

CABRINI UNIVERSITY

Sexual and Gender-Based Harassment and Misconduct Policy

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1. INTRODUCTION

Cabrini University seeks to foster and maintain a community of mutual respect and concern for all of its members. The University also expects all members of the Cabrini community to conduct themselves in a manner consistent with the Cabrini Mission Statement and its Core Values as described in the Community Standards for Student Conduct, the Faculty Handbook, and the Staff Handbook. There can be no greater violation of the terms of that community, or of the essential dignity of any member of it, than an act of sexual violence or sexual harassment. Sexual misconduct, including sexual harassment and sexual violence, is prohibited and will not be tolerated in any form. These acts constitute the deepest affront to Cabrini standards, and the University is committed to addressing and preventing sexual misconduct within its community through the application of the University's Sexual and Gender-Based Harassment and Misconduct Policy (hereafter: Policy).

Under Title IX of the Education Amendments of 1972 (Title IX), sexual violence is a form of sexual discrimination and is prohibited. Any person found responsible for such violations will face disciplinary actions up to and including dismissal or expulsion from the University. Acts of sexual violence may also be prosecuted under the Pennsylvania Criminal Code.

Should an incident of sexual misconduct, including sexual harassment or sexual violence occur, the University has both reporting procedures and support resources in place so that an individual does not need to face the effects of such an incident alone. The first concern is for the safety, health, and well-being of those affected. Confidential and non-confidential (yet private) options for support and reporting are available both on and off campus, and are described in more detail in Section 5 and Appendix A.

Due to the nature of incidents involving gender-based violence, sexual misconduct and sexual harassment, Cabrini University has developed a process to specifically address these concerns. As a result, the investigation and adjudication process for incidents of gender-based violence, sexual misconduct and sexual harassment will differ from the student conduct process that is highlighted in the Cabrini University Community Standards for Student Conduct.

2. THE LAW

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. The law forbids sex discrimination in all university student services and academic programs including, but not limited to, admissions, financial aid, academic advising, residential life, athletics, discipline, recreational services, health, wellness and support services, academic assignments and grading. Title IX also forbids sex discrimination in university employment and recruitment consideration or selection.

Title IX violations include discrimination on the basis of sex or gender as well as include sexual harassment, sexual violence, sexual exploitation, sexual misconduct, dating violence, domestic violence, and stalking. Title IX applies to all of the University's education programs and activities, whether such programs or activities occur on or off campus. Cabrini reserves the right to address sexual harassment affecting its students or employees that fall outside Title IX's jurisdiction in any manner the University chooses, including providing supportive measures or pursuing discipline.

It is the policy of Cabrini University, in accordance with federal and state law, to prohibit unlawful discrimination. Sex discrimination includes a variety of behaviors that can limit or negatively impact an individual's educational opportunity. These behaviors include: sexual harassment, sexual violence, sexual misconduct, stalking, relationship violence (dating, domestic and intimate partner violence), gender identity, gender presentation and sexual orientation discrimination.

The Office for Civil Rights (OCR) in the U.S. Department of Education is responsible for enforcing Title IX. OCR engages in compliance enforcement to ensure that institutions that receive certain federal funds comply with Title IX.

3. SCOPE & JURISDICTION

All members of this community – students (current and applicants), faculty, staff, applicants for employment, persons doing business with or acting on behalf of the University, and visitors to campus – are protected under this Policy, regardless of sexual orientation or gender identity. All community members also share in the responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this Policy provides the framework for addressing all forms of discrimination within our community, preventing its occurrence and recurrence, and addressing its effects.

This Policy applies to all on-campus conduct, as well as any off-campus conduct that has an adverse impact on any member of the University community or the University. The policy applies to all of the University's educational programs and activities occurring both on and off campus and only those which occurred in the United States.

Duty to Report

The University strongly encourages reporting of any incident to the Title IX Coordinator or persons designated in Appendix C and/or to local law enforcement.

All University employees, except those who must maintain confidentiality by law (see Appendix A), are expected, and in some cases required, to report sexual assault, sexual harassment, and other sexual misconduct to the University authorities designated in this Policy.

When an incident is reported, the University will respond promptly and in a manner that is not deliberately indifferent to all allegations of sexual misconduct, sexual violence, or sexual harassment. Anyone making a report, filing a complaint, or participating in the investigation or resolution of an allegation of sexual misconduct or sexual harassment, is protected by law and by this Policy from retaliation (see Section 5.A.). The University will take prompt responsive action to any retaliation.

4. TITLE IX COORDINATOR

The University has appointed Dr. Angela Campbell, Vice President for Mission, DEI, and Student Engagement, as its Title IX Coordinator. The Title IX Coordinator oversees the University's centralized review, investigation, and resolution process for reports of sexual assault, sexual

harassment, and other sexual misconduct, and coordinates the University's compliance with Title IX. See Appendix C for the complete Title IX Notice.

Educational Programs and Prevention

The prevention of sexual harassment and the establishment of educational programs is a priority at Cabrini University. The University educates its community about sexual misconduct through diverse educational opportunities for faculty, professional staff and students. These include, but are not limited to, mandatory on-line employee training, educational programs for freshman and transfer-student orientation each fall, and in-person programs for residential living, and all athletic teams, coaches and other personnel. The Title IX Coordinator in conjunction with the Public Safety Education Officer offer sexual assault education and information programs to University students and employees upon request. Literature on non-stranger rape education, violence prevention, bystander prevention programming, risk reduction and University response is available through the following offices/departments:

- Public Safety
- Title IX Coordinator
- Human Resources
- Diversity, Equity, Inclusion and Belonging
- Counseling and Psychological Services
- Campus Ministry

5. DEFINITIONS & PROHIBITED CONDUCT

Complainant

When used in this Policy, "Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, sexual discrimination, or other sexual misconduct. The Complainant must be participating or attempting to participate in educational programs and/or activities at the time of the alleged incident(s).

While parents/guardians are not considered Complainants, they have the right to act on behalf of the Complainant and may file formal complaints.

In some cases, Cabrini University may serve as the Complainant (e.g., in cases where a person involved in an incident of alleged sexual violence does not wish to participate in the process, but the University decides that the alleged misconduct needs to be addressed through the process).

Respondent

A "Respondent" is an individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual harassment in violation of Cabrini University's policy regarding sexual misconduct, sexual violence, sexual discrimination, sexual harassment or disparate treatment on the basis of sex. The Respondent must be participating or attempting to participate in educational programs and/or activities at the time of the alleged incident(s).

Definitions hereafter are alphabetically listed

Coercion

Coercion is defined as compelling someone to act based on pressure, harassment, threats or intimidation. When someone makes clear that they do not want to engage in sexual contact, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Consent

Consent means words or actions, freely, unambiguously and actively given by each party throughout a sexual encounter, which demonstrate each party's willingness and agreement to continue to participate in agreed-upon sexual conduct.

Consent *cannot* be given when:

- a person's judgment is substantially impaired by alcohol or drugs or otherwise incapacitated;
- intimidation, coercion or threats are involved;
- physical force is used;
- a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or
- a person has not achieved the age required for consent, as defined by state law.

An objective standard will be used in determining whether a person's judgment is "substantially impaired" by alcohol or drugs, or a physical or mental condition as described above is present. That is, consent is *not valid* when:

- From the standpoint of a reasonable person, the Respondent knew, or reasonably should have known, that the person's judgment was substantially impaired as a result of alcohol or drugs or was otherwise incapacitated, or that the person's physical or mental condition would prevent knowing and voluntary consent; or
- The person's judgment was, in fact, substantially impaired as a result of alcohol, drugs, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

Silence, non-communication, or a lack of resistance does not imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for committing sexual misconduct, or for determining whether another is capable of giving consent, as described above.

