This interim document incorporates the new Title IX Final Rule in effect 8/14/20, with the final document to be posted at the start of the Fall 2020 Term.
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Statement of Institutional Values

Sexual misconduct of any form is a violation of a person’s rights, dignity, and integrity. An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful and illegal and will not be tolerated at Bryn Athyn College (aka the College). Such acts corrupt the integrity of the educational process and are contrary to the mission and values of the College.

All members of the College community should be free from sexual misconduct in the classroom; the social, recreational, and residential environment; and the workplace. The College seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any reported sexual misconduct, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence, and address its effects.

To foster a climate of respect for oneself and for one another and provide for the safety and security of our community, the College expects all community members to take action to prevent acts of sexual misconduct. Creating a safe campus environment is the responsibility of all members of the College community, both individually and collectively.

To foster a climate that encourages reporting of sexual misconduct, the College will actively educate the College community, respond to all allegations promptly, will provide interim measures to address safety and emotional well-being, and will act in a manner that recognizes the inherent dignity of the individuals involved.

To achieve equitable results, the College will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved and provide for fair and impartial evaluation and resolution.

Purpose of Policy

The purpose of this policy is to provide the College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions of prohibited conduct. The policy applies to all College community members, including students, faculty, staff, and volunteers. It is intended to protect and guide students, faculty, staff, and volunteers who have been affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party.

When used in this policy, a Complainant refers to the individual who believes him or herself to have been the subject of sexual misconduct. A Respondent refers to the individual who has been accused of sexual misconduct. A third party refers to any other participant in the
process, including a witness to the incident or an individual who makes a report on behalf of someone else. A report refers to any incident or concern regarding sexual misconduct that is reported to the College. A grievance is an allegation of sexual misconduct filed against a faculty, administrator, staff member or student that initiates the appropriate disciplinary process.

In addition to defining sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the College community
- Identify the Title IX Officials, and define their role
- Provide information about where a College community member can obtain support or access resources in a confidential manner
- Provide information about how a College community member can make a formal or informal report
- Provide information about how a report against a College community member will be investigated, evaluated, and resolved

**Scope of Policy**

Bryn Athyn College prohibits harassment of and discrimination against any and all community members. This policy applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the College. All College community members have a responsibility to adhere to College policies and local, state, and federal law.

This policy applies to sex discrimination occurring on Bryn Athyn College property or at any College-sanctioned education program or activity that takes place on or off campus within the United States. Education programs and activities include locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

The purpose of this policy is to provide community members with the structure, tools, and guidance to assist those who have experienced or been affected by sexual harassment whether as a complainant, a respondent, or a third party.

Sexual harassment can be committed by any member of the Bryn Athyn College community. The College has jurisdiction to take disciplinary action against a respondent who is a current

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1 For the purpose of this policy, employee refers to all full-time, percent-time, and part-time members of the faculty, staff (including instructional-staff), and administration of Bryn Athyn College.
student or employee. There are specific procedures for resolving a report under this policy against a student, faculty, staff, or administration respondent. For details regarding this procedure see Procedures for Review, Investigation, and Resolution of Discrimination, Harassment, Retaliation, or Sexual Misconduct Grievances.

Notice of Non-Discrimination

The College expressly prohibits any form of discrimination and harassment on the basis of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, or disability in any decision regarding admissions, employment, or involvement in a College program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Americans with Disabilities Act and ADA Amendments Act. This policy addresses all forms of sexual discrimination, including sexual assault and harassment. Bryn Athyn College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides 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.

Bryn Athyn College, as an educational community, will promptly and equitably respond to all reports of sexual assault and harassment in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

Inquiries or grievances about the application of Title IX may be directed to the College’s Title IX Coordinator, Title IX Deputy Coordinator, and/or to the U.S. Department of Education’s Office for Civil Rights:

Renée L. Rosenfeld  
Title IX Coordinator  
Brickman Center, Room 123  
P.O. Box 462  
Bryn Athyn, PA 19009  
267-502-6038  
renee.rosenfeld@brynathyn.edu
Privacy and Confidentiality on Title IX Procedures

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, 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.

Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals (known as confidential reporters) cannot be revealed to any other individual without express permission of the individual. Confidential reporters include medical providers, mental health providers, and ordained clergy, all of whom have protected confidentiality. These individuals cannot break confidentiality unless there is an imminent threat of harm to self or others, or the individual is under the age of 18.

When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify Pennsylvania Department of Public Welfare division of Child Welfare Services and/or local law enforcement. See policy on Reporting Child Abuse.
Any College employee who is not considered a confidential reporter is considered a mandated reporter. When a mandated reporter becomes aware of an incident of sexual assault or harassment, he or she is required to report the incident to the Title IX Coordinator.

The College will seek action consistent with the complainant’s request where possible. If the complainant is reluctant to report identifying information, the College’s response may be limited.

If the safety of others in the community could be at risk, the College's duty to the safety of the entire college community may outweigh the request for confidentiality.

**Definitions and Examples**

**Sexual Harassment** - is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any aspect of a College program or activity
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment can take many forms. Sexual harassment:

- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated
- does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents
may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context

may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship

may be committed by or against an individual or may be a result of the actions of an organization or group

may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation

may occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting

may be a one-time event or part of a pattern of behavior

may be committed in the presence of others or when the parties are alone

may affect the complainant and/or third parties who witness or observe harassment type and severity. Key determining factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct

Under the Department of Education’s current Title IX Final Rule, sexual harassment includes any of the following three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designated to protect:

- any instance of quid pro quo harassment by a school’s employee
- any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Title IX provides First Amendment protections where students are learning, and employees are teaching. Students, teachers, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

**Sexual Assault** – No longer covered under Title IX, sexual assault remains illegal as well as a violation of our student code of conduct and employment policies. It is defined as having sexual intercourse or sexual contact with another individual without consent, including:

- by the use or threat of force or coercion
- without effective consent
Definitions associated with sexual assault include the following:

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

*Sexual contact* includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

**Sexual Exploitation** - is an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved

- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved

- prostituting another individual

- exposing one’s genitals in non-consensual circumstances

- knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge

- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Physical Assault** - is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of intimate-partner violence or when the behavior is
perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Assault and Harassment Policy.

**Bullying** - includes any intentional electronic, written, verbal, or physical act or a series of acts directed at another student or students that is severe, persistent, or pervasive and that has the intended effect of doing any of the following:

- substantially interfering with a student’s education
- creating a threatening environment
- substantially disrupting the orderly operation of the College. Bullying is prohibited, and participating in such acts will result in disciplinary action

**Intimidation** - is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a grievance, or participates in an investigation in an attempt to influence the judicial process will be in violation of retaliation as described within this policy and will be subject to disciplinary action.

**Stalking** - occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

- place the person in reasonable fear of bodily injury
- reasonably cause substantial emotional distress to the person

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person
- repeated oral or written threats
- extortion of money or valuables
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards
• unwelcome/unsolicited communications about a person, their family, friends, or co-workers
• sending/posting unwelcome/unsolicited messages with an assumed identity
• implicitly threatening physical contact
• or any combination of these behaviors directed toward an individual person

**Intimate Partner Violence (IPV)** - is defined as physical, sexual or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy. It occurs on a continuum, ranging from one hit that may impact the victim to chronic, severe battering.

There are four main types of IPV: physical, sexual violence, threats of physical, or sexual violence, and psychological/emotional violence.

**Indecent Exposure** – is when a person exposes her/his genitals in any public place or in any place where there are present other persons under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

**Retaliation** - is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual assault or harassment allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

**Consent and Non-Consent**

**Consent** - to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

**Guidance for Consent:**

• Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

• Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
• When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

• If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.

• Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

• Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

• Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise her/his own free will to choose whether or not to have sexual contact.

**Force** - is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

**Coercion** - is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

**Incapacitation** - when an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from
person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional instability. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- decision-making ability
- awareness of consequences
- ability to make informed judgments
- capacity to appreciate the nature and the quality of the act

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent’s position.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or intimate-partner violence and does not diminish one’s responsibility to obtain informed and freely given consent.

**Title IX Coordinator**

Pursuant to Title IX of the Educational Amendments of 1972, the following statement reflects the broad compliance responsibilities that fall on administrators charged with Title IX compliance by outlining the most commonly agreed-upon duties, responsibilities and essential competencies related to Title IX coordination. These descriptions of job responsibilities are intended to present a descriptive list of the range of duties typically performed by employees in the position and are not intended to reflect all duties performed within the job or in a particular educational setting. Guidelines as to who should (and should not) be named to this position due to inherent conflicts of interest are also incorporated into this statement.

**Core Job Duties and Responsibilities**

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures, and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all grievances pursuant to Title IX

- Provide leadership, direction and supervision for all activities and to Title IX Officials to include consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to
ensure that access to facilities, opportunities, and resources is gender equitable throughout the campus

- Provide ongoing training, consultation, and technical assistance on Title IX for all students and employees, with specialized training content for Title IX Hearing Panels, Investigators, campus public safety officers and those handling appeals

- Develop, implement, and coordinate campus-based strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination

- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the school or campus community (students, faculty, administrators, staff, and parents) of Title IX rights, responsibilities and resources both within and external to campus premises

- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all instances of sex/gender discrimination made known to responsible employees and/or reported or filed by students, faculty, staff and administration, third parties, or by members of the broader community

- Oversee Title IX compliance efforts of Title IX Officials, departments, and offices (e.g., student conduct/discipline, public safety, health services, counseling services, student life, residence life, academic affairs, athletics, etc.)

