

Sexual Violence and Sexual Assault Procedure

Clarion University, like other institutions receiving federal funds, is required to comply with Title IX and all applicable state laws associated with sexual violence. 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:

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 any other factors that are protected under local, state, and federal laws. Direct equal opportunity inquiries to the Office of Social Equity, Carrier Administration Building, Clarion University of Pennsylvania, 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. Office of the Vice President for Student Affairs/Title IX Coordinator; 814-393-2351
2. Clarion University Police; 814-393-2111
3. The Office of Judicial and Mediation Services; 814-393-1918

* It is recommended that University Police, or other Law Enforcement, be contact for reporting acts of sexual violence in order for investigatory procedures to be implemented by law enforcement.

Title IX Coordinator:

Dr. Susanne Fenske, Student Affairs
814-393-2351

Incidents may also be reported to Judicial and Mediation Services by filling out an incident report found at www.clarion.edu/judicial and submitting the materials for review. Please go to 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 of Civil Rights (OCR) states that the resolution of a case should take no longer than 60 days from the complaint to the disposition in most cases. The University will investigate regardless if a report is made to law enforcement. The University must investigate even if University Police, Clarion Borough Police, Oil City Police, Pennsylvania State Police or other laws enforcement agencies are investigating.

Resolution and Appeals:

As the Title IX Officer, a representative from Student Affairs 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 required process for the student conduct adjudication of charges under the Rights, Regulations, and Procedures related to sexual violence or sexual harassment. Both the reported survivor and alleged perpetrator(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. Reported survivors of sexual violence will be provided information related to on and off campus resources within 24 hours of the report of an incident. 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.

A reported instance of sexual violence will be investigated, charges filed, and a resolution provided within a 60 day framework. A University Conduct Board is the process used by Clarion University for cases involving possible acts of sexual assault, rape, intimate partner/domestic violence, stalking, and sexual harassment. Both the reported survivor and the alleged perpetrator(s) will be provided written notice of the board decision simultaneously once a signed copy of the board decision is available.

Appeals documentation will be provided to both the complainant and the accused student. Appeals shall be in writing and based on specified criteria. Appeals shall 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. Please refer to page 25 for specific information related to the appeals criteria.

For further information regarding Sexual Harassment Policy and Procedures please refer to page 36.

Clarion University Students' Bill of Rights for Reported Survivors of Sexual Violence & Other Acts of Violence

The Students' Bill of Rights specifically was created to aid reported survivors of sexual violence and others experiencing violent acts.

As required by Title IX and applicable local, state and federal laws; Clarion University provides survivors of sexual assault, sexual harassment, stalking, and/or intimate partner/domestic violence, or other violent acts with the following rights:

- The right to have any and all alleged violations treated with seriousness. This includes an investigation, and adjudication to bring closure to the incident. Mediation shall not be an option for resolution of incidents involving sexual assault, rape, domestic violence, dating violence or stalking.
- The right to a prompt and equitable resolution to the complaint. All determinations will use a preponderance of the evidence presented to determine if charges are founded.
- The right to receive access to medical care.
- The right to be treated with dignity.
- The right to pursue any and all avenues of redress.
- The right to be informed of university resources, including, but not limited to the Office of Social Equity, University Police, Counseling Services, Health Services and off campus resources.
- At reported survivors' 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 process for adjudicating incidents involving sexual violence.
- The right, upon request, to a No Contact Order to have no unwanted contact with the accused student(s).
- The knowledge that a Protection from Abuse Order (PFA) or order under The Protection of Victims of Sexual Violence and Intimidation (PSVI) Act will be honored.
- 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 reported survivor may request a housing assignment change.
- The right to reasonable accommodations for academics, transportation, and on campus student employment.
- The right to an advisor at any administrative hearing or related proceedings. The advisor may be any person of her/his choice and may include legal counsel at the expense of the student.
- 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.
- 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.
- The right to provide a victim's impact statement verbally or in writing to the University Conduct Board or hearings officer.
- 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 alleged perpetrator(s). The reported survivor

and alleged perpetrator(s) will not directly ask questions of each other as to not perpetuate a hostile environment any further. The reported survivor may also choose to be included via conference call from a safe and undisclosed location rather than be present in the room with the alleged perpetrator(s).

- The right to be notified of the outcome of disciplinary proceedings in writing simultaneously with the alleged perpetrator.
- The right to submit an appeal based on the set appeals criteria found on page 25 of the Rights, Regulations, and Procedures handbook. All appeal decisions at this level are final.

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, Health Services, 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 through the Office of Judicial and Mediation Services or through the Office of Social Equity at www.clarion.edu/social-equity. University Police may be reached at 814-393-2111 to report an incident directly to the police or go to 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 at 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, Office of Student Affairs 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.

More information on preventing the sexual abuse of children may be found on the Stop it Now website at <http://www.stopitnow.org/>. Protection of minors is addressed in Clarion University Policy "Protection and Supervision of Minors" and PASSHE Policy 2014-10 "Protection of Minors" (Appendix O).