Dating Violence

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors:

- a. The length of the relationship.
- b. The type of relationship.
- c. The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic violence can be defined as a single occurrence or a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Gender-Based Misconduct

Gender-Based Misconduct includes discrimination or verbal, non-verbal or physical harassment, violence, or intimidation which is based on the person's gender but which is or is not sexual in nature.

Grievance Process

The Grievance Process involves the following: the filing of a formal complaint by the Complainant to the Title Coordinator or Deputy Title IX Coordinator, the Investigation conducted by the Public Safety Investigator, completion of the Investigative Report, the Hearing and the Appeals Process.

Inappropriate Sexual Conduct

Inappropriate sexual conduct includes unwelcomed sexual conduct that does not meet the definition of sexual assault but is sexually violating in nature. It includes but is not limited to the following:

- Nonconsensual physical contact of a sexual nature. This includes intentional contact with the breasts, buttocks, groin, mouth, genitals, or any other body parts;
- Sexually exploitative behavior. Examples include but are not limited to:
 - Capturing through any means images of sexual activity, sexually explicit images, or another's nudity without consent, and/or sharing this material with others without all participants' consent;

- Viewing or allowing or aiding others to view sexual activity or another's nudity without all participants' consent;
- Indecent exposure.

Exception: This section is not intended to prohibit the use of sexually explicit materials that are reasonably related to the academic mission of the University. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

Investigation

The investigation will be conducted by investigators who are neutral fact-finders. During the course of the investigation, the investigator will typically conduct interviews with the Complainant, the Respondent and third-party witnesses; gather any evidence from the Complainant, the Respondent and/or any witnesses; visit and take photographs at each relevant site as appropriate; and, where applicable, coordinate with law enforcement agencies to collect and preserve relevant evidence.

Investigative Report

The Investigative Report consists of written summaries of the alleged violation, statements taken from the Complainant, Respondent and any witnesses, and any evidence received or discovered throughout the investigation.

Investigator

The Investigator is employed by the University and receives annual training on the definition of sexual harassment, the scope of the University's educational program, how to conduct an investigation and Grievance Process, including hearings, appeals, and informal resolution processes. Training also includes issues of relevance, including how to apply the rape shield protections provided only for Complainants. The Investigator must know how to serve impartially, including by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias. The University also reserves the right to hire independent Investigators. Information regarding training of Title IX personnel is posted on the University's website.

Retaliation

Retaliating directly or indirectly against a person who has in good faith filed, supported, or participated in an investigation of a complaint of sexual misconduct as defined above is prohibited.

Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, providing false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment.

Except as required by law, or as necessary to carry out the Grievance Process, the University will keep confidential the identities of the complainant, respondent and any witnesses.

The University will take immediate responsive action in instances of retaliation. Individuals who, in bad faith, provide false or misleading information may be charged with code of conduct violations.

Sexual Assault

Sexual assault occurs when a person engages in a sexual act or contact with another person without that person's consent, or compels that person to participate in a sexual act or contact without consent; and/or by threat or coercion; by placing the other person in fear that any person will suffer imminent bodily injury; by substantially impairing the ability of another person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person; or when a person is under the age of 16.

Sexual assault can be committed by any person against any other person, regardless of gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence and may occur if the Complainant and/or Respondent are under the influence of alcohol or other drugs.

Sexual Discrimination

Sexual discrimination is defined as disparate treatment of an individual on the basis of sex.

Sexual Exploitation

Sexual Exploitation means to take advantage of another person without consent, including but not limited to:

- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person;
- Causing the prostitution of another person;
- Recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person;
- Allowing third parties to observe private sexual acts;
- Engaging in voyeurism;
- Knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

Sexual Harassment

Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- an employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo)
- unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment)
- sexual assault (as defined by Clery Act), or "dating violence," "domestic violence" and "stalking" (as defined by Violence Against Women Act)

Sexual Misconduct

Sexual misconduct includes many behaviors including rape, non-consensual sexual contact, sexual assault, sexual violence, sexual harassment, sexual exploitation, indecent exposure and any other discriminatory or harassing conduct, whether physical or verbal, based on sex or gender that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Stalking

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear his or her safety or the safety of others, or suffer substantial emotional distress. This includes cyber stalking, a particular form of stalking in which electronic media is used to pursue, harass, or make unwelcome contact with another person.

Supportive Measures

Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not reasonably burdensome to the other party while designed to ensure equal educational access, protect safety, and/or deter sexual harassment.

Privacy and Confidentiality: Understanding the Differences

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The University also is committed to assisting students, employees, and third parties in making informed choices. With respect to any report under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All University employees who are involved in the University's Title IX response receive specific instruction about respecting and safeguarding private information.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University's FERPA policy. The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”).

While there are certain limitations on privacy, the University generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and University policy.

Confidentiality

“Confidentiality” generally means that information shared by an individual with designated “Campus Confidential Resource” cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated “Campus Confidential Resource” generally is governed by law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with “Campus Confidential Resource” who have a legally protected confidentiality.

The confidential resources available to individuals on campus are listed in Section Confidential Reporting Options, below. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report which involves suspected abuse of a minor under the age of 18.

PROHIBITED CONDUCT

Consensual Amorous Relationships Policy

Cabrini University seeks to maintain an educational atmosphere wherein students and faculty members, administration and staff interact in appropriate professional and pedagogic ways. In keeping with this goal, any individual who has power or authority over another individual is not permitted to have a romantic or sexual relationship with that individual. For example, faculty are not permitted to have romantic or sexual relationships with students who are enrolled in their classes.

Although it is recognized that the partners in the relationship may be full and willing participants, the responsibility for adhering to this policy and the consequences for violating it fall upon the individual in the authoritative position.

Violations of the policy will be handled through the Office of Human Resources. The sanctions imposed for violation of this policy will necessarily depend on the facts and circumstances of the case.

6. HOW TO REPORT AN INCIDENT OF SEXUAL AND GENDER-BASED HARASSMENT AND MISCONDUCT

Any person may report sexual discrimination, including sexual harassment, in person, by mail, by telephone, by e-mail, or by any other means that results in the Title IX Coordinator receiving the verbal or written report. The report may be made regardless of whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual discrimination or sexual harassment. Supportive measures will be offered to the Complainant whether or not they file a formal complaint. Information for how to file a formal complaint will also be provided.

A complaint may also be filed through EthicsPoint, Cabrini's on-line reporting tool. The reporting person may choose to remain anonymous. The dedicated website to make an on-line report through EthicsPoint is: <https://www.cabrini.edu/about/departments/human-resources/anonymous-reporting>

A student Complainant may report to the Dean of Students, the Title IX Coordinator, or the Department of Public Safety and/or to local law enforcement. A faculty or staff Complainant may report to the Title IX Coordinator identified in the Title IX Notice (and included in Appendix C of this Policy). An individual may pursue a complaint through the criminal process or through the University disciplinary process consecutively or concurrently.

The University encourages individuals who have experienced physical or sexual violence to seek immediate medical treatment and to make a prompt report to law enforcement in response to an incident of sexual violence in order to address immediate safety concerns, allow for the preservation of evidence, and trigger a prompt investigative and remedial response. When the incident is reported to a campus resource (Title IX Coordinator, Dean of Students, Director and Assistant Director of Residence Life, Public Safety Investigator and Education Officer, and Public Safety), the University will help the individual get to a safe place and assist the individual in seeking immediate medical attention or in reporting an allegation to local law enforcement if he/she so chooses. The University will provide transportation to the hospital, assist with notification of local law enforcement, and provide information about the University's resources and complaint process. The University will also provide appropriate Supportive measures, as needed, to help ensure the safety and well-being of the parties affected.

