
18 Western Avenue, Brookville, PA 15825	
Domestic Violence Rape Crisis Center. . . . .	800-243-4944 or 814-676-5476
716 E. Second Street, Oil City, PA 16301	
Stop Abuse For Everyone (SAFE). . . . .	800-992-3039 or 814-226-8481
8 Grant Street	or Dial 911 and ask for SAFE
Clarion, PA 16214	
Clarion County Counseling Center. . . . .	.814-226-6252
214 South 7th Avenue, Clarion, PA 16214	
Clarion County District Attorney's Office. . . . .	814-226-7611
421 Main Street, Clarion, PA 16214	
Pennsylvania State Police. . . . .	814-226-1710
209 Commerce Road, Clarion, PA 16214	
Laurel Legal Services . . . . .	.814-226-4340
231 W. Main Street, Clarion, PA 16214	
Equal Employment Opportunity Commission. . . . .	800-669-4000
1000 Liberty Avenue, Suite 1112, Pittsburgh, PA 15222	
Commonwealth Information Center. . . . .	717-787-2121
Strawberry Sq, Harrisburg, PA 17101	
Pennsylvania Human Relations Commission . . . . .	412-565-5395
300 Liberty Street, Pittsburgh, PA 15222	

### ADDITIONAL RESOURCES

Five presidential commissions have been appointed by the president to increase the level of awareness and sensitivity of the campus population concerning issues of equity and diversity. These commissions serve in an advisory capacity, and therefore do not function as investigatory bodies. The commissions are listed below in alphabetical order.

- Presidential Commission on Disabilities
- Presidential Commission on Human Relations
- President's Commission on LGBT Affairs
- Presidential Commission on Sexual Harassment
- Presidential Commission on the Status of Women

**Sections of this booklet were prepared as follows:**

Student Rights and Regulations Compliance Manual

*Prepared by Office of the Vice President for Student and University Affairs*

Sexual Harassment Policy and Procedures

*Published jointly by the Office of Social Equity and the Presidential Commission on Sexual Harassment  
Approved by the Council of Trustees January 9, 1997; supersedes previous policy statement(s) on this subject.*

University Security Information Crime Statistics and Policy Report

*Both the College and University Security Information Act and the Crime Awareness and Campus Security ACT of 1990 require the publication of certain information and statistics to be distributed to students, employees, and applicants.*

On-Campus Safety and Equity Resources

*Information in this section provided by the Office of Social Equity*

Suppose YOU Were Raped Tomorrow

*Department of Public Safety, Clarion University of Pennsylvania and special thanks to Ohio University Health Education Services for information contained in this section.*

Pennsylvania Human Relations Act of 1955,

*as amended, prohibits discrimination based on sex, race, color, religion, and national origin in the Commonwealth of Pennsylvania.*

The Equal Pay Act of 1963,

*an amendment to the Fair Labor Standards Act, prohibits pay discrimination based on sex on jobs that are substantially equal.*

Title VII of the Civil Rights Act of 1964

*prohibits discrimination based on sex, as well as on race, color, religion and national origin, in hiring or firing; wages; fringe benefits; referring, assigning, or promoting; extending or assigning use of facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges or employment.*

Title IX of the 1972 Education Amendments

*states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

The Women's Education Equality Act of 1974

*authorizes activities at all levels of education to overcome sex-stereotyping and achieve equality for women.*

The Job Training Partnership Act of 1982, PS 97300,

*permanently authorizes job training programs for economically disadvantaged individuals and others who face serious barriers to employment. JTPA replaces Comprehensive Education and Training Act. Programs and activities funded or otherwise financially assisted in whole or in part under this act are considered to be programs and activities receiving federal financial assistance and thus subject to prohibitions against discrimination based on sex under Title IX of the Education Amendments of 1972.*

Excellence & Equity (1995)

*SSHE general sexual harassment policy and procedure guidelines.*

The Executive Order 11246,

*as amended by Executive Order 11375, requires federal contracts to include language by which contractors pledge not to discriminate against any employee or applicant for employment because of sex, race, color, religion, or national origin. Large contractors must further pledge to take affirmative action to ensure nondiscriminatory treatment.*

The Vocational Education Act,

*as amended, requires the provision of activities to eliminate sex bias, stereotyping, and discrimination in federally funded vocational education programs and requires each state to employ a full-time sex equality coordinator to ensure the elimination of bias and occupational segregation in those programs.*