- Provide appropriate and timely notice of an investigation; determine the extent of an investigation; appoint, train, and supervise Title IX Investigators and deputy coordinator; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, of hearing, of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping

- Provide guidance and assistance to alleged victims of sexual violence and sex/gender discrimination including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement

- Monitor institutional compliance with and provide ongoing consultation on Section 504 of the Rehabilitation Act of 1973 and related federal and state laws prohibiting discrimination and harassment against all protected classes

- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed grievances and the disposition of said grievances, data collection, climate
Title IX Deputy Coordinator

Core Duties and Responsibilities

Bryn Athyn College has identified a Deputy Title IX Coordinator who will serve as an important point of contact to advise students, faculty, employees, third parties, or members of the College community. He/she also can receive reports of sexual misconduct and serve in the absence of the Title IX Coordinator. The Deputy Title IX Coordinator reports to the Title IX Coordinator and may assist the Title IX Coordinator the areas described in the above Title IX Coordinator Core Duties and Responsibilities narrative. The Title IX Deputy Coordinator may also carry out responsibilities of the Title IX Coordinator when a conflict of interest arises that prevents the Coordinator from carrying out his/her role.

Title IX Investigator

Core Duties and Responsibilities

The Title IX Investigator (Investigator) provides subject-matter expertise on requirements of and compliance with Title IX, VAWA, Campus SaVE, and related federal and state laws.

Reporting to the Title IX Coordinator, the Investigator investigates reports of sex discrimination, sexual misconduct, sexual harassment, domestic violence, dating violence, and stalking involving members of the College community. In doing so, the Investigator meets with assigned complainants and respondents to provide information regarding the College grievance process, available resources, interim measures, and reporting and resolution options. The Investigator also facilitates implementation of a case management system that documents investigations involving each reported grievance involving sex discrimination, sexual misconduct, sexual harassment, domestic violence, dating violence, and stalking.

Advisor

Core Duties and Responsibilities

An assigned advisor provides serves in an impartial role, providing support and guidance regarding understanding and navigating the investigation process to any complainant who files a report.

The College's duty is to the complainant, not the Advisor. All communication is made directly with the complainant. The process will not be unreasonably delayed to accommodate the schedule of an Advisor. An Advisor must be familiar with the College
policy and may be required to meet with the Title IX Coordinator in advance of participation in university proceedings.

An Advisor may not testify in or obstruct an interview, author written submissions, or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and to take reasonable steps to ensure compliance with this policy.

**Adjudicator**

**Core Duties and Responsibilities**

An Adjudicator (also known as a decision maker) must objectively and equitably determine the weight, persuasiveness, and/or credibility of evidence presented during a hearing then decide the appropriate remedy to the grievance. Adjudicators receive annual training on the importance of being impartial, avoiding bias, and avoiding conflicts of interest.

**Campus and Community Resources**

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual assault or harassment, whether as a complainant, a respondent, or a third party will have equal access to support and counseling services through the College. The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to any party in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

**Education and Prevention Programs**

Bryn Athyn College is committed to the prevention of sexual misconduct, intimate-partner violence, and stalking through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include an overview of the College’s policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction.

Incoming first-year students and new employees will receive primary prevention and awareness training as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. Bryn Athyn College’s Title IX Coordinator
oversees the education and prevention calendar and tailors programming to campus needs and climate, in compliance with current legislation. Such education programs include a review of resources and reporting options available for students, faculty, and staff.

**Emergency Support Services in the Event of a Sexual Assault**

**What should you do if you have been sexually assaulted?**

1. Get to a safe place
2. Reach out for support
3. Seek medical attention
4. Consider having evidence collected
5. Consider reporting the assault to Bryn Athyn College’s Department of Public Safety or the police.
6. Consider reaching out to other campus resources at Bryn Athyn College
7. Remember: It was NOT your fault

If you are the complainant of sexual assault, you are encouraged to seek assistance from a medical provider and/or law enforcement as soon as possible. This is the best option to provide physical safety, emotional support, and medical care. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will escort any College community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the College’s resources and grievance processes. Grievances may be filed with the Title IX Coordinator.

If you bring forward a grievance within the College judicial process, you always have the option of pursuing civil or criminal action with law enforcement, the courts, or with the Office for Civil Rights.

Anyone can request that a member of the Department of Public Safety and/or Bryn Athyn Borough Police respond and take a report 24-hours-a-day, year-round.

**Confidential Resources and Support**

For individuals who are seeking confidential consultation, there are several resources available to provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality.
Because these relationships involve privileged conversations, these confidential resources will not share information with the Title IX Coordinator or any other employee of the College without the individual’s express permission. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act, as described below.

**On-campus Confidential Resources**

When a mandated reporter thinks that a student may be about to report an act of sexual harassment, discrimination or assault, the employee should, if at all possible, tell the student that the College will maintain the privacy of the information, but the employee cannot maintain complete confidentiality and is required to report the act and may be required to reveal the names of the parties involved. If the student wishes to proceed, the employee should inform the student of the implications of sharing the names of the parties involved, which puts the College on notice.

Rather than speaking to the student about confidential information, the employee should offer to refer or accompany the student to Counseling Services or Health Services during the hours that those offices are open. Students may also contact and speak with members of the clergy, who also do not have obligation to report to the Title IX Coordinator during their non-teaching hours.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after a sexual assault. This is the best option to provide physical safety, emotional support, and medical care to the complainant. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will escort any College community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the College’s resources and grievance processes.

Assistance is available from the College’s Department of Public Safety or local law enforcement 24 hours a day, year-round. Any individual can request that a member of the Department of Public Safety and/or Bryn Athyn Borough Police respond and take a report.

An individual can also contact a Health and Wellness Center nurse practitioner (during the academic year) and/or a local medical provider 24 hours/day.

The Health and Wellness center is available (during the academic year) to assist students as a confidential resource. Students should view the website for current hours: [http://brynathyn.edu/student-life/campus-services/student-health-services/](http://brynathyn.edu/student-life/campus-services/student-health-services/)

Employees can seek assistance through their local medical provider.

The complainant will be interviewed and evaluated by a nurse who will assess his/her injuries. If the complainant does not have injuries requiring emergency attention, the
complainant still has the option—and is encouraged—to go to the hospital for care. The complainant, if a student, can later follow up with the College's campus nurse for medical care. While with the campus nurse, the complainant (if a student) may request to speak with a College counselor.

The Health and Wellness Center will provide non-identifying information about an incident to the Human Resources Office for compliance with the Clery Act.

**Off-campus Confidential Resources**

A medical provider, such as Abington Memorial Hospital or Holy Redeemer Hospital, can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. These are the current local hospitals that identify as having Sexual Assault Nurse Examiner (SANE) nurses who are trained to work to collect evidence in a manner consistent with evidence-collecting requirements in Pennsylvania.

Under Pennsylvania law, a medical provider may be required to notify law enforcement of a sexual assault under certain circumstances. The medical provider, however, will share limited information with law enforcement, and a complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution. The medical provider will typically also notify the local rape crisis counseling center.

A medical exam obtained from a hospital or sexual-assault response center has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection [STI] or possibility of pregnancy) and, second, to properly collect and preserve evidence.

The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a vaginal examination; collecting fingernail scrapings and/or clippings; examining for injuries; and a blood draw. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through the College’s grievance processes or criminal action.

A student or employee can also be referred to The Pennsylvania Coalition Against Rape (PCAR), who works in concert with a statewide network of rape crisis centers that provide immediate and long-term services to victims of sexual assault. For immediate crisis hotline assistance, call Victim Services of Montgomery Hotline: (610) 277-5200 or (888) 521-0983. For more hotline options, PCAR can be directly reached at (888) 772-7227.
Students and employees may also seek confidential counseling via the College's Employee Assistance Program (EAP), Growth Opportunity Center by calling (215) 947-8654.

Communication of Title IX Protocols

The College must:

- notify applicants for admission and employment, parents or legal guardians of elementary and secondary school students, and all students and employees the name, title, office address, email address, and phone number of the Title IX Coordinator
- prominently display on the College website the required contact information for the Title IX Coordinator
- notify all that any person may report sex discrimination, including sexual harassment (regardless of whether person alleged to the victim of conduct that could constitute sex discrimination or sexual harassment) in person, my mail, by phone, or by email, using the contact information listed for the Title IX Coordinator – or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours, by phone or email, or by mail, using the contact information listed for the Title IX Coordinator
- notify all that reporting may also be made to any official of the College who has the authority to institute corrective measures on behalf of the institution

Mandatory Reporting Under the Clery Act and Title VII

1. The College expects all employees to report incidents in a manner consistent with their category of reporter (responsible or confidential employees).

2. When an individual becomes aware of an alleged act of sexual harassment, discrimination or assault, the employee must promptly contact the Title IX Coordinator, Renée L. Rosenfeld, located in Brickman Center, Room 123. The individual may use the confidential online reporting form: https://brynathyncollege.omnigo.one/CESIReportExec/OLR/ (pop-ups must be enabled). The Public Safety Department receives these reports. Alternatively, the individual may call or email the Title IX Coordinator (267-502-6038) and then follow-up by filing the online form.