Faculty, Staff and Administrators should make known to all of their members the available resource offices for information, counseling and support, as well as the informal and formal procedures for resolving complaints of sexual harassment.

See Appendix B for more details on Supportive Measures.

Reporting Options and Resources

Cabrini University Department of Public Safety 610-902-8111

Local Law Enforcement: Radnor Township Police 610-688-0503

Medical/Hospital Care:

Penn Adolescent and Young Adult Medicine	610-902-4566 (appointments)
Philadelphia Sexual Assault Response Center	215-425-1625
Bryn Mawr Hospital	484-337-3000

Support/Resources:

Philadelphia Domestic Violence Hotline	866-723-3014
National Domestic Violence Hotline	800-799-7233 (SAFE)
National Sexual Assault Hotline	800-656-4673 (HOPE)
Delaware County Victim Assistance Center	610-566-4342
Women Against Rape	215-985-3333
Laurel House (Domestic Violence Hotline)	800-642-3150

An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to the University or local law enforcement. A medical provider can provide emergency and/or follow-up medical services, which has two goals: first, to diagnose and treat the full extent of any injury or physical effect and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual violence to preserve physical and other forms of evidence for proof of a criminal offense. In the event of a report immediately following an incident of sexual violence, an individual is encouraged to not shower, bathe, douche, brush teeth, drink, or change clothing prior to seeking medical treatment. Similarly, any clothing or bedding should remain untouched pending collection by law enforcement. Whether or not an individual has chosen how to proceed at the time of the medical examination, taking the step to gather evidence will preserve the full range of options to seek resolution through the University's Grievance Processes or through the pursuit of criminal action. Please note that under Pennsylvania law, a medical provider may be required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical provider will provide information to law enforcement, the individual may decline to speak with a law enforcement officer or participate in a criminal prosecution.

Campus Security Authority (CSA)

A Campus Security Authority (CSA) as per the Clery Act is defined as: (1) a campus police or security department; (2) any other individual who has responsibility for campus security, e.g., an individual who is responsible for monitoring entrance into the University's property; or (3) a Cabrini official who has significant responsibility for student and campus activities, including student housing, student discipline and campus judicial proceedings (e.g., Director of Residence Life, Director of Student Engagement and Leadership, Athletic Coaching Staff, etc.).

A CSA who receives a report of a sexual offense must report the offense to the Office of Public Safety.

Student resident assistants or other persons with significant responsibility for student and campus activities who receive a report of sexual misconduct must report the incident to the Office of Public Safety within twenty-four (24) hours of receiving report of the alleged offense.

Specifically exempted from the definition of campus security authorities are pastoral or professional counselors when acting in that capacity. A pastoral counselor is defined as "a person associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of recognition as a pastoral counselor." A professional counselor is defined as "a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification."

Confidential Reporting Options

There are options for individuals to confidentially report incidents of gender-based, relationship misconduct, sexual misconduct, sexual discrimination, sexual harassment, domestic violence, dating violence, or stalking. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted.

Pastoral counselors, professional counselors, and medical staff are able to provide confidentiality (within reasonable limits as described below) and will not disclose the details of your report to any outside source. They include counselors such as those employed by the Cabrini University Counseling and Psychological Services, Cabrini University Health Services, and the Cabrini University Chaplin.

Exceptions to maintaining confidentiality are generally set by law; for example, confidential resources may need to report certain incidents. The grounds for breaking confidentiality include when a minor or elderly person is involved in an allegation of abuse; there is imminent harm to self or others; or an individual has been subpoenaed or court ordered to testify in a criminal case.

Contact information for confidential sources on campus are:

Counseling and Psychological Services	610-902-8561
Campus Ministry	610-902-8438

Formal Reporting Options

University employees as identified in Section 3 of this Policy are required as part of their role to report incidents. Federal law requires these staff members to report information and they are not able to maintain confidentiality. Mandatory reporters are required to report the details of any incident to the Title IX Coordinator or appropriate deputy Title IX Coordinator. The report must include, if known, the name of the alleged Complainant, the alleged Respondent, and the date, time, location, and nature of the incident.

Prior to information being disclosed, the employee should make clear to the complaining individual that they are not a confidential resource and refer the individual to the appropriate confidential resources if they do not want the information shared to be disclosed. In so doing, however, the employee should take care that in identifying themselves as a non-confidential resource that they do not discourage an individual from making a report.

Faculty, Staff and Administrators should make known to all of their members the available resource offices for information, counseling and support, as well as the informal and formal procedures for resolving complaints of sexual harassment.

Under the Clery Act, Cabrini University is required by law to report specified factual details about incidents occurring on campus property. As required by law, all disclosures of an act of violence or intimidation (including Gender-Based Misconduct, Relationship Misconduct, Sexual Assault and Violence) must be reported for statistical purposes only to Cabrini University Public Safety, which has the responsibility for tabulating and publishing the Annual Security Report. The information provided for statistical reporting will not include any personally identifiable information and will be limited to the date, time, location, and nature of the incident.

Requests for Confidentiality

Cabrini University will make every effort reasonably possible to preserve an individual's privacy and protect the confidentiality of information. If the individual does not wish to pursue a formal complaint and/or requests that their complaint remain confidential the individual will be informed that the University's ability to respond may be limited, and that Title IX still requires the University to investigate and take reasonable action in response to the individual's information. The following factors will be considered when assessing the individual's request for confidentiality: the severity of the alleged Gender-Based Misconduct, Sexual Assault and Violence; whether there have been other complaints of gender-based or sexual misconduct against the same alleged respondent; and the alleged respondent's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA. Students alleged with a violation of Community Standards for Student Conduct are afforded certain rights, one of which includes the ability to know one's accuser. The Respondent will be provided with the name of the individual.

Timely Warnings

The Clery Act also requires the University to issue "timely warnings" in response to reports of Sexual Assault or Violence and that are an on-going threat to the University community. The reports can be received from an individual, a CSA or law enforcement. In the instance of an immediate and serious threat to the University community, Cabrini University Public Safety will issue a security alert.

The Title IX Coordinator will be responsible for evaluating requests for confidentiality based on the criteria above. The individual (complainant) will be informed by the Title IX Coordinator if the University cannot ensure confidentiality, and Respondent will be made aware of the University's decision to pursue the allegations against the wishes of the alleged respondent. Granting a request for confidentiality will not prevent the University from undertaking an appropriate inquiry, issuing a

Contact Restriction, (No Contact Order), or taking other reasonably necessary measures to protect the alleged complainant and campus community.

Retaliation

Retaliating directly or indirectly against a person who has in good faith filed, supported, or participated in an investigation of a complaint of sexual misconduct as defined above is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, providing false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Except as required by law, or as necessary to carry out the Grievance Process, the University will keep confidential the identities of the complainant, respondent and any witnesses, The University will take immediate responsive action in instances of retaliation. Individuals who, in bad faith, provide false or misleading information may be charged with code of conduct violations.

Drug and Alcohol Use

Gender-Based Misconduct, Relationship Misconduct, Sexual Assault and Violence is a serious issue and Cabrini University's primary concern is ensuring that individuals feel comfortable reporting a complaint. As such, the University does not want to discourage victims from reporting an incident because they have participated in the consumption of alcohol or drugs. A Complainant, in addition to bystanders and witnesses acting in good faith, who are reporting an incident of Gender-Based Misconduct, Sexual Misconduct and Sexual Harassment, will not be subject to the University's disciplinary proceedings if alcohol or drug consumption that is in violation of the Community Standards for Student Conduct has taken place. In addition, the use of alcohol and/or drugs by either party will not diminish the alleged student's responsibility as consent is not valid if given while an individual is incapacitated by alcohol and/or drugs.