Commonwealth of Pennsylvania Governor's Executive Order # 1988-1

*prohibits any agency under the jurisdiction of the Governor from discriminating against any employee or applicant for employment based on race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, or non-job related handicap or disability.*

Article 43: Collective Bargaining Agreement

*negotiated between the State System of Higher Education and APSCUF, delineates the provisions regarding the investigation of complaints against faculty members.*



## APPENDIX B

### LOCAL OFFICES AND AGENCIES PROVIDING ASSISTANCE

Clarion University Office of Social Equity 207 Carrier Hall	393-2109
Clarion University Counseling Services Department 148 Egbert Hall	393-2255
Clarion University Office of Director of Student Affairs 219 Montgomery Hall, Venango College	814-676-6591 Ext. 1270
Clarion University Counseling Services Department 236 Montgomery Hall, Venango College	814-676-6591 Ext. 1283
PASSAGES	
1300 E. Main Street, Clarion, PA 16214	226-7273
P.O.Box 96, Brookville, PA 15825	814-849-5303
Rape Crisis Center 716 E. Second Street, Oil City, PA 16301	814-677-7273
Stop Abuse For Everyone (SAFE) 1302 E. Main Street, Clarion, PA 16214	800-992-3039 or 814-226-8481 or 814-226-SAFE
Students Together Against Rape (STAR) Box 119, 251 Gemmell Student Center	814-393-2720 Ext. 2720
Clarion County Counseling Center 214 South 7th Avenue, Clarion, PA 16214	800-672-7116 or 226-6252
Clarion County Sheriff's Office Clarion County Courthouse, Main Street, Clarion, PA 16214	814-226-7611
Pennsylvania State Police 209 Commerce Road, Clarion, PA 16214	814-226-1710
Laurel Legal Services 231 W. Main Street, Clarion, PA 16214	814-226-4340
Equal Employment Opportunity Commission 1000 Liberty Avenue, Room 2038A, Pittsburgh, PA 15122	412-644-3444
Commonwealth Information Center 402 Finance Building, Harrisburg, PA 17120	800-832-0784 TDD/TTY 800-342-8040
Pennsylvania Human Relations Commission 101 S. Second Street, Suite 300, Harrisburg, PA 17101 OR 300 Liberty Street, Pittsburgh, PA 15222	717-787-4410 412-565-5395
Pennsylvania Bureau of Equal Opportunity Division of Affirmative Action 223 Health and Welfare Building, Harrisburg, PA 17105	717-787-1127

# APPENDIX C

## PEACEFUL ASSEMBLY POLICY

### PURPOSE

Clarion University acknowledges the rights of individuals to assemble in groups for peaceful purposes. Consistent with the United States Constitution, the university may establish reasonable regulations regarding the time, place, and manner in which persons exercise their free speech rights.

Therefore, in an effort to prevent disruption of the normal conduct of university affairs, the endangerment of the health and safety of individuals, and/or damage of property, the university hereby designates the Gemmell outside performing area as the "Peaceful Assembly Area" on the Clarion Campus and is unrestricted on time of day or day of week. Alternative locations can be planned for an area on-campus, Monday through Friday after 7 p.m., that is no less than 50-feet away from an academic building or residence hall, or Saturday and Sunday, no restrictions on time, but must be at least 50-feet away from an academic building or residence hall.

Individuals planning such events on the Clarion campus must coordinate their activities through the Events and Scheduling Office in the Gemmell Student Complex. The sponsoring individual, organization, or group must assume responsibility for compliance with the Peaceful Assembly Policy, as well as all other applicable university policies and federal, state, and local laws.

### POLICY

Individuals wishing to organize a peaceful assembly must complete the Peaceful Assembly Space Request Form located in the Events and Scheduling Office in consultation with the Director of Campus Life. Such events are scheduled on a first-come-first-served basis, are restricted to the Gemmell Performance Area, except as noted above, and must:

- a. Have the completed Peaceful Assembly Space Request Form turned into the Events & Scheduling Office at least 48 hours in advance of the start of the event;
- b. Be conducted in an orderly manner with areas utilized left in the same state as found before the event;
- c. Not interfere in any way with vehicular or pedestrian traffic or obstruct any entrances or exits to surrounding buildings; and
- d. Not interfere with classes, scheduled events, meetings or any other normal operations or educational functions of the university.