3. The Title IX Coordinator and Title IX Deputy Coordinator will be promptly notified by Public Safety that the report has been filed.
4. When an employee thinks that a student or another employee (colleague) may be about to report an act of sexual harassment, discrimination or assault, the employee should, if at all possible, tell the student or colleague that the College will maintain the privacy of the information, but the employee cannot maintain complete confidentiality, and is required to report the act and may be required to reveal the names of the parties involved. If the student or colleague wishes to proceed, the employee should inform the student or colleague of the implications of sharing the names of the parties involved, which puts the College on notice.

   a. Rather than speaking to the student or colleague about confidential information, the employee should offer to refer or accompany the student or colleague to Counseling Services, Health Services, or the EAP center during the hours that those offices are open.

   b. A student or employee can also be referred to The Pennsylvania Coalition Against Rape (PCAR) - see Off-Campus Confidential Resources section above.

5. Under the Clery Act, College employees are mandatory reporters for a broader array of serious crimes, including the following:

   a. Murder & Non-Negligent Manslaughter--The willful killing of one human being by another.

   b. Negligent Manslaughter--The killing of another person through gross negligence.

   c. Robbery--The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

   d. Aggravated Assault--An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

   e. Burglary--The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to
commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

f. Motor Vehicle Theft--The theft or attempted theft of a motor vehicle; all cases in which an automobile is taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.

g. Arson--Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

h. Arrests for Weapon Law Violations--The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

i. Arrests for Drug Abuse Violations--violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

j. Arrests for Liquor Law Violations--The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)

k. Disciplinary Referrals for Weapon Law Violations

l. Disciplinary Referrals for Drug Abuse Violations

m. Disciplinary Referrals for Liquor Law Violations

n. Hate Crimes
Sex Offenses

i. **Forcible** - Any sexual act directed against another person, forcibly and/or against their will, or not forcibly or against the person’s will when the victim is incapable of giving consent.

ii. **Non-forcible** - Unlawful, non-forcible sexual intercourse.

   1. **Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

   2. **Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Reporting to Law Enforcement**

The College encourages complainants to pursue criminal action for incidents of sexual assault or harassment that may also be crimes under Pennsylvania criminal statutes. The College will assist a complainant, at the complainant’s request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. Except where the complainant is less than 18 years old, the College will generally respect a complainant’s choice whether or not to report an incident to local law enforcement, unless the College determines that there is an overriding issue with respect to the safety or welfare of the College community. Where a report involves suspected abuse of a minor less than 18, the College is required by state law to notify law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services.

The College’s policy, definitions, and burden of proof may differ from Pennsylvania criminal law. A complainant may seek resolution through the College’s grievance process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement’s determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution are determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the College’s Sexual Assault and Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

**Timeliness of Report, Location of Incident**

Complainants and third-party witnesses are encouraged to report sexual assault and harassment as soon as possible to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting.
The College may dismiss a formal complaint or allegations if the complainant informs the Title IX Coordinator in writing that he/she desires to withdraw the formal complaint or allegations, if the respondent is no longer enrolled or employed by the College, or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

**Amnesty for Personal Use of Alcohol or Drugs**

Pennsylvania's Good Samaritan Law creates protection from prosecution for individuals in the case of underage drinking or drug use under the following conditions: law enforcement, including campus safety personnel, became aware of the possession or consumption solely because the individual was seeking medical assistance for someone else. The person seeking assistance must reasonably believe he or she is the first to call for assistance, must use his/her own name with authorities, and must stay with the individual needing medical assistance until help arrives.

Designed to encourage students to seek help in an alcohol or overdose emergency without the worry of receiving school policy violation sanctions, the law also applies to a crime or assault victim who also may be intoxicated or under the influence of drugs and is therefore reluctant to report the crime or assault. It is important to note that amnesty, in the case of underage drinking, does not apply to the person who needs the medical assistance – only to the caller if the above-listed conditions are met.

The well-being of every individual within the College community is the overwhelming priority, and students are encouraged to immediately seek medical assistance by calling 911 or the Department of Public Safety for a fellow student whose health may be at risk due to the overconsumption of alcohol or drugs. The College will offer a student who reports sexual assault or harassment limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that such violations do/did not place the health and safety of any person at risk.

Records kept as a result of this policy will not be noted on the student’s conduct record as a policy violation. Students involved will be required to meet with Residence Life staff or other College officials for a review of the incident, but this meeting will not result in disciplinary sanctions from the College. The College may, however, choose to pursue educational or therapeutic remedies for those individuals.

**Mandatory Response Obligations: The Deliberate Indifference Standard**

The College must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent (in other words, a response that is not clearly unreasonable in light of the known circumstances). The College has the following mandatory response obligations under Title IX:
• The College must offer supportive measures to the person alleged to be the victim (the complainant).

• The Title IX Coordinator must promptly 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 the filing of a formal grievance, and explain to the complainant the process for filing a formal grievance.

• The College must follow a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures with or without the filing of a formal grievance, and explain to the complainant the process for filing a formal grievance.

• The College must investigate sexual harassment allegations in any formal grievance filed by a complainant or reported to the Title IX Coordinator.

• The complainant’s wishes with respect to whether the College investigates should be respected unless the Title IX Coordinator determines that signing a formal grievance to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstance.

• The College must dismiss allegations for purposes of Title IX if they do not meet the definition of sexual harassment in the current Title IX regulations or did not occur in the school’s education program or activity against a person within the US. However, the College may still address the allegations in any manner deemed appropriate under our own code of conduct.

**Mandatory Response Obligations, definitions**

Title IX regulations provide clear definitions so respondents, students, and employees clearly understand how the College must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly. The definitions follow:

- Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment. A third party may report sexual harassment as well as the complainant.

- Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

- Formal Grievance: Document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment and states:

  - At the time of filing a formal grievance, a complainant must be participating in or attempting to participate in the education
program or activity of the College with which the formal grievance is filed.
- ‘Document filed by a complainant’ refers to a document or electronic submission (such as by email or through an online portal provided for this purpose by the College) that contains the complainant’s digital signature or otherwise indicates that the complainant is the person filing the formal grievance.
- Where the Title IX Coordinator signs a formal grievance, he/she must not be a complainant or a party during a grievance process and must comply with requirements for Title IX Officials to be free from conflicts and bias.
- ‘Supportive measures’ is defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- The Title IX Coordinator evaluates a College’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances and does not second guess the College’s disciplinary decisions, but requires the College to offer supportive measures and provide remedies to a complainant whenever a respondent is found responsible.

**Grievance Process, General Requirements**

A consistent, transparent grievance process for resolving formal grievances of sexual harassment is required. The College’s grievance process must treat complainants equitably by providing remedies any time a respondent is found responsible and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process described in the Title IX regulations. Further,

- Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant’s equal access to education and may include the same individualized services defined under Title IX as supportive measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- There must be an objective evaluation of all relevant evidence and avoidance of credibility determinations based on a person’s status as a complainant, respondent, or witness.
- All Title IX Officials (Title IX Coordinator, Title IX Deputy Coordinator, Investigators, Title IX hearing panel members, advisors, adjudicators, and those who facilitate any informal resolution process) must be free from conflicts of interest or bias for or against complainants or respondents.
Training of all Title IX Officials includes that on the definition of sexual harassment under Title IX, the scope of the College’s education program or activity, how to conduct an investigation and grievance process – to include hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

- Decision-makers receive training on technology to be used at a live hearing.
- Decision-makers and Investigators receive training on issues of relevance, including how to apply the rape shield protections provided only for complainants.
- Investigators receive training on issues of relevance to create an investigative report that fairly summarizes the evidence.
- The College posts materials used to train Title IX officials on our website so that materials are available for members of the public to inspect.
- Title IX officials maintain 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.
- The College includes reasonably prompt time frames for the conclusion of the grievance process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.
- The College describes the range or list the possible remedies they may provide a complainant and disciplinary sanctions that might be imposed on a respondent following determination of responsibility.
- The College states whether they have chosen to use the preponderance of the evidence standard or the clear and convincing evidence standard for all formal grievances of sexual harassment (including when employees and faculty are respondents). The College uses the preponderance of the evidence standard.
- The College describes our appeal process and the range of supportive measures available to complainants and respondents.
- The College’s grievance process does not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices other than those required by Title IX that the College adopts as part of its grievance process for handling formal grievances of sexual harassment applies equally to both parties.

Retaliation

Retaliation is a violation of Title IX. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a respondent or third party may also be the subject of retaliation by another individual, including the complainant.

Charging an individual with code of conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or formal grievance of sexual
harassment for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

An individual reporting sexual assault or harassment is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated.

The College must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out Title IX proceedings.

Grievances alleging retaliation may be filed according to the College’s prompt and equitable grievance procedures.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith during the course of a Title IX grievance proceeding does not constitute retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that any party made a bad faith materially false statement.

**False Reporting**

The College takes validity of information very seriously as a charge of sexual assault or harassment may have severe consequences. A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a respondent or witness who is later proven to have intentionally given false information during the course of an investigation or judicial action may be subject to disciplinary action.

**Reports Involving Minors**

Any Bryn Athyn College employee who has reasonable cause to suspect abuse of a child (an individual under the age of 18) that the employee has come into contact with during the course of employment must make a report to the Department of Public Safety, which will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. All other members of the Bryn Athyn College community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected. See the Bryn Athyn College Employee Handbook, section 3.9.3 for further details.