Amnesty for Students Who Report Sexual Misconduct

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report or provide information in connection with an investigation under this Policy because of potential Student Conduct consequences for their own conduct. When information is uncovered through the Title IX investigative process that involves alcohol or drug usage in violation of the student Code of Conduct, this information will not be used to pursue any disciplinary action for alcohol or drug use, provided that any such violations did not and/or do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

7. WHAT TO EXPECT ONCE A COMPLAINT HAS BEEN FILED

Standard of Evidence

Investigations involving allegations of acts of Sexual and Gender-Based Harassment and Misconduct will be conducted promptly and be fair, equitable, and impartial. The standard of proof in such disciplinary proceedings shall be that of the “preponderance of the evidence” or that it is more likely than not that what the Complainant alleges is true.

Time Limits for Reporting

There is no time limit to invoking this policy in responding to complaints of alleged Sexual and Gender-Based Harassment and Misconduct. Nevertheless, students, faculty and staff are encouraged to report allegations immediately in order to maximize the University’s ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Failure to promptly report alleged gender-based or sexual misconduct may result in the loss of relevant evidence and witness testimony, and may impair the University’s ability to enforce this policy.

Receipt of Report

If the Complainant wishes to proceed through the Grievance Process regarding sexual harassment, they must file a formal complaint. The formal complaint is defined as a document filed by the Complainant (or signed by the Title IX Coordinator or Deputy Title IX Coordinator) alleging sexual harassment against a named Respondent, date, location and requesting that the University investigate the allegation of sexual harassment. The formal complaint must state:

1. The Complainant must be participating in or attempting to participate in educational programs or activities at Cabrini;
2. The formal complaint must be filed with the Title IX or Deputy Title IX Coordinator in person, by mail, e-mail or any other digital or optical means provided by the University;
3. The documented formal complaint must be signed either with a physical or digital signature;
4. Where the Title IX or Deputy Title IX Coordinator signs the formal complaint, they are not considered the Complainant and must comply with requirements for Title IX personnel to be free from conflicts and bias.

Once the formal report is filed, the complaint will be sent to the Investigators for further investigation.

Upon receipt of notice of any allegation of a violation of the Sexual and Gender Based Harassment and Misconduct Policy, the Title IX Coordinator, Deputy Title IX Coordinator and/or his/her designee will contact the Complainant confidentially to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without filing of a formal complaint, and explain the process for filing a formal complaint. The Complainant will be provided

information of how they would like to proceed: law enforcement investigation, University investigation, neither or both.

Complainants and Respondents will be provided a written copy of this policy. Both the Complainant and the Respondent have the right to have an advisor or attorney to assist with providing support during the process. The advisor or attorney may be present during the investigative process. The Complainant and/or the Respondent may use an advisor of their choice who is not affiliated with the University. This person will act as a support person and will represent the party throughout the Grievance Process and at the Hearing.

A Complainant may change their mind at any point in time and pursue a formal complaint, regardless of where they are currently engaged in the informal resolution process. Even if a Complainant does not wish to file a report or participate in any form of informal resolution, Cabrini University is still required to provide reasonable accommodations that are deemed appropriate for the situation, including but not limited to, directing appropriate University officials to alter the alleged victim's and/or Complainant's academic, housing, and/or employment arrangements, as well as assisting the Complainant with referrals to counseling and obtaining orders of protection. Any Supportive measures taken will be designed to minimize the burden on both the Complainant and Respondent as much as possible.

Informal Resolution:

If the Complainant does not wish to move forward with a formal complaint, the option for informal resolution of the complaint, such as mediation or restorative justice will be explored if appropriate. Some minor incidents can be resolved through facilitation or other interventions as long as both parties give voluntary, informed written consent to attempt information resolution. The Title IX Coordinator or Deputy Title IX Coordinator who facilitates the information resolution must be fully trained to oversee this process.

The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Additionally, the University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a Formal Complaint is filed.

Facilitation and other forms of informal resolution are not appropriate for any form of sexual assault, domestic violence, dating violence, or stalking. Facilitation of information resolutions are not appropriate for any allegations involving an employee and a student. In these circumstances, Cabrini will never facilitate informal resolution.

Supportive Measures

In all complaints of alleged Sexual and Gender-Based Harassment and Misconduct, Cabrini University will investigate and take prompt and effective action as is reasonably practicable under the circumstances. This includes taking supportive measures pending the investigation. Supportive Measures are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not reasonably burdensome to the other party while designed to ensure equal educational access, protect safety, and/or deter sexual harassment.

Such measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus. All Supportive Measures are outlined in Appendix B.

Bystander Intervention

The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual violence and sexual harassment. Campus community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

Taking action may include direct intervention, calling Public Safety or law enforcement, or seeking assistance from a person in authority

False Reports

A good faith complaint that is not substantiated does not constitute a false report. Submission of a good faith complaint, concern, or report under this Policy will not affect a Complainant's employment, grades, academic standing, or work assignments. An individual found to have made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action.

Reporting To Local Law Enforcement

The University Grievance Process and the criminal justice process are separate and independent courses of action. A Complainant who wishes to pursue a criminal complaint is encouraged to make a report to local law enforcement. Incidents occurring on campus are within the jurisdiction of the Radnor Township Police Department. Actions occurring off campus are within the jurisdiction of one of several surrounding townships. If the Complainant does not know in which township the incident occurred, the Complainant should contact Public Safety or 911 for assistance. Upon request, the Title IX Coordinator or their designee will appoint a representative or someone the Complainant chooses, who will accompany a Complainant to the local police department and assist a Complainant in making a criminal report. Notifying local law enforcement will generally result in the Complainant and in some cases the Respondent, being contacted by a police officer. The police will determine if a criminal investigation will occur and if the case will be referred for prosecution. Unless there are compelling circumstances (i.e., Complainant is under 18, or risk of immediate danger), the University will typically not file an independent police report without the consent of the Complainant.

8. GRIEVANCE PROCESS

Due to the nature of incidents involving gender-based violence, sexual misconduct and sexual harassment, Cabrini University has developed a process to specifically address these concerns. As a result, the investigation and adjudication process for incidents of gender-based violence, sexual

misconduct and sexual harassment will differ from the student conduct process that is highlighted in the Cabrini University Community Standards for Student Conduct.

The University will conduct an objective evaluation of all relevant evidence, inculpatory and exculpatory, and will avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness.

The following provisions apply to cases of Sexual and Gender-Based Harassment and Misconduct:

Undergraduate/Graduate Students

Formal Undergraduate/Graduate Student complaints will be forwarded to the Public Safety Investigator(s) designated by the Title IX Coordinator. Investigators receive annual training on the definition of sexual harassment, the scope of the University's educational program, how to conduct an investigation and Grievance Process, including hearings, appeals, and informal resolution processes. Training will also include issues of relevance, including how to apply the rape shield protections provided only for Complainants. The investigators must know how to serve impartially, including by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias. The University also reserves the right to hire independent Investigators. Information regarding training of Title IX personnel is posted on the University's website.

All Title IX personnel (Coordinator, Deputy Coordinator, Investigator(s), decision-makers, and anyone who facilitates an informal resolution process) must be free from conflicts of interest or bias for or against Complainants or Respondents. Additionally, the Title IX personnel must have a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Faculty and Staff

In order to avoid any conflicts of interest, the University has partnered with outside independent Investigators specializing in these types of incidents to investigate any complaints involving Faculty or Staff.

The Investigation

Written notice will be sent to both parties of the allegations upon receipt of a formal complaint. The burden of gathering evidence and the burden of proof is on the University and not on either party. The Investigators are neutral fact-finders, who, during the course of the investigation, typically conduct interviews with the Complainant, the alleged Respondent and third-party witnesses; gather any evidence from the Complainant, the Respondent and/or any witnesses; visit and take photographs at each relevant site; and, where applicable, coordinate with law enforcement agencies to collect and preserve relevant evidence.