Once the Peaceful Assembly Space Request Form is processed, copies of the form will be sent to Public Safety, Facilities Management, and the Director of Campus Life. Additionally, all members of the President's Executive Council (PEC) will receive an e-mail confirming the date, time, and name of the individual, recognized student organization, or group sponsoring the event.

# APPENDIX D

## CLARION UNIVERSITY PUBLICITY POSTING POLICY

The university reserves the right to regulate the time, place, and manner of the posting and distribution of printed material on campus and in all university facilities. The university is not responsible for monitoring the content of publicity materials developed by individual students, Recognized Student Organizations (RSOs) or off-campus entities.

### PRINTED MATERIAL

Bulletin boards that can be used for public posting are identified in each facility where one is available. The Center for Leadership & Involvement, 251 Gemmell, maintains a list of bulletin board locations on campus where printed material can be posted.

1. All posted material must be placed on bulletin boards designated for that purpose. Such information may not be placed on motor vehicles, attached to windows, doors, walls or any surface not designated as a bulletin board.
2. Materials may not exceed 11" by 17."
3. The name of the individual or organization responsible must be clearly visible on any material posted.
4. Some facilities may have additional requirements for posting materials:
  - a. Carlson Library –  
Materials for posting in the library, including but not limited to posters, fliers, table tents, etc. must be dropped off in the Dean's office in 123 Carlson. Please note, a plan for removal of these postings shall be required when dropping off the items.
  - b. Chartwells Operated Dining Facilities –  
Individuals or groups wishing to post materials (i.e. posters, fliers, table tents, etc.) in Chartwells-operated dining facilities (i.e. Carlson Café, Eagle Commons, Gemmell Snack Bar) must make arrangements with the facilities' manager.
  - c. Gemmell Student Complex –  
Materials for posting in the student center must be dropped off at the second-floor Gemmell Information Desk (251 Gemmell).
  - d. Residence Halls –  
Materials for posting within the residence halls on campus must be dropped off at the Center for Residence Life (230 Egbert). A maximum of 68 copies can be posted.
  - e. Student Recreation Center –  
Materials for posting on Rec Center bulletin boards must be dropped off at the Rec Center front desk.

### CHALKING

Chalking is permitted on campus as a means of advertising events. Chalking is permitted only on outside, horizontal, exposed surfaces where rain can wash the chalk away. Chalking is not permitted on vertical surfaces, buildings, under overhangs, or on steps, posts, trees, tables or similar objects. Violations of this policy may result in university judicial action and/or criminal prosecution.

# APPENDIX E

## LATE NIGHT EVENT POLICY

### **Gemmell Student Complex Revised October 9, 2008**

1. The space request must be submitted no later than two weeks prior to the event due to extensive scheduling and set up requirements for this type of event. Failure to do this will result in the event not being approved or confirmed by the Events & Scheduling office.
2. The advisor to the group will be contacted by the Events & Scheduling office by email and/or phone to confirm their presence and/or the presence of another designated advisor at the event. The Events & Scheduling office WILL NOT confirm or approve the space request without this approval/response from the group's advisor. The advisor must be present during the entire event.
3. Late Night events may be held every other weekend with no two occurrences on consecutive weekends.
4. Public Safety Officers must be present at every late night event. The director of Public Safety will determine the number of officers needed to staff an event.
5. Metal Detectors will be in use for every event.
6. Camcorders may be used at events to record persons entering the event as well as to record any altercations that occur. Tapes may be used as evidence in both campus judicial as well as criminal proceedings.
7. The sponsoring organization will provide on the space request, a list of individuals who will serve as "inside the event" security monitors.
8. The sponsoring organization should provide a list of any person who is not to be allowed into the event to Public Safety on the night of the event.
9. Events will start at 10 p.m. and end no later than 2 a.m. The last song of the night will be announced at 1:45 a.m.
10. The event will close off admission at 12 a.m. After 12 a.m., there will be no re-admittance to the event if a student leaves the building.
11. All participants attending the event will be required to show an ID before entering.
  - a. Clarion students must show a Clarion Student Identification Card to be admitted. A copy of the ID will be taken.
  - b. A non-Clarion University student who attends an institution of higher education, must present an ID from the College they attend. A copy of the ID will be taken.
  - c. All non college students, must present a driver's license or other official ID and must be accompanied by a Clarion University student. The student will present his/her ID, along with the drivers' license of those with the student. A photocopy of all ID's will be taken. The student is responsible for the behavior of their guests. Any violations of the student code of conduct by guests will be adjudicated against the Clarion University student.
12. A series of checkpoints will be developed leading from the west upper doors of the Gemmell Student Complex into the hall way. At the west doors, an ID must be shown. No ID, no admittance. The student or guest will then proceed to the metal detectors. Once through the metal detectors the student or guests will proceed to the ID copy, sign-in and pay station. Once the copies are made, the student and/or guest will write their name, and license number and address if they are a non-Clarion student on a sheet, pay the fee and then be allowed admittance into the party.
13. All Late Night events will use the entire Multi-Purpose Room. The divider wall will not be in use to close off any portion of the room. Inside security monitors will be posted at a minimum at the south-