Reports directly to the Pennsylvania Department of Public Welfare’s Child Line and Abuse Registry can be made anonymously by calling 800-932-0313 or reporting online at www.compass.state.pa.us/cwis/public/home. To ensure that the College gives the
suspected abuse appropriate attention, employees are also required to report suspected abuse internally to the Chair or a sub-chairs of the College Conduct Hearing Panel (CCHP) or the College President. See the Bryn Athyn College Employee Handbook, section 3.9.3 for further details.

Internal reports will be handled with discretion and in cooperation with the state’s Department of Public Welfare or local authorities.

To report suspected abuse if the child is in immediate danger, call 911.

To report suspected abuse, if the child is not in immediate danger, call the Department of Public Safety at (267)502-2424 and/or Pennsylvania Department of Public Welfare’s Child Line at (800) 932-0313. See details for contact information on the College Contact Resources Guide of this policy.

**Anonymous Reporting – Non-emergency Situation**

Any individual may make an anonymous report concerning an act of sexual assault or harassment. An individual may report the incident without disclosing one’s name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the College’s ability to respond or take further action.

The College has created an online form for reporting: [https://brynathyncollege.omnigo.one/CESIReportExec/OLR/](https://brynathyncollege.omnigo.one/CESIReportExec/OLR/) - (pop-ups must be enabled)

As with all other reports, anonymous reports will go to the Department of Public Safety and the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the College will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

**Procedure for Review, Investigation, and Resolution of Discrimination, Harassment, Retaliation, or Sexual Misconduct Grievances**

**Investigations**

The College must investigate the allegations in any formal grievance and send written notice to both parties (complainant and respondent) of the allegations upon receipt of a formal grievance. During the grievance process and when investigating:

- The burden of gathering evidence and burden of proof must remain on the College, not on the parties.
- The College must provide equal opportunity for the parties to discuss the allegations or gather evidence (in other words, ‘gag orders’ are not permitted).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be but need not be an attorney.
The College must send written notice of any investigative interviews, meeting or hearings.

The College must send the parties and their Advisors evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.

The College must send the parties and their advisors an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least ten days for the parties to respond.

The College must dismiss allegations of conduct that do not meet Title IX’s definition of sexual harassment or did not occur in the College’s education program or activity against a person in the US. Such dismissal is only for Title IX purposes and does not preclude the College from addressing the conduct in any manner the College deems appropriate.

The College may dismiss a formal grievance or allegation if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal grievance or allegations, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

The College must give the parties written notice of a dismissal (mandatory or discretionary) that includes the reasons for the dismissal.

The College may consolidate formal grievances where the allegations arise out of the same facts.

The College cannot access or take into account a claimant’s or respondent’s medical, psychological, or similar treatment records in deciding a case, unless obtaining the party’s voluntary, written consent to do so.

Summary of Procedure
This procedure for review, investigation and resolution of discrimination, harassment, retaliation or sexual misconduct grievances (the Procedure) provides information applicable to students, faculty, staff, administration, visitors and others who may be on the College premises. If you have any questions regarding this policy, call or email the Title IX Coordinator at 267-502-6038 or renee.rosenfeld@bryanathyn.edu. The Policy is comprised of the following components:

• Grievances of possible violations of the Policy may be made to the Title IX Coordinator, Title IX Deputy Coordinator or the Department of Public Safety by completing an online incident report form or via phone, email or visit to the appropriate office.

• An initial assessment of the grievance is made by the Title IX Coordinator or designee within five (5) business days of receipt of the grievances.
• A full investigation follows if there is sufficient evidence to warrant it.

• An investigation is completed within approximately sixty (60) days, subject to reasonable delays (for example, end of term breaks or holidays).

• The Title IX Coordinator will take into the investigative report when determining if the matter should proceed to a hearing for judicial resolution.

• Following receipt of a grievance, the Title IX Coordinator will determine whether interim measures are appropriate while the investigation is in progress.

• An investigative report is reviewed by the Title IX Hearing Panel and/or the Dean of Students (if students of the College are involved) with the Title IX Coordinator to determine if there is sufficient Information upon which the Adjudicator might find a violation of the policy.

• Depending on the allegations involved, judicial resolutions of Policy violations may be achieved without a hearing, via an informal hearing, or via a formal hearing. (Only formal hearings involve the Title IX Hearing Panel.)

• When a formal hearing process is necessary, there are pre-hearing procedures and pre-hearing review of documents.

• Following deliberation and decision of the Adjudicator, the notice of outcome and sanctions are sent by the Title IX Coordinator to both the complainant and respondent.

• A complainant or respondent may desire to withdraw from the College prior to completion of the investigation and hearing process. If a complainant withdraws, depending on an assessment of the facts involved, the College may continue with the investigation and hearing process. If a respondent withdraws prior to completion of the investigation and hearing process, the process will proceed. Transcripts may be held and notated if a withdrawal occurs.

• An appeal to the President is permitted. (See the Appeals section on page 49).
Definitions

**Judicial Resolution** – When a respondent admits to the violation of the Policy, an informal hearing occurs for less serious violations of the Policy. A formal hearing is conducted by the Title IX Hearing Panel for more serious violations of the Policy.

**External Adjudicator** – In lieu of a hearing before the Title IX Hearing Panel, the Title IX Coordinator may retain an external (contracted) Adjudicator.

**Complete Outline of Procedure**
The Title IX Coordinator oversees consistent application of its procedure to all faculty, staff, administrators, students, and campus visitors and allows the College to respond promptly and equitably to eliminate the misconduct, prevent its recurrence and address its effects. He/she coordinates the review, investigation, resolution of the report and the implementation of all appropriate interim measures.

**Filing a Grievance**
An individual who wishes to make a report of discrimination, harassment, retaliation, or sexual misconduct may do so following the guidelines below.

To file a grievance, complainants may submit a written report (by completing a [College Incident Report Form]), call, or email the Title IX Coordinator, the Public Safety Department, or to any College official who has the authority to institute corrective measures on behalf of the institution. Following receipt of a grievance, the Title IX Coordinator may assign a Title IX Hearing Panel and an Advisor to the complainant.

Title IX Officials from which a Title IX Hearing Panel may be selected include:

- Dan Allen, Chief Financial Officer
- Michael Austin, Director of Residence Life and Dining
- Jonathan Carr, Coordinator of Student Activities and Multicultural Student Programming
- Marcy Latta, Associate Professor of Philosophy
- Suzanne Nelson, Dean of Students
- Phillip R. Zuber, Secretary/General Counsel, The Academy of the New Church

Normally, within five (5) business days of receipt of the grievance, an initial assessment is made by the Title IX Coordinator whether a Policy violation may have occurred and/or whether a judicial resolution might be appropriate. If the grievance does not appear to allege a Policy violation or if judicial resolution is not desired by the complainant, and it appears appropriate given the nature of the alleged behavior, then the grievance does not proceed to investigation.
If a grievance is made against the Title IX Coordinator or he/she is otherwise unavailable or unable to fulfill his/her duties, the Title IX Coordinator may assign The Title IX Deputy Coordinator to oversee the process below.

A full investigation will be pursued if there is evidence of a pattern of discrimination, harassment, retaliation, or sexual misconduct or a perceived threat of further harm to the college community. The College aims to complete all investigations within sixty (60) days. However, this time period can be extended as necessary for reasonable cause by the Title IX Coordinator with notice to the parties. Delays may occur when the College is closed or during academic breaks.

In every report of discrimination, harassment, retaliation, or sexual misconduct, the College, through the coordinated efforts of the Office of Director of Human Resources, Dean of Students, and/or the Title IX Hearing Panel, will conduct an initial assessment. At the conclusion of the assessment, the report will be referred to the Title IX Coordinator for an investigation to determine if there is sufficient information to proceed with judicial resolution. Judicial resolution is a sanctions-based approach that may involve discipline up to and including expulsion or termination of employment.

**Request for Confidentiality**

Complainants are encouraged to report incidents to the Title IX Coordinator, the Department of Public Safety, a confidential or mandated reporter, or the Bryn Athyn Police Department. Information will only be shared as necessary with Investigators, witnesses and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant’s rights and privacy.

If a complainant prefers confidentiality, he/she may speak with one or more of the following confidential reporters: on-campus counselors, college health service providers, off-campus local rape crisis counselors, domestic violence resources, private agencies, and or members of the clergy/chaplains all of whom will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Students may confidentially access College Counselors in the Health and Wellness Center. These resources are available free of charge and can be seen on an emergency basis during normal business hours. See [College Contact Resources Guide](#) for detailed information.

As described in the Privacy Appendix C of the [Employee Handbook](#), all College investigations will respect individual privacy concerns to the extent possible.

Information gathered during the investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the individual and the College campus community, and impose reasonable remedies to address the effects of the alleged conduct. The investigative report will serve as the foundation for all related resolution processes.

If the complainant requests that his/her identity remain confidential or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all College
community members. The College will take all reasonable steps to investigate and respond to the grievance consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Under these circumstances, the College will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment, any potential threats to community safety, the respective ages and positions of the complainant and the respondent, previous history of harassment grievances against the respondent, and the respondent’s right to receive information under applicable law.

At all times, the College will seek to respect the request of the complainant, and where it cannot do so, the College will consult with the complainant and keep him/her/them informed about the chosen course of action.