The entire Investigative Process will be completed within a reasonably prompt time frame. Should there be a need for the investigation to extend beyond what is reasonable, the reasons for the extension will be formally documented and communicated to both parties. Extensions will only be considered and granted for good cause (i.e., complexity of allegations, evidentiary issues, number of

witnesses involved, effect of concurrent criminal investigation or intervening school breaks and vacations).

Both parties have a right to present witnesses and information during the Grievance Process. A list of potential witnesses, as well as any additional information either party plans to present, should be submitted to the Investigator during the investigation. Witnesses must be able to provide relevant, first-hand information regarding the incident. Character witnesses will not be allowed. The privacy of both parties medical, psychological, and similar treatment records will be protected and not used by the University in the Grievance Process unless and until they obtain the party's voluntary, written consent.

Both the Complainant and the Respondent may have their advisor or attorney present during any parts of the investigation. Both parties have the same opportunity to select an advisor of their choice who may be, but need not be, an attorney.

Investigative Report

The Investigator will prepare a draft investigative report.

a. Opportunity for Review and Comment

The draft investigative report and related exhibits and evidence will be provided by the Investigator to both the Complainant and Respondent and their named Advisors for review and comment, under strict instructions that they are and at all times remain strictly confidential, and are not to be shared with anyone other than their families and advisors and/or outside counsel. Sharing of the report by either party, their families, advisors or outside counsel with any additional persons is strictly prohibited and anyone with whom the report is shared must be so advised. Each party will be provided the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The Complainant and the Respondent will be given ten (10) calendar days to comment on the draft investigative report and respond in writing to the Investigator.

b. Final Report

As a result of the response and comments received, the Investigator may conduct a further investigation and/or amend the draft report, if the Investigator determines either action to be warranted. The Investigator will prepare a final investigative report, incorporating any changes they believe are appropriate, and then share it with the Complainant and the Respondent. The Complainant and Respondent may submit formal objections or comments to the final report, which will become part of the final report of the matter.

Administrative Review of Determination that the Policy Elements Have Not Been Raised

The University may dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in the University's education program or activity against a Respondent in the United States.

If the determination has been made that the elements of a policy violation have not been raised, or that a reasonable person could not conclude, based on the information gathered in the

investigation, that a policy violation had occurred, the Complainant may request Administrative Review of the finding by submitting a written request to the Title IX Coordinator within five (5) business days within receipt of the determination.

Administrative Review will be conducted by an impartial decision-maker (“Reviewer”) selected by the Title IX Coordinator. The Reviewer may consult with the Investigator, the Complainant, the Respondent, or any other individual with relevant information. The Complainant or Respondent also may submit additional information to the Reviewer in writing. The Reviewer may agree with the investigative finding, request additional investigative follow-up, or direct that the report be forwarded for review under the Community Standards for Student Conduct or further action. The Reviewer will render a decision in writing to both the Complainant and Respondent within thirty (30) business days of the request for review. The decision of the Reviewer to take no further action is final and may not be appealed.

Notifications

If the determination has been made that the elements of a policy violation have been raised, or that a reasonable person could conclude, based on the information gathered in the investigation, that a policy violation occurred, the Title IX Coordinator will direct the manner of resolution, which may include an Informal Resolution (see above), acceptance of responsibility by the Respondent or holding a live Hearing. At a live Hearing, the standard for evaluating whether the policy has been violated is preponderance of the evidence.

The University will conduct an objective evaluation of all relevant evidence, inculpatory and exculpatory, and will avoid credibility determinations based on a person’s status as a Complainant, Respondent, or witness.

The University will send both parties the following information at least 10 days prior to the Hearing:

1. Investigative Report summarizing the allegations
2. Any evidence directly related to the allegations
3. Interviews
4. Hearing notices

The University reserves the right to consolidate formal complaints where the allegations arise out of the same facts.

At least five (5) days prior to the hearing, the Investigator will forward a copy of the Investigative Report to the Adjudicator.

Acceptance of Responsibility

After receiving the formal charge(s) from the Title IX Coordinator or Deputy Title IX Coordinator, the Respondent may choose not to contest the charge(s) and give up the right to a Hearing by accepting responsibility for all charges. If a Respondent accepts responsibility, the Complainant will be notified in writing and both parties will have the opportunity to submit written information for consideration by Adjudicator (Deputy Title IX Coordinator); a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement. The Respondent must meet with

an Advisor prior the Adjudicator agreeing to the Respondent accepting responsibility for the allegations.

The Adjudicator (Deputy Title IX Coordinator), will impose the appropriate sanction(s) (see below for guidelines and range of permissible sanctions). The Complainant and Respondent will be simultaneously notified of the sanction(s) and rationale for the sanction in writing, and this sanction decision may only be appealed by both parties based on Severity of Sanction. If there is no appeal by either party, the sanction imposed by Adjudicator (Deputy Title IX Coordinator) will be final.

Withdrawal from the University

If a Respondent chooses to withdraw from the University at any time during the Grievance Process, the Title IX Coordinator (or designee) has the discretion to continue or pause (temporarily or indefinitely) the Process. If a hearing is held, the Adjudicator will still make a determination if the Respondent did or did not violate the Policy. The standard of proof remains preponderance of evidence.

Hearing

As per the Title IX regulations, a live Hearing will be held for every formal complaint filed by a Complainant against an alleged Respondent. The following is a list of individuals involved in the Hearing process and their roles:

- | | |
|--------------------------------|---|
| 1. Deputy Title IX Coordinator | Hearing Adjudicator |
| 2. Advisor for Complainant: | Will ask questions of the Complainant and conduct cross examination of the Respondent |
| 3. Advisor for Respondent: | Will ask questions of the Respondent and conduct cross examination of Complainant |
| 4. Director of Human Resources | Adjudicator of Appeals |

Advisors

Both the Complainant and the Respondent will have an Advisor of their choice represent them at the Hearing. The Advisor can, but doesn't have to be, an attorney. The role of the Advisor is as follows:

1. Represent the student at all phases of the investigation and/or Hearing and/or the appeal process.
2. Conduct cross examination of all witnesses.
3. Neither the Complainant nor the Respondent may ask any questions. All questioning must go through their Advisor.
4. The Advisor may be a witness in the case. In this instance, a second or alternate Advisor will question and conduct cross examination of the initial Advisor when they provide testimony.
5. If a student is unable to secure the services an Advisor, the University will appoint one from the list of trained individuals.

Advisors shall be subject to this Policy's Rules of Decorum and may be removed in the discretion of the Adjudicator upon violation of those Rules during a hearing. Rules of Decorum are outlined in Appendix E.

Evidence

All evidence gathered during the investigation, both inculpatory and exculpatory, will be presented at the live Hearing.

At least 10 days prior to the scheduled Hearing, all Investigative Reports, including evidence gathered during the investigation, will be supplied to the Complainant and Respondent and their Advisor. All information will be sent either in hard copy form or through electronic means. However, the following items will not be turned over the Complainant and Respondent and their Advisor:

1. Pornography including but not limited to any nude photographs, videos, images and the like, of the victim and/or any witness whether they be in hard copy format or digital/on-line format.
2. Personal biographical information of the victim and/or any witness to include: date of birth, social security number, home address
3. Any illegal drugs.
4. Any alcohol.
5. Any medical, psychological or therapeutic reports unless a signed release is obtained from the victim and/or witness.

The Respondent and their Advisor will have the opportunity to review the aforementioned items in person with the Title IX Investigator prior to the Hearing. No copies, photographs, videos or any other digital media will be made of this evidence by the Respondent and/or their Advisor.