east door, and at the two other entrances into the multi-purpose room.

14. Public Safety will ordinarily provide security at no cost. Should there be a "serious altercation" during the event or if there is "significant damage" to the facility during the event, the group sponsoring the event will have to pay for Public Safety officers at each of their three next events. Public Safety will determine what is a "serious altercation," or what constitutes "significant damage."
  - a. The first event following an altercation, the sponsoring organization will pay 100 percent of the public safety cost at \$25 per hour per officer.
  - b. The second event following an altercation, the sponsoring organization will pay 50 percent of the public safety cost at \$25 per hour per officer.
  - c. The third event following an altercation, the sponsoring organization will pay 25 percent of the public safety cost at \$25 per hour per officer.
  - d. The fourth event, the sponsoring organization will not have to pay for public safety officers.

# APPENDIX F

## BEHAVIORAL ASSESSMENT AND REFERRAL TEAM (BART)

Campus threat emergencies may be avoided with effective prevention and threat assessment tools. The Behavioral Assessment and Referral Team (BART) serves to collect information regarding threatening behavior among the campus community. BART assesses that information received and responds to the incident as appropriate.

No tool or tactic will work effectively alone. But, together, the team can offer a measure of confidence that threats that may come to our campus are being dealt with in a timely and effective manner.

### THE PURPOSE OF BART IS:

- To assess behaviors of concern of students, faculty, staff, and university-affiliated individuals to determine the level of threatening or violent behavior.
- To identify, refer, and/or assist any of these individuals who may be at significant risk to self or others.
- To educate the campus community in the identification and referral of these individuals for appropriate services.

Clarion University of Pennsylvania is committed to using its best efforts to provide faculty, staff, and students with an environment that is safe, secure, and free from threats, intimidation, and violence. Threats are unacceptable regardless of whether the person communicating the threat has the ability to carry them out, whether the threat is made on a present, conditional, or future basis, or whether the threat is made in person, through another person, over the phone, by mail, or electronically.

### WHAT TO LOOK FOR

Threatening behavior Includes, but is not limited to:

- Threats to self and/or others.
- Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner),
- General oral or written threats to people or property (i.e., “You better watch your back” or “I’ll get you”),
- Non-specific oral or written threats to people or property. (“I want to kill someone, I’m going to find a gun and start shooting, ...you’ll be sorry!”),
- Harassment of a person that places the person in reasonable fear for his or her safety,
- Stalking behavior,
- Fighting words, or
- Implicit threats (i.e., “You’ll be sorry” or “This isn’t over yet”).

Violent Behavior Includes, but is not limited to:

- Any physical assault, with or without weapons,
- Behavior that a reasonable person would interpret as being potentially violent (i.e., throwing things, destroying property),

- Specific threats to inflict harm (i.e., a threat to shoot a named individual), or
- Use of any object to attack or intimidate another person.

## PROCEDURES FOR MAKING REFERRALS TO BART:

All faculty, staff, and students are encouraged to be alert to the possibility of violence. Any report of violence or threatening behavior will be handled in a confidential manner, with information released only on a need-to-know basis. Those who act in good faith by reporting real or implied violent or threatening behavior will not be retaliated against or subjected to harassment. Deliberately false or misleading reports of violent or threatening behavior under this policy will be handled as incidents of unacceptable personal conduct and those making such false or misleading reports will be subject to disciplinary action.