**Federal Timely Warning and/or Emergency Notification Obligations**
Complainants of sexual misconduct should be aware that College administrators must issue timely warnings and/or emergency notifications for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the college community. When reporting, complainants may request that personally identifiable information be withheld. The College will make every effort to ensure that a complainant's name and other personally identifying information is not disclosed, while still providing enough information for community members to make decisions in light of the potential danger.

**Initial Assessment**
Upon receipt of a discrimination, harassment, retaliation, or sexual misconduct report, the College will conduct an initial assessment. The first step of the assessment will usually be a preliminary meeting with the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the complainant will be provided with information about resources, procedural options, and interim remedies.

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the assessment may continue depending on a variety of factors, such as the complainant’s wish to pursue disciplinary action, the risk posed to any individual or the College community by not proceeding, and the nature of the allegation.

In the course of this assessment, the College will consider the interest of the complainant and the complainant’s expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the complainant’s request.

As part of the initial assessment of the facts, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation.
- Address immediate physical safety and emotional well-being of the complainant.
• Notify the complainant of the right to contact law enforcement and seek medical treatment.
• Notify the complainant of the importance of preservation of evidence.
• Assess the reported conduct for the need of a timely warning and/or emergency notification under the Clery Act.
• Provide the complainant with information about on- and off-campus resources.
• Notify the complainant of the range of interim accommodations and remedies.
• Provide the complainant with an explanation of the procedural options, including judicial resolution.
• Identify an Advisor, advocate, and/or support person for the complainant and the respondent (if a student, in sexual assault grievance only).
• Assess for pattern evidence or other similar conduct by respondent.
• Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding.
• Explain the College’s policy prohibiting retaliation.

Where a complainant requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its dual obligations to provide a safe and non-discriminatory environment for all College community members and to afford a respondent fundamental fairness by providing notice and an opportunity to respond before action is taken against a respondent.

**Initial Assessment Outcomes**
The Title IX Coordinator will determine appropriate manner of resolution and if appropriate, recommend a remedies-based resolution or further investigation to determine if there is sufficient information to pursue judicial resolutions.

The determination as to how to proceed will be communicated to the complainant in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. A respondent will be notified when the College seeks action that would impact a respondent, such as protective measures that restrict the respondent's movement on campus, the initiation of an investigation, or the decision to involve the respondent in remedies-based resolution.

Even if judicial resolution is not pursued, the College will have the discretion to require the respondent to participate in remedial measures in order to provide counselling and education regarding College policies.

**Interim Measures**
Upon receipt of a discrimination, harassment, retaliation, or sexual misconduct report, the College will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The College
will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request that protective action be taken, the College may choose to impose interim measures on the respondent at its discretion to ensure the safety of any individual, the broader College community, or the integrity of the review process.

Employees and/or students seeking such assistance should speak with the Title IX Coordinator, who will coordinate such requests on the behalf of the individual. The College will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure.

The College may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include a no contact order, emotional support and/or interim separation.

**No Contact Order**
A complainant or respondent may request, or the College 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. In some cases, an individual may also wish to consider an Abuse Prevention Order or a Harassment Prevention Order from the local courts. This is a civil proceeding independent of the College. If a court order is issued, the College will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order. The College may also limit an individual or organization’s access to certain College facilities or activities as part of the no contact order.

**Academic, Employment or Residence Modifications**
A Complainant or Respondent may request, or the college may impose, an academic or employment accommodation or a change in residence after a report of sexual misconduct. An individual who requests assistance in changing their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Change in class schedule, taking an incomplete, dropping a course without penalty, attending a class virtually, providing an academic tutor, or extending deadlines for assignments.
- Change of dormitory assignment; restriction of visitation to other party’s residence.
- Change in work assignment or schedule.
- Providing an escort to ensure safe movement between classes and activities.
**Emotional Support**
The College will provide counseling services through the Counseling Center or will assist in providing a referral to off-campus agencies as detailed in the Campus and Community Resources section of this policy. Counseling and emotional support are available to any member of the campus community.

**Interim Separation**
If either the President or the Dean of Students decides at any point that the well-being of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the Student Code of Conduct (as outlined in the Student Handbook), any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time judicial resolution, disciplinary action, or a hearing can be completed. This action assumes no determination of guilt, and the hearing will be held as soon as possible.

Similarly, the College may impose leave for any employee. Such leave will be structured at the College’s discretion.

**Conducting an Investigation**

Based upon the initial assessment, the Title IX Coordinator will determine if an investigation of the alleged discrimination, harassment, retaliation, or sexual misconduct report is necessary. This determination is based on a variety of factors, such as the complainant’s wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

If found necessary, the investigation will proceed with the gathering of information by the Title IX Investigator from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The Title IX Investigator will also gather any available physical or medical evidence, including but not limited to, documents, communications between the parties, and other electronic records as appropriate. The Title IX Investigator may also consider prior allegations of, or findings of responsibility for, sexual misconduct by the respondent.

Information gathered during the investigation will be used to evaluate the allegations of the complainant, provide for the safety of the individual and the college community, and impose interim remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

The complainant and respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.
As described in the Privacy section of this policy, all College investigations will respect individual privacy concerns.

At the conclusion of the investigation, the Title IX Investigator will prepare a report setting forth the facts gathered. The report will be factual in nature and will not make a finding of responsibility or an assessment of credibility. The complainant and respondent will have the opportunity to submit to the Title IX Coordinator a written response to the investigation report.

Timeframe for Investigation
The investigation and resolution will usually be completed within sixty (60) business days of receiving the grievance, but this time frame may be extended depending on the complexity of the circumstances of each case. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements.

Circumstances for extensions may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the College may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

Hearing and Resolution Options
The standard of evidence used to determine responsibility at the College is the preponderance of the evidence standard. Title IX makes each College's grievance/grievance policy consistent by requiring each College to apply the same standard of evidence for all formal grievances of sexual harassment, whether the respondent is a student or an employee.

The Adjudicator, who cannot be the same person as the Title IX Coordinator or Investigator, must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

The Title IX Hearing Panel, Adjudicator, and/or the Dean of Students (for student grievances only) in consultation with the Title IX Coordinator, will review the investigation report and can recommend a threshold determination as to whether the allegations, if proven, would provide sufficient information upon which the hearing panel could find a violation of this Policy. If the Adjudicator or Dean of Students (for student grievances only) determines that this threshold has been reached, a notice of charge will be issued to begin the judicial resolution process.

If the Adjudicator decides that no policy violation has occurred or that the preponderance of evidence collected by the Title IX Investigator does not support a finding of a Policy violation, then the process will end unless the Title IX Coordinator is convinced by new evidence to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator. If there is reasonable cause to believe the Policy has been violated, the Title IX Coordinator will direct the investigation to continue, or if there is evidence of a preponderance of a violation, then the Title IX Coordinator may recommend a resolution without a hearing, with an informal hearing, or with a formal hearing, with hearings by run by the Title IX Hearing Panel.

Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well.

Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under these procedural guidelines.

Disciplinary action against a respondent may only be taken through a judicial resolution procedure, by means of a formal Title IX Hearing or an Adjudicator.

The investigative report will serve as the primary evidence in making a determination of responsibility. Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present relevant information to the Title IX Hearing Panel.

Hearing and or judicial resolutions should occur within sixty (60) days of receiving the grievance. Extenuating circumstances may pose a delay and will be communicated to all parties should more time be required.

**Informal Resolutions**

The College may choose to offer and facilitate informal resolution options, such as mediation and restorative justice, when both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.
Further, the College may not require as a condition of enrollment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal grievances of sexual harassment. Similarly, the College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal grievance is filed.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal grievance.

The College may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Judicial Resolutions**

*Without a Hearing*

A judicial resolution without a hearing is particularly appropriate when the respondent has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the Title IX Coordinator, it may also be used when the facts are in dispute. In reaching a determination as to whether this policy has been violated, the Coordinator will reach a determination by a preponderance of the evidence—that is, whether the conduct was more likely than not to have occurred as alleged.

Resolution without a hearing can be pursued for any behavior that falls within the Non-Discrimination, Non-Harassment, and Non-Retaliation Policies, at any time during the process. The accused may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Adjudicator will render a finding that the individual is in violation of College policy for the admitted conduct, and may or may not proceed to convene a formal hearing on any remaining disputed violations. A formal hearing will only be convened if the violation is one of gross misconduct, to include sexual misconduct or violent behavior. Resolutions for other less offensive violations will be determined by the Adjudicator only.

For admitted violations, the Adjudicator will recommend an appropriate sanction or disciplinary action. If the sanction/disciplinary action is accepted by both the complainant and respondent, the Title IX Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the complainant and the college community. If either party rejects the sanction/disciplinary action, a Title IX hearing will be held on the sanction/disciplinary action only, according to the hearing procedures below.

*Informal Hearing*

A judicial resolution informal hearing process is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if judicial resolution is
appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to judicial resolution.

A complainant or respondent may request resolution through an informal hearing, in which the Title IX Coordinator or a member of Title IX Hearing Panel will meet with the complainant and respondent to determine responsibility and render a decision as to what sanctions, if applicable, may be implemented. Both parties must agree to the resolution determined by the informal hearing process. If the parties cannot agree to an informal resolution, the Title IX Coordinator will refer the case to a formal Title IX Hearing Panel.