All items of evidence turned over to the Respondent and their Advisor must be held in confidence and only used for the Hearing and/or appeal. At no time will any evidence, including but not limited investigative reports, witness statements, photograph, text messages, e-mails, medical reports, and the like, be copied and distributed to anyone else including uploading these items to the Internet, social media or any digital platform. If it is discovered that items of evidence were distributed to another party, the Investigator will immediately notify the Title IX Coordinator and the Deputy Title IX Coordinator. A Code of Conduct Investigation will be instituted and investigated by the Title IX Coordinator or Deputy Title IX Coordinator and official sanctions imposed if appropriate.

Within 10 days of the conclusion of the Appeal Process, all items of evidence sent to the Respondent and their Advisor must be returned to the Title IX Coordinator. All information regarding the entire complaint, investigation, Hearing, and appeal will be sealed and secured by the University for the required 7 years.

Hearing Process

The Adjudicator will facilitate the Hearing. The Complainant and Respondent will not be in the Hearing room at the same time. However, each party will be in a separate room with the ability to

watch the proceedings via live stream or closed circuit video, or the hearing can be held virtually through Zoom or similar platforms, with Zoom rooms made available for all parties involved. The following is the flow of how the Hearing will run:

1. The Investigator will provide the outline of the case to the Adjudicator (Deputy Title IX Coordinator).
2. The Advisors for the Complainant and Respondent will ask questions of the Investigator.
3. The Adjudicator will ask any follow up questions for clarification.
4. The Advisor for the Complainant will ask questions of the Complainant.
5. The Advisor for the Respondent will ask questions of the Complainant, known as cross examination.
6. The Adjudicator will ask any follow up questions for clarification.
7. The Advisor for the Complainant will call and ask questions of any witnesses on behalf of the Complainant.
8. The Advisor for the Respondent will ask questions of any witnesses called by the Complainant
9. The Adjudicator will ask questions of each Complainant witness.
10. The Advisor for the Respondent will ask questions of the Respondent.
11. The Advisor for the Complainant will ask questions of the Respondent, known as cross examination.
12. The Adjudicator will ask any follow up question for clarification.
13. The Advisor for the Respondent will call and ask questions of each witness on behalf of the Respondent.
14. The Advisor for the Complainant will call and ask questions of any witnesses on behalf of the Respondent.
15. The Adjudicator will ask any questions for each Respondent witness.
16. The Advisor for the Complainant will summarize the information provided by the Complainant and any witnesses.
17. The Advisor for the Respondent will summarize the information provided by the Respondent.
18. The Adjudicator will take all information under advisement and render a decision within 10 days. The decision will be in writing to both parties.

All hearings will be recorded and the recordings will be kept in accordance with Title IX rules and regulations for 7 years. All parties must submit to their consent for the recording of the Hearing. The consent of all persons involved will be put on the record prior to that person providing any information during the Hearing.

Cross Examination

Both the Complainant and the Respondent must answer questions on cross examination by the representative of the other party. The cross examination must be conducted directly, orally and in real time. At no time will either party (Complainant or Respondent) personally conduct the cross examination.

Only relevant questions on direct and cross examination will be allowed during the Hearing. The Adjudicator will determine the relevance of each question prior to the person answering. If the Adjudicator determines a question to be irrelevant, he/she must explain to the party asking the question the decision to exclude the question as not relevant.

If either the Complainant or Respondent does not submit to cross examination at the Hearing, the Adjudicator may rely on any statement that person gave in order to determine if the Respondent is responsible or not responsible for the action alleged.

All of the above information regarding cross examination also holds for any witness who provided information.

Rape Shield Protections for Complainant

Title IX and Cabrini University provide rape shield protections for Complainants. The Adjudicator will deem irrelevant any and all questions and evidence about a Complainant's prior sexual behavior unless the following circumstances exist:

1. The information offered is to prove that someone else other than the Respondent committed the alleged misconduct; OR
2. The information is offered to prove consent.

Adjudication and Notification of Outcome

A written determination regarding responsibility will be issued by the Adjudicator which will include:

1. Findings of fact
2. Conclusions about whether the alleged conduct occurred
3. Rationale for the result of each allegation
4. Any disciplinary sanctions that may be imposed on the Respondent
5. If the Respondent is found to be Responsible, a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement
6. Whether remedies will be provided to the Complainant

Both the Complainant and Respondent will be informed of the outcome of the Hearing and information about the appeal process.

9. SANCTIONS AND REMEDIES

Disciplinary Action and Remedies for Students

Any student found responsible for violating the policy on **Inappropriate Sexual Conduct, specifically nonconsensual physical contact of a sexual nature (where no intercourse has occurred)** will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous violations of the Community Standards for Student Conduct.

Any student found responsible for violating the policy on **Sexual Assault (nonconsensual or forced sexual intercourse)** will likely face a recommended sanction of suspension or expulsion. Any student found responsible for violating the policy on **Sexual Exploitation or Sexual Harassment** will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous violations of the Community Standards for Student Conduct.

Any student found responsible for violating the policy on **Stalking** will likely face a recommended sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous violations of the Community Standards for Student Conduct.

Any student found responsible for violating the policies of **Domestic or Dating Violence** will likely receive a recommended sanction ranging from suspension to expulsion, depending on the severity of the incident.

The Dean of Students/Deputy Title IX Coordinator reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

Other remedies may also be offered and provided. Appropriate remedies may include, but are not limited to:

- providing an escort on campus;
- assistance with academics, including rescheduling exams and assignments,
- receiving an incomplete in a course,
- facilitating a classroom change;
- housing assignment relocation;
- Restriction of campus access for the alleged Respondent (restricted from specific buildings, areas, etc.);
- no-contact orders;
- campus employment reassignment;
- And counseling referrals.

Disciplinary Action and Remedies for Faculty and Staff

If a faculty or staff member is found responsible for violation of any part of this Policy, the Title IX Coordinator in consultation with the area Vice President will determine appropriate disciplinary action.

Any faculty or staff member found responsible for violating the policy on **Inappropriate Sexual Conduct, specifically nonconsensual physical contact of a sexual nature (where no intercourse has occurred)** will likely receive a discipline ranging from counseling to termination, depending on the severity of the incident, and taking into account any previous violations of Cabrini Policies.

Any faculty or staff member found responsible for violating the policy on **Sexual Assault (nonconsensual or forced sexual intercourse)** will likely face a recommended disciplinary action of termination.

Any faculty or staff member found responsible for violating the policy on **Sexual Exploitation or Sexual Harassment** will likely receive a recommended disciplinary action ranging from warning to termination, depending on the severity of the incident, and taking into account any previous violations of Cabrini policies.

Any faculty or staff member found responsible for violating the policy on **Stalking** will likely face a recommended disciplinary action ranging from warning to termination, depending on the severity of the incident, and taking into account any previous violations of Cabrini policies.

Any faculty or staff member found responsible for violating the policies of **Domestic or Dating Violence** will likely receive a recommended disciplinary action ranging from suspension to termination, depending on the severity of the incident.

The Title IX Coordinator reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

Other remedies may also be offered and provided. Appropriate remedies may include, but are not limited to:

- providing an escort on campus;
- rescheduling assignments,
- office relocation;
- restriction of campus access for the alleged faculty or staff member (restricted from specific buildings, areas, etc.);
- no-contact orders;
- campus employment reassignment; and
- counseling referrals.

10. APPEALS

Either party may appeal the decision by filing an appeal to the Title IX Coordinator within five (5) business days after delivery of the formal outcome of the Adjudicator. Both parties will be informed in writing if either party appeals, any change to the result, and when such results become final.

Appeal requests must fall into one of the following grounds:

- Procedural irregularity that affected the outcome of the Hearing;
- New evidence available that was not available prior to the original Hearing that could affect the outcome of the Hearing; AND/OR
- Title IX personnel had a conflict of interest or bias that affected the outcome of the Hearing.