### **Imminent Threat:**

For crimes in progress, violent incidents, or specific threats of imminent violence, Clarion University Public Safety must be notified immediately at 814-393-2111. Examples of imminent threat include, but are not limited to, observing a person with a weapon or observing violent behavior.

### **Disturbing or Threatening Behavior:**

When disturbing or threatening behavior that does not pose an imminent threat is observed, a report should be sent to the BART committee or any member should be notified as soon as possible.

E-mail referrals should be sent to [bart@clarion.edu](mailto:bart@clarion.edu). Calls can be placed to 814-393-2121.

# APPENDIX G

## POLICY ON SKATEBOARDS, LONGBOARDS, ROLLER SKATES, FOOT SCOOTERS, ROLLERBLADES, & OTHER COASTING DEVICES

Skateboards, longboards, roller skates, foot scooters, rollerblades, and other coasting devices are not vehicles, and are prohibited on roadways dedicated solely to vehicular traffic and in parking lots. Coasting devices are approved for use as transportation on university property, but cannot be used in any manner that places pedestrians at risk. Use of coasting devices for acrobatics, racing or other stunts is strictly prohibited. Persons may coast or ride upon any sidewalk or approved surface used for pedestrian purposes, provided they yield the right-of-way to pedestrians on foot.

Clarion University prohibits the use of coasting devices within any building on campus or on any surface features such as, but not limited to, handicapped ramps, benches, hand rails, walls, steps, or other architectural features that might reasonably be expected to become damaged due to such use. Persons using rollerblades or roller skates should remove them prior to entering all university owned or university affiliated buildings.

The use of coasting devices in a reckless or dangerous manner, or for reasons other than for transportation only, is prohibited. Individuals violating this policy will be subject to the student conduct system as defined in the *Student Rights, Regulations, and Procedures Online Handbook*.

### **Key definitions or phrases:**

1. Skateboard:  
a board mounted on skate-type wheels.
2. Longboard:  
a board mounted on skate-type wheels with a longer length than a skateboard and is typically used only for transportation.
3. Roller skate:  
a shoe, or attachment for a shoe, with a set of wheels connected for skating.
4. Rollerblade:  
a type of roller skate with in-line wheels.
5. Foot Scooter:  
a narrow platform mounted on in-line or skate-type wheels with a handle to allow steering by turning the front wheels.
6. Coasting device:  
any device such as a skateboard, longboard, roller skates, rollerblades, foot scooter, etc. which allows a rider to be transported by coasting either forward or backwards. Coasting devices are not classified as vehicles and are prohibited on all roadways. Coasting devices are also prohibited in parking lots owned by the university or university-affiliated entity.
7. Recreational use of a coasting device:  
the use of a coasting device to do tricks, leave the ground, jump on or off objects, grind on, or slide down objects, etc.



# APPENDIX H

## CLARION UNIVERSITY POLICY ON USE/PAINTING OF THE APPLE

The Apple is available for use/painting by Clarion University Students, Registered Student Organizations and Registered University Organizations.

### **Painting of the Apple**

1. Content is not restricted unless messages posted contain obscene, vulgar, or libelous material, or information is in direct violation of federal, state, or local Law, or in some way compromises unauthorized solicitation on campus.
2. Out of courtesy to others, groups and individuals are asked to allow messages to remain on the Apple for a 24-hour period before painting over them.
3. Climbing on or attempting to sit on the Apple is strictly prohibited.

# CLARION UNIVERSITY

It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services, and benefits, and there shall be no discrimination with regard to a student's or prospective student's race, color, religion, sex, national origin, disability, age, sexual orientation/affection, gender identity, veteran status, or other classifications that are protected under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other pertinent state and federal laws and regulations. Direct inquiries regarding equal opportunity, Title IX or services and facility accessibility to: Assistant to the President for Social Equity/Title IX and 504/ADA Coordinator, Clarion University of Pennsylvania, 207 Carrier Administration Building 16214-1232. Email [jgant@clarion.edu](mailto:jgant@clarion.edu) or phone 814-393-2109. Inquiries may also be directed to the Director of the Office for Civil Rights, Department of Education, 330 Independence Avenue, SW, Washington, DC 20201. 9/2014