Depending upon the nature and severity of the allegations, the Title IX Coordinator may decline to handle the matter as an informal hearing and refer the case to a Title IX Hearing Panel at any time.

*Formal Hearing with Cross-examinations*

The College’s grievance process must provide for a live hearing, during which time the decision-maker(s) must permit each party’s Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination must be conducted directly, orally, and in real time by the party’s Advisor of choice – never by a party personally.

At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witnesses answers a question (cross-examination or otherwise), the decision-maker must first determine whether the question is relevant and explain to the party’s advisor asking cross-examination questions any decision to exclude a question as not relevant.

If a party does not have an Advisor present at the live hearing, the College must provide, without fee or charge to that party, an advisor of the College’s choice who may be but is not required to be, and attorney to conduct cross-examination on behalf of that party. The party’s Advisor may appear and conduct cross examination even when the party whom they are advising does not appear.
If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(S) must not rely on any statement of that party or witness in reaching a determination regarding responsibility provided the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness’ absence from the live hearing or refusal to answer questions (cross-examination or otherwise).

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

The College must create an audio or audiovisual recording or transcript of all live hearings.

Formal hearings processes are not judicial resolutions. Such hearings are initiated by the Title IX Coordinator and the Dean of Students (for student reports only) for those grievances that are not appropriate for a judicial resolution and which are not resolved without a hearing. Formal hearings are conducted by the College Conduct Hearing Panel procedures as outlined below.

**Rape Shield Protections for Complainants**

Title IX provides rape shield protections for complainants, deeming irrelevant questions and evidence about a complainant’s prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

**Title IX Hearing Panel**

The Title IX Hearing Panel is a fact-finding committee comprised of trained faculty, staff, and administrators. The Title IX Hearing Panel will have a minimum of three (3) panelists. The individuals who serve as panelists are chosen from a pool of Title IX Officials comprised of faculty, staff, and administration and are recommended by the Title IX Coordinator. No member of the Title IX Hearing Panel may be a practicing attorney.

The Title IX Hearing Panel is overseen and supported by the Title IX Coordinator; however, the Dean of Students will serve as the convener and the observer for all student-related cases, while the Title IX Coordinator will serve as the convener and the observer for all employee-related cases.

The Title IX Coordinator and the Dean of Students (if student grievance only) or designee will be present during the hearing to serve as a resource for the Title IX Hearing Panel on issues of policy and procedure, and to see that policy and procedures are appropriately followed throughout the hearing. They will NOT serve as voting members of the panel.

**Role of the Title IX Hearing Panel**
Members of the Title IX Hearing Panel are trained in Title IX, Title VII, and all aspects of the grievance process, and can serve in any of the following roles, at the direction of the Coordinator:

- Serve as an Adjudicator
- Serve in a mediation role in judicial resolution
- Act as an Advisor to those involved in grievances
- Serve on a Hearing Panel for grievances

Title IX Hearing Panel members also recommend proactive policies and serve in an educational role for the college community. All Title IX Hearing Panel members receive comprehensive annual training organized by the Title IX Coordinator.

A list of Title IX Officials who may be called upon to serve as a Hearing Panel member appears on page 30.

**Hearing Process Details**

**Pre-Hearing Procedures for Formal Hearing Process**

When a hearing is deemed necessary based on the review of the investigation report, the Title IX Coordinator or the Dean of Students will contact the complainant and respondent in writing to schedule separate meetings with each party (the initiation of charges).

**Initiation of Charges**

If the Title IX Coordinator makes the threshold determination to resolve the grievance through a panel hearing, the Title IX Coordinator or the Dean of Students (if a student is involved) will issue an initiation of charges letter to both parties requesting a pre-hearing meeting. It will include the following information:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.

- The time, date and location of the pre-hearing meeting and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator or the Dean of Students may reschedule the hearing.

- The parties are offered the assistance of an Advisor at the hearing. Typically, Advisors are members of the college community or a member of Title IX Hearing Panel, but the Title IX Coordinator or Dean of Students may grant permission for an outside Advisor upon request. The complainant/respondent are expected to ask and respond to any questions they may have regarding the hearing process.
• Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College to remain within the 60-day goal for resolution.

At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions before the hearing occurs. If the complainant and/or respondent have elected to have Advisors throughout the hearing process, the Advisor is encouraged to be present at this initial meeting.

*Pre-Hearing Review of Documents*

The complainant and the respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least ten (10) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements, any other documentary information, and the initiation of charges that will be presented at the hearing.

The complainant is not required to write a grievance in preparation for the pre-hearing. Both the complainant and the respondent will be given notice of the specific charges and the opportunity to be heard before a final determination is reached.

*Notice of Hearing*

Following the pre-hearing meeting after each party has met with the Title IX Coordinator and/or the Dean of Students, a notice of hearing is sent to the complainant and the respondent. The notice of hearing provides each party with a statement of the policy violation(s) that is/are alleged to have taken place and a summary of the facts underlying the allegations.

In addition, the notice provides the parties with the designated manner of adjudication (judicial resolution, hearing, or informal mediation), the name of the Adjudicator or panel members, and the date, time, and place of the hearing. The notice will inform the complainant and the respondent that each may bring an Advisor, support person or witnesses to speak on their behalf as a character witness. In general, the hearing will be scheduled within approximately fifteen (15) business days after the notice of hearing is sent. Under extenuating circumstances, this time frame may be extended.

*External Adjudicator*

At the discretion of the Title IX Coordinator, the College may retain an external Adjudicator, whenever in the exercise of judgment, doing so will best serve the fair and equitable resolution of the grievance. In such cases, unless otherwise stated in this policy, the external Adjudicator will assume the role of convener of the Title IX Hearing Panel. In making the determination to select an external Adjudicator, the Title IX Coordinator will consider the nature of the allegations, the complexity of the case, whether there is any issue of conflict of
interest, the availability of trained panel members for the hearing, whether the College is in session or on break, and any other appropriate factors.

The external Adjudicator, if selected, will be a neutral party, usually an attorney, who is familiar with dispute resolution, the dynamics of sexual assault and harassment, and is trained in the College’s policies and procedures.

The external Adjudicator is supported by the Title IX Coordinator or the Dean of Students, who will meet with all involved parties prior to the hearing, be present during the hearing to serve as a resource for the external Adjudicator on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing.

**Composition of the Title IX Hearing Panel**
The complainant and the respondent may submit a written request to the Title IX Coordinator or the Dean of Students to remove a member of the Title IX Hearing Panel or contest the Adjudicator, if there are reasonable articulable grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of the notice of hearing. All objections must be raised prior to the commencement of the hearing. The Title IX Coordinator or the Dean of Students will make the determination whether to remove the panelist or seek an alternative Adjudicator.

**Hearing Procedures**
A hearing is intended to provide a full and fair opportunity for the complainant and respondent to present their account of events and for the panelists to determine the facts of the case, make a determination regarding the alleged violations of College regulations, and to recommend appropriate sanctions, if necessary.

The Title IX Hearing Panel and Adjudicator are expected to review all information pertinent to the incident in question. The investigative report will be made available for the Title IX Hearing Panel and Adjudicator to review at least five (5) business days prior to the hearing. Other relevant information supporting the violation(s) alleged may be offered in the form of written statements, documents, items, or oral information from the complainant, the respondent, and witnesses.

A hearing will be called to order by the Title IX Coordinator and/or the Dean of Students (if a student is involved), who will explain the hearing process and will provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information. The Title IX Coordinator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement to assist the panelists in prioritizing areas of inquiry.

The Adjudicator, Title IX Hearing Panel, complainant, or respondent may make only brief inquiries of the Title IX Investigator at this juncture, as there will be additional opportunity to ask questions of the Investigator after the Title IX Hearing Panel has heard from the complainant, the respondent, and any witnesses.
The complainant may present a brief written and/or oral narrative statement. The Adjudicator and Title IX Hearing Panel may pose questions to the complainant. The respondent is encouraged to compile a written list of questions to pose to the complainant. The list will be provided to the Adjudicator and Title IX Hearing Panel, who will determine the relevance of the questions and ask the complainant those questions deemed relevant and appropriate.

After the complainant is finished, the respondent may present a brief written and/or oral narrative statement. The Adjudicator and Hearing Panel may pose questions to the respondent. The complainant is encouraged to compile a written list of questions to pose to the respondent. The list will be provided to the Adjudicator and Title IX Hearing Panel, who will determine the relevance of the questions and ask the respondent those questions deemed relevant and appropriate.

Witnesses on behalf of the complainant and the respondent may then be proffered. Each witness will be permitted to give a brief narrative statement but need not do so. Each witness will then be questioned by the Adjudicator and Title IX Hearing Panel. The complainant or respondent may present a list of written questions to be posed to the witness to the Adjudicator and Title IX Hearing Panel, who will determine the relevance of the questions and pose any questions deemed relevant.

The Adjudicator, Title IX Hearing Panel, complainant, and respondent may then question the Investigator.

At the conclusion of the presentation of all witnesses, the complainant and respondent will each be given the opportunity to give a brief closing statement.

**Attendance at Hearing**

If a party misses a hearing for any non-emergency or non-compelling reason, the hearing may be held in the individual’s absence at the discretion of the Title IX Coordinator.