The appeal shall consist of a concise, written statement outlining the grounds for the appeal. The Appeal Officer for all cases is the Director of Human Resources or designee.

Student Appeals Process

Upon receipt of an appeal from the Title IX Coordinator, the Dean of Students or his/her designee will notify both parties. Each party will have an opportunity to respond, in writing, to the appeal. Responses to the appeal by either the Complainant and/or Respondent must be submitted to the Dean of Students or his/her designee within five (5) business days from receipt of the appeal.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.

The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Appeal Officer can ask that a new Hearing occur before a newly appointed Adjudicator. In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the original Adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Title IX Coordinator or his/her designee will communicate the outcome of the appeal to the student who requested it within ten (10) business days from the date of submission. However, additional time may be necessary depending on the nature of the case and basis of appeal. All appeal decisions made by the Appeal Officer are final.

Faculty and Staff Appeals Process

Upon receipt of an appeal from a faculty or staff member, the Title IX Coordinator or his/her designee will notify both parties. Each party will have an opportunity to respond, in writing, to the appeal. Responses to the appeal by either the Complainant and/or Respondent must be submitted to the Title IX Coordinator or his/her designee within five (5) business days from receipt of the appeal.

In any request an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.

The Appeal Officer shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal identified above and any supporting information provided in the written request for appeal and the record of the original Hearing. The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Appeal Officer can ask that a new Hearing occur before a newly appointed Investigator. In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the original Investigator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Title IX Coordinator or his/her designee will communicate the result of the appeal to the faculty or staff member requesting the appeal within ten (10) business days from the date of the submission of all appeal documents by both parties, but the time may be longer or shorter depending on the nature of the case. Appeal decisions are final.

11. STATEMENT OF THE RIGHTS OF THE COMPLAINANT

- A Complainant may have their Advisor present during the Grievance Process.
- A Complainant will be afforded similar and timely access to any information that will be used during the Grievance Process and Hearing.
- A Complainant will be given periodic status updates throughout the process.
- A Complainant will have equal opportunity to present relevant witnesses and other information during the Grievance Process and Hearing.
- A Complainant will never be questioned directly by or be in the presence of the Respondent during the Grievance Process and Hearing.
- A Complainant may submit a list of questions related to the alleged incident to the Investigator that they feel the Respondent should be asked during the Grievance Process. The Investigator may use their discretion in evaluating the relevancy of the questions submitted and may choose to reframe or omit them as necessary.
- A Complainant may not have their irrelevant past conduct, including sexual history, discussed during the Grievance Process and Hearing.
- A Complainant has the right to know the outcome of the Grievance Process and Hearing.
- A Complainant has the right to appeal the outcome of the Grievance Process and Hearing.
- A Complainant has the right to be treated with respect during the Grievance Process and Hearing.
- A Complainant has the right to be notified of available counseling, mental health, medical, or student services for victims of sexual assault or gender-based misconduct both on campus and in the community.
- A Complainant has the right to preservation of privacy, to the extent possible and allowed by law.

12. STATEMENT OF THE RIGHTS OF THE RESPONDENT

- A Respondent may have their Advisor during the Grievance Process.
- A Respondent will be afforded similar and timely access to any information that will be used during the Grievance Process and Hearing.
- A Respondent will be given periodic status updates throughout the Grievance Process.
- A Respondent will have equal opportunity to present relevant witnesses and other information during the Grievance Process and Hearing.
- A Respondent will never be questioned directly by or be in the presence of the Complainant during the process.
- A Respondent may submit a list of questions related to the alleged incident to the Investigator that they feel the Complainant should be asked during the Grievance Process. The Investigator may use their discretion in evaluating the relevancy of the questions submitted and may choose to reframe or omit them as necessary.
- A Respondent may not have their irrelevant past conduct, including sexual history, discussed during the Grievance Process and Hearing.
- A Respondent has the right to know the outcome of the Grievance Process and Hearing.
- A Respondent has the right to appeal the outcome of the Grievance Process and Hearing.
- A Respondent has the right to be treated in a respectful and unbiased manner during the Grievance Process and Hearing.
- A Respondent has the right to be informed of and have access to campus resources for medical, counseling, and advisory services.

- A Respondent has the right to preservation of privacy, to the extent possible and allowed by law.

APPENDIX A

Campus and Community Resources For Sexual Violence and Sexual Harassment

ON-CAMPUS RESOURCES

Health Services
Founders Hall, Room 98
610-902-8400
healthservices@cabrini.edu

Counseling and Psychological Services (CaPS): 610-902-8766

Short-term and crisis counseling is available for students who have been sexually assaulted or have had an upsetting sexual encounter. These services are confidential, except in the limited circumstances described herein. Mental health professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is risk of immediate danger to self, others, or property. Consequently, in some limited circumstances, providers may not be able – legally or ethically – to maintain confidentiality.

Campus Ministry: 610-902-8225 or 610-902-8438

The Campus Ministry staff is available to provide supportive counseling of all kinds.

Employee Assistance Program (for staff and faculty): 800-382-2377

The University's Employee Assistance Plan provides confidential counseling and referral services to reduce stress and improve the quality of life for employees. The EAP provides confidential assessment and referral services, and short-term counseling. The services of the EAP are free to employees, up to the limits of the plan. All assistance is confidential; no one at Cabrini University will know that an employee has used the EAP.

Public Safety: 610-902-8111

Public Safety encourages any student, faculty, or staff member who has been sexually assaulted to report this incident to their office. From a safety and investigatory standpoint, the sooner a sexual assault is reported, the better; even so, the department strongly encourages the reporting of sexual assaults. Public Safety can help attend to the victim's immediate needs. A request for assistance does not obligate students who have been assaulted to make a report to Public Safety.

OFF-CAMPUS RESOURCES

Bryn Mawr Hospital: 484-337-3000

Individuals preferring to seek treatment off-campus may receive care at Bryn Mawr Hospital. The hospital staff offers medical treatment and can collect physical evidence. There may be a Sexual Assault Nurse Examiner available, but this is not guaranteed.

Delaware County Victim Assistance Center

610-566-4342 (24-hour hotline)
www.delcovictimassistance.org

Women Organized Against Rape (WOAR)

One Penn Center
1617 JFK Boulevard, Suite 1100
Philadelphia, PA 19103
24-Hour Hotline: 215-985-3333

Philadelphia Domestic Violence Hotline – 866-723-3014

Laurel House (Montgomery County) – Domestic Violence Hotline – 800-642-3150

National Domestic Violence Hotline – 800-799-7233 (SAFE)

National Sexual Assault Hotline – 800-656-4673 (HOPE)

APPENDIX B

Supportive Measures to Protect Safety and Well-Being

Following a report of sexual violence or sexual harassment, the University will provide Supportive measures and reasonable protection against further acts of violence, harassment, or retaliation as needed, as well as provide services and resources to provide a safe educational and employment environment. For a listing of services and resources, see Appendix A.

Individuals seeking such assistance should speak with the Dean of Students or Title IX Coordinator. The University will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

The University will determine the necessity and scope of any Supportive measures pending the completion of the complaint process. Even when a Complainant or Respondent does not specifically request that protective action be taken, the University may still choose to impose Supportive measures at its discretion to ensure the safety of any individual, the broader University community, or the integrity of the review process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a Supportive measure. The University will take prompt responsive action to enforce a previously implemented Supportive measure.

The University may impose any remedy that can be tailored to achieve the goals of this Policy, even if not specifically listed here. The range of Supportive measures includes:

1. **Contact Restriction:** The Complainant or Respondent may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications.

An individual may also seek a protection/anti-harassment order from the local court of the Commonwealth of Pennsylvania. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.