If a respondent chooses to withdraw from the College prior to the conclusion of an investigation or judicial resolution under this policy, for non-medical- or non-disability-related reasons, the student will not be permitted to return to the College until completion of the hearing process unless all sanctions (if any) have been satisfied.

If employee respondent chooses to resign from the College prior to the conclusion of an investigation or final resolution, the employee personnel files will be documented accordingly and he/she will be prohibited from rehire.

A complainant or respondent may request participation by other suitable means that would not require physical proximity to the other party. This can include, but is not limited to, partitioning a hearing room or using technology, such as Skype, to facilitate participation. Any proposed alternative must be reviewed in advance to ensure that it is consistent with the goals of a fair and equitable process.
**Participants in Hearing Procedures**
The hearing is closed, meaning it is not open to the public. The complainant, the respondent, any individuals serving as Advisors, and any individuals who are witnesses may appear before the Title IX Hearing Panel. Witnesses may only be present for their own testimony.

**Safeguarding of Privacy**
All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. Consistent with the Family Educational Rights and Privacy Act (FERPA) regulations, the parties, panel members, and Adjudicators may not share any copies of documents. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any breach of this duty is subject to disciplinary action by the College.

**Questioning of Witnesses**
It is the responsibility of Title IX Hearing Panel to assure that the information necessary to make an informed decision is presented. The Title IX Hearing Panel may play an active role in questioning both parties and witnesses involved in the case. At times, the Title IX Hearing Panel may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another. As outlined above, the parties may submit questions to the Title IX Hearing Panel in writing, which may be posed at the discretion of the Title IX Hearing Panel. Similarly, the Adjudicator and Title IX Hearing Panel are under no obligation to allow either party to directly question witnesses, and the Adjudicator and Title IX Hearing Panel may require that questions to witnesses be submitted in writing.

Parties and other individuals who offer information at a hearing are expected to respond honestly and to the best of their knowledge. The Adjudicator and Title IX Hearing Panel reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under this policy.

**Recording of Proceedings**
The College is required by law to create an audio or audiovisual recording or transcript of all live hearings.

**Deliberation & Decision**
After all of the information has been presented, all parties will be dismissed from the hearing room so that the Adjudicator and Title IX Hearing Panel may deliberate in private. The Title IX Coordinator or Dean of Students may remain for deliberations but may not participate in the deliberations and may not vote. The Adjudicator, internal or external, will make a decision.
The Adjudicator will determine a respondent’s responsibility by a preponderance of the evidence. This means that the Adjudicator will decide whether it is “more likely than not,” based upon the evidence provided at the hearing, that the respondent is responsible for the alleged violation(s).

The findings of the Adjudicator will be provided in writing; the report will detail the findings of fact and determination of responsibility, making reference to the evidence that led to the finding.

**Notice of Outcome**

The Title IX Coordinator will communicate the decision of the Adjudicator to the respondent and the complainant simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ college-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

The notice will include notification of appeal protocol.

Any change in the outcome that occurs prior to the time that the outcome becomes final will also be communicated simultaneously in writing. Generally, the outcome of the hearing will be final and communicated to the parties within five (5) business days from the date the hearing is concluded.

The respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The complainant will be informed of any sanctions that directly relate to the complainant. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

**Sanctions**

If the Adjudicator finds an employee, student, group, department, or organization responsible for a violation of the Policy, the panel or the Adjudicator will decide on appropriate sanctions.

The sanctions may include, but are not limited to, those set forth in the Student Handbook, Employee Handbook or Faculty Handbook. In particular, a violation of this policy may result in employment termination, suspension, or expulsion from the College.

The sanctions may include remedial or corrective actions as warranted. Listed below are various sanctions for students and employees:

The Adjudicator may broaden or lessen any range of recommended sanctions based on serious mitigating circumstances or egregiously offensive behavior.
The Adjudicator will not deviate from the range of recommended outcomes unless compelling justification exists to do so. The Adjudicator may issue a single sanction or a combination of sanctions.

In considering the appropriate sanction within the recommended outcomes for students and employees, the Adjudicator will consider the following factors:

1. The respondent’s prior discipline history
2. How the College has sanctioned similar incidents in the past (provided they are not sexual in nature)
3. The nature and violence of the conduct at issue
4. The impact of the conduct on the complainant
5. The impact of the conduct on the community, its members, or its property
6. Whether the respondent has accepted responsibility
7. Whether the respondent is reasonably likely to engage in such conduct in the future
8. The need to deter similar conduct by others
9. Any other mitigating or aggravating circumstances, including the College’s standards and values

Absent compelling justifications, if the respondent has engaged in the same or similar conduct in the past, the sanction will be expulsion.

The Adjudicator may also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the complainant and any witnesses from retaliation; provide counseling for the complainant; other steps to address any impact on the complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

**Student Sanctions**

The following are the usual sanctions per the student handbook that may be imposed upon students or student organizations singularly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
• **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe conduct sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

• **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the College. A suspension is noted on transcripts during the time it is in effect.

For further details regarding student sanctions, please refer to the Bryn Athyn College Student Handbook.

**Employee Sanctions**
Disciplinary actions for an employee who has engaged in discrimination, harassment and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay, and termination. See the Corrective Actions & Corrective Counseling policy in the Employee Handbook for details.

**Withdrawal or Resignation While Charges are Pending**
The College will not permit a student to withdraw if that student has a grievance pending for violation of the Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process may nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to the College until completion of the hearing process unless (if any) all sanctions have been satisfied. A hold may be placed on the student’s account to prohibit re-enrollment and the release of transcripts.

In compliance with FERPA and the Clery Act a notation of student misconduct or college expulsion may be placed on a student’s transcript.

The College may choose to dismiss a formal grievance or allegation if the complainant informs the Title IX Coordinator in writing that he/she desires to withdraw the formal grievance or allegations prior to the conclusion of an investigation or hearing if the respondent is no longer enrolled or employed by the College or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

**Appeals**
Title IX states that the College must offer both parties an appeal from a determination regarding responsibility and from the College’s dismissal of a formal grievance or any allegations therein, on the following basis:
The complainant and/or respondent may appeal only the parts of the determination of responsibility or sanctions directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter
- Newly discovered evidence that could affect the matter.
- Title IX Officials had a conflict of interest or bias that affected the outcome of the matter.
- The College may offer an appeal equally to both parties on additional bases.

Either party may appeal the determination of responsibility or sanction(s) in writing to the College President or a designee. The appeal must be filed with the College President within five (5) business days of receiving the written notice of outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal.

Upon receipt of an appeal, the College President will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) business days from receipt of the appeal.

The appeal will be conducted in an impartial manner by an impartial decision-maker. 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 is not a new review of the underlying matter.

The College President shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The President 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 College President can ask that a new hearing occur before a newly constituted Title IX Hearing Panel.

In the case of new and relevant information, the College President can recommend that the case be returned to the original Title IX Hearing Panel and Adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The College President will communicate the result of the appeal to the complainant and respondent within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.
**Failure to Complete Sanctions/Comply with Disciplinary Actions**

All respondents are expected to comply with conduct sanctions (disciplinary/responsive/corrective actions) within the time frame specified by the Title IX Coordinator. Failure to follow through on these sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension, expulsion and/or termination from the College (which would be noted on a student’s official transcript or in an employee’s personnel records). A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator. For students or student organizations this decision will be made in consultation with the Dean of Students.

**Records**

The Title IX Coordinator will retain records of all reports, allegations, and grievances, regardless of whether the matter is resolved by initial assessment, judicial resolution, or panel hearing process. Grievances resolved by Title IX assessment are not part of a student’s conduct file or academic record.

Affirmative findings of responsibility in matters resolved through judicial resolution are part of a student’s conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student’s conduct record. The conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office for no fewer than seven years after their departure from the College. Further questions about student record retention should be directed to the Dean of Students.

Employee’s Title IX documentation will be kept in the Office of the Title IX Coordinator.

**Other Important Areas of the Process**

**Group Infractions**

When members of an employee/student group, department, organization, or team of individuals acting collusively operate in concert of a violation of the Policy, they may be charged as a group or as individuals, and a hearing may proceed against the group as joint respondents or against one or more involved individuals as appropriate given available information and the circumstances.

**Advisors and Support Persons**

In addition to an Advisor, the complainant and respondent have the right to be assisted by a support person of her/his choice. The person must be a member of the Bryn Athyn College community (current student, faculty member, staff member, or administrator).

To serve as a support person, the individual will be required to meet with the Title IX Coordinator or the Dean of Students in advance of any participation in the proceedings, preferably during the pre-hearing meeting.
The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the pre-hearing itself. This person is not to address the panel, except to ask for a short recess if one of the parties requires some time to compose her/himself or collect her/his thoughts. The Title IX Coordinator or the Dean of Students has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with a support person.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person.

**Role of the Attorney/Outside Agreements**
A complainant or respondent may choose to seek the advice and assistance of an attorney at their own expense. An attorney may serve as a support person but must abide by the Advisor and support person guidelines (see above). Additionally, the College will not recognize or enforce agreements between the parties reached outside of these procedures. If the support person is an attorney, the College’s attorney may also attend the hearing.