2. **Escort:** The University may provide an escort to a Complainant to ensure safe movement between classes and activities.
3. **Academic, Employment or Living Arrangements:** A Complainant or Respondent may request a change in his/her own academic, employment, or living arrangements after a report of sexual violence or sexual harassment by speaking with the Dean of Students, or the Title IX Coordinator. A request for an employment change in the case of sexual harassment where the Respondent is an employee may also be directed to the Title IX Coordinator. Upon request the University will inform the Complainant or Respondent of the options and

will accommodate the request if those changes are reasonably available. In some cases the University may initiate these changes without a request. These may include a change in class or work schedule, a change in living accommodations, academic accommodations, and/or a voluntary leave of absence.

APPENDIX C

Title IX Notice

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual violence, is a form of sex discrimination. Under the University Sexual Violence and Sexual Harassment Policy, the University prohibits sexual harassment, sexual assault, sexual exploitation, stalking and retaliation. Title IX and the University’s Policy also applies to acts of intimate partner violence. As a recipient of federal funds, Cabrini University complies with Title IX and has appointed Dr. Angela Campbell, Executive Vice President for Mission, DEI, and Student Engagement, as its Title IX Coordinator with overall responsibility for Title IX compliance. Dr. Campbell can be reached in Room 150 Grace Hall, (610) 902-8416 or ac3369@cabrini.edu.

Any student, employee or applicant for employment or admission to the University, who believes that he or she has been discriminated against on the basis of sex, in violation of Title IX, or has been a complainant of sexual violence or sexual harassment, may file a complaint with the Title IX Coordinator or Deputy Coordinators designated below. The Title IX Coordinator or Deputy Coordinators will assist the Complainant in identifying the appropriate University policy (with its grievance procedure) to resolve the complaint in a prompt and equitable manner. The Title IX Coordinator or Deputy Coordinators may consult with other Cabrini administrators, as needed, to resolve the complaint in the most effective manner.

The Title IX Coordinator is supported by several Deputy Title IX Coordinators, all of whom are knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment or other sexual misconduct, as well as University policy and procedure.

Dr. Angela Campbell, Title IX Coordinator
Vice President for Mission, DEI, and Student Engagement
Room 150, Grace Hall / (610) 902-8416/ ac3369@cabrini.edu

Dr. Stephen Rupprecht, Deputy Title IX Coordinator, Dean of Students
Room 150, Grace Hall / (610) 902-8417/ smr438@cabrini.edu

Jacqueline Neary, Deputy Title IX Coordinator
Student Athlete Wellness Coordinator and Senior Women’s Administrator
Dixon Athletic Center / (610) 225-3908 / jn722@cabrini.edu

APPENDIX D

Notice of Non-Discrimination

The University seeks to provide all Cabrini community members with a safe and non-discriminatory environment free from harassment. The University does not discriminate on the basis of personal characteristics such as race, color, national origin, religion, gender, sexual orientation, gender identity, age, veteran status, disability, or any other basis protected by federal or state law. For the University's general Non-Discrimination Policy, [click here](#).

The University does not discriminate on the basis of sex in its education programs and activities or in the context of employment. Sexual harassment, including sexual violence as defined in this policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Title IX requires that 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.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, and other applicable statutes.

Appendix E

Rules of Decorum for Grievance Process Hearings

Purpose of the Rules of Decorum

Title IX Hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education (“the Department”), writing about Title IX in the Final Rule, “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or Adjudicator from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the Parties that the institution “is not throwing a party to the proverbial wolves.”

To achieve this purpose, Colleges and Universities may provide for reasonable rules of order and decorum, which may be enforced through the removal of an Advisor who refuses to comply with the rules. *Id.*, at 30320. As the Department explains, the removal process “incentivizes a party to work with an advisor of choice in a manner that complies with a recipient’s rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants.”

These Rules of Decorum require that all Parties, Advisors, and College staff treat others who are engaged in the process with respect.

The Rules of Decorum and processes set forth herein apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

Rules of Decorum

The following Rules of Decorum (“the Rules”) are to be observed in the Hearing and applied equally to the Parties (meaning the Complainant and Respondent) and Advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and Advisors will refer to other Parties, Witnesses, Advisors, and University staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No Party may act abusively or disrespectfully during the Hearing toward any other Party or to Witnesses, Advisors, or the Adjudicator.

4. The Advisor may not yell, scream, badger, or physically “lean in” to a Party or Witness’ personal space. Advisors may not approach the other Party or Witnesses without obtaining permission from the Adjudicator.
5. The Advisor may not use profanity or make ad hominem attacks upon a Party or Witness. Questions must be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
6. The Advisor may not ask repetitive questions. When the Adjudicator determines a question has been “asked and answered” or is otherwise not relevant, the Advisor must move on.
7. Parties and Advisors may take no action at the Hearing that a reasonable person in the shoes of the affected Party would see as intended to intimidate that person (whether Party, Witness, or University official) into not participating in the process or meaningfully modifying their participation in the process.

Warning and Removal Process

The Adjudicator shall have sole discretion to determine if the Rules have been violated. The Adjudicator will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Adjudicator shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Adjudicator removes a Party’s Advisor, the Party may choose a different Advisor, or accept an Advisor provided by the University for the limited purpose of questioning at the Hearing. Reasonable delays, including temporary adjournment of the Hearing, may be anticipated should an Advisor be removed. A Party cannot serve as their own Advisor in this circumstance.

The Adjudicator shall document any decision to remove an Advisor in the Determination Regarding Responsibility.

For flagrant, multiple, or continual violations of the Rules, in one or more proceedings, Advisors may be prohibited from participating in future proceedings at the University in the Advisor role, on a temporary or permanent basis. Evidence of violation(s) of the Rules will be gathered and used by the Title IX Coordinator proceedings involving students or to the Director of Human Resources for cases involving employees. The Advisor in question may provide an explanation or alternative evidence in writing to appeal the prohibition from participation. This appeal must be submitted to the Title IX Coordinator or Human Resources Director within fifteen (15) calendar days of receipt. There shall be no right to a hearing, oral testimony, or questioning.

The Title IX Coordinator or Director of Human Resources shall consider the evidence, using a preponderance of the evidence standard, and issue a finding in writing regarding removal. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days, unless extended for good cause. There is no appeal of this finding.

Relevant Questions Asked in Violation of the Rules of Decorum

Should an Advisor ask a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the Witness' or Party's personal space, the question will not be deemed irrelevant by the Adjudicator simply because of the manner in which it was delivered. Under that circumstance, the Adjudicator will notify the Advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the Advisor (or a replacement Advisor, should the Advisor be removed for violation of the Rules).

APPENDIX F

SEXUAL MISCONDUCT and SEXUAL HARASSMENT PREVENTION AND EDUCATION EFFORTS

Cabrini University is committed to the prevention of sexual misconduct and sexual harassment through education and awareness. Throughout the year, programs designed to promote sexual misconduct awareness and prevention are presented by a variety of campus resources including New Student Orientation, New Employee Orientation, Health Services, peer educators and other Cabrini students, and Public Safety. Additionally, the University provides on-line and in-person training for faculty and staff. The University also promotes participation of student groups in prevention activities, through training provided in Residence Life, Athletics, Dean of Students, among others. Prevention programs stress the added risks involved when the use of alcohol and/or illegal drugs is present. Incoming first year students, as part of their orientation, attend programs that cover the topic of sexual violence given by the Dean of Students, Public Safety and the Office of Residence Life. Flyers about sexual misconduct and sexual harassment are posted in residence halls. The educational programs review strategies for prevention and inform faculty, staff and students of options and resources available should such misconduct or harassment occur.

Approved by President's Cabinet: 2/22/22