**Witnesses**
The complainant and respondent have the right to call witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual’s character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College’s investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the College’s investigation, the following must be submitted no later than ten (10) business days before the hearing to the Title IX Coordinator or the Dean of Students by email or in hardcopy format:

- The names of any witnesses that either party intends to call
- A written statement and/or description of what each witness observed
- If not already provided during the investigation, a summary of why the witness’ presence is relevant to making a decision about responsibility at the hearing
- The reason why the witness was not interviewed by the Investigator, if applicable

The Title IX Coordinator or the Dean of Students will determine if the proffered witness(es) have relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the Investigator. The Title IX Coordinator or the Dean of Students may also require the Investigator to interview the newly identified witness.

If witnesses are approved to be present by the Title IX Coordinator, the complainant and respondent are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties
have the opportunity to pose questions of witnesses (through the panel), regardless of who called them to the hearing.

**Relevance**
The Title IX Coordinator will review the investigation report, any witness statements, and any other documentary evidence to determine whether the information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the Title IX Coordinator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Title IX Coordinator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

The Title IX Coordinator may forego redaction of investigative materials to allow the Adjudicator to determine the relevance and/or weight to give to any information.

**Prior Sexual History and/or Pattern Evidence**

**Prior sexual history of a complainant.** In general, a complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing.

**Pattern evidence by a respondent.** Where there is evidence of a pattern or conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the respondent. Where there is a prior finding of responsibility for a similar act of sexual assault or harassment, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

Where a sufficient informational foundation exists as determined by the Title IX Coordinator, he/she, in consultation with the Title IX Hearing Panel, will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted to the Title IX Coordinator via email or in hardcopy format no later than five (5) business days after the notice of the charge has been made:

- A written statement and/or description of the proposed information, if not already provided during investigation

- A summary of the relevance of this information to making a decision of responsibility at the hearing
• If not provided during the investigation, a brief explanation of why this information was not shared with the Investigator

If this information is approved as appropriate for presentation at the hearing, the respondent and complainant will be provided with a brief description of the approved information no later than five (5) business days before the hearing.

**Request to Reschedule Hearing**

Either party can request to have a hearing rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the student conduct administrator at least three (3) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason for the delay. The student conduct administrator may also reschedule the hearing, without a request by the parties, when there is reasonable cause to do so.

**Consolidation of Hearings**

The Title IX Coordinator has the discretion to consolidate multiple reports against a respondent in one hearing if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

**Attendance at Hearing**

If a party misses a hearing for any non-emergency or non-compelling reason, the hearing may be held in the individual’s absence at the discretion of the Title IX Coordinator.

A complainant or respondent may request participation by other suitable means that would not require physical proximity to the other party. This can include, but is not limited to, or using technology, such as Teams, to facilitate participation among individuals in different locations. Any proposed alternative must be reviewed in advance to ensure that it is consistent with the goals of a fair and equitable process.

**Participants in Hearing Procedures**

The hearing is closed, meaning it is not open to the public. The complainant, the respondent, any individuals serving as Advisors, and any individuals who are witnesses may appear before the Title IX Hearing Panel. Witnesses may only be present for their own testimony.

**Safeguarding Privacy**

All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. Consistent with the Family Educational Rights and Privacy Act (FERPA) regulations, the parties, panel members, and Adjudicators may not share any copies of documents. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any breach of this duty is subject to disciplinary action by the College.

**Questioning Witnesses**

It is the responsibility of the Title IX Hearing Panel to assure that the information necessary to make an informed decision is presented. The Advisor and Title IX Hearing Panel may play an active role in questioning both parties and witnesses involved in the case. At times, the
Adjudicator and Title IX Hearing Panel may need to ask difficult or sensitive questions to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another. As outlined above, the parties may submit questions to the Adjudicator and Title IX Hearing Panel in writing, which may be posed at the discretion of the Adjudicator and Title IX Hearing Panel. Similarly, the Adjudicator and Title IX Hearing Panel members are under no obligation to allow either party to directly question witnesses, and the Adjudicator and Title IX Hearing Panel may require that questions to witnesses be submitted in writing.

Parties and other individuals who offer information at a hearing are expected to respond honestly and to the best of their knowledge. The Adjudicator and Title IX Hearing Panel reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under this policy.
COLLEGE CONTACT RESOURCES GUIDE

ALWAYS DIAL 911 FOR EMERGENCIES.

Bryn Athyn College Department of Public Safety
Pitcairn Hall – Upper Level
267-502-2424
james.kalavik@anc-gc.org

Pennsylvania Coalition Against Rape (PCAR)
325 Swede Street, Suite 2
Norristown, PA 19401 Hotline:
1-888-772-7227
http://www.pcar.org/

Pennsylvania Child Abuse - ChildLine*
Department of Public Welfare Services
ChildLine: 1-800-932-0313
https://www.compass.state.pa.us/cwis/public/home

Bryn Athyn Police Department
2825 Buck Rd, Bryn Athyn, PA 19009
215-947-0118
http://www.brynathynboro.org/contact_us.htm

Title IX Coordinator
Renée L. Rosenfeld
Bryn Athyn College
Brickman Center, Room 103
267-502-6038
Renee.rosenfeld@brynathyn.edu

Available Monday- Friday
8:30 am - 5:00 pm

Title IX Deputy Coordinator
Scott Jones
Bryn Athyn College
College Center, Office 20
267-502-6077
scott.jones@brynathyn.edu

Available Monday- Friday
8:30 am -5:00 pm

(Over)
ALWAYS DIAL 911 FOR EMERGENCIES.

Dean of Students
Dr. Suzanne Nelson
Bryn Athyn College
Pendleton Hall, Room 109
267-502-2482 / 925-788-3499 (cell)
Suzanne.nelson@brynathyn.edu

BAC Student Health and Wellness Center*
https://brynathyn.edu/student-life/student-health-services/

Allie Abraham (Still here?)
College Center, Lower Level
267-502-2949
Allie.abraham@brynathyn.edu

Kevin Roth
College Center, Lower Level
267-502-2737
kevin.roth@brynathyn.edu

Bryn Athyn College Chaplain*
Rev. Grant Schnarr
Doering Center, Room 304
267-502-6075
Grant.schnarr@brynathyn.edu

Bryn Athyn College Assistant Chaplain*
Rev. Coleman Glenn
Pendleton Hall, Room 106
267-502-2605 (office)
267-266-3116 (cell)
Coleman.glenn@brynathyn.edu

*These confidential reporters will not report the specifics of your incident without your permission
Online Reporting allows people that are outside of the organization to submit reports that can then be reviewed by users within the Report Exec Enterprise program. In order to create an Online Report, users must travel to the proper link. The link consists of the organization's normal link that is used to reach Report Exec Enterprise, with /olr at the end; https://brynathyncollege.omnigo.one/CESIReportExec/OLR/

Once the user has reached the proper page, they must then select which group to write the report for (Select “TITLE IX”) and then click the Write New Online Report button.

**Start**

Upon selecting a group and starting a new Online Report, users will be brought to the Start page. From this page, users will choose to either create a new report or view an existing one. The Start page is shown below.

![Start Page](image)

- **Original** – If a user chooses to continue and make an original Online Report, then they will get taken through the process of adding all of the various pieces of information to a new report before finally submitting it.

- **Supplemental/View Report Status** – If a user selects this option, they will be prompted to provide the report number of an already existing Online Report and to complete a captcha in order to view a previously submitted report.
**Incident Type**
If the user decided to create an original report, they will then get brought to the Incident Type page. From this page, users must choose one of the Incident Types that are specific to the group they are creating the report for. These Incident Types are pulled from the list that is created in OLR – Incident Type Setup in the Administrative side of Report Exec Enterprise. Once the desired Incident Type has been selected, the user must then hit the Continue button.

![Image of Incident Type page](image)

**Reporting Persons**
After selecting the desired Incident Type and continuing, users will be brought to the Reporting Persons page. On this page users must first select the reporting person type, individual or business. If the user is reporting it alone, then they would select individual; if the user is reporting for their employer or for their own business, then they would select the business option.

![Image of Reporting Persons page](image)

Depending on the person type that the user selected, they will be prompted to fill out different pieces of information on the Reporting Persons page. After filling out all of the desired, or required, depending on the validation settings, information, the user must then click the Save/Update Reporting Person button in order to add that person or business to the report.

*Note: Users can add as many people as they would like and can add both individuals and businesses.*
Involved Contacts
From this tab, users can enter in any contacts that were involved in the incident. In order to add a contact to the report, users must first enter information for any field that is required to be filled out, and then they must click the Save/Update Involved Contact button. Users may add as many contacts as they would like to the report.

Incident
The Incident tab in an Online Report allows users to enter specific information regarding the incident that they are reporting. It is from this tab that users can turn on the tabs for vehicles, property, and digital media. In order to turn on those tabs, users must select the Yes button for each tab individually. The buttons are highlighted below:

Vehicle
From this tab, users can enter information regarding a vehicle that was involved in the incident. Only one vehicle can be added to an Online Report; in order to add a vehicle, the user must simply enter the information into the fields and then click the continue button.

Property
The Property tab works similarly to the Vehicle tab in the aspect that only one can be added for each Online Report. Adding a piece of property to an Online Report follows the same process as the vehicle tab, enter the information and click the continue button.
Digital Media

The Digital Media tab allows users to choose up to ten pieces of media, such as pictures or documents, and attach them to the Online Report. To do this, the user must click on the Browse button and then select their pieces of media. After the media has been selected, it will be uploaded to the report.

Review

From the Review tab, users can take one final look at the information they entered before submitted it to be reviewed by an Officer. This tab also gives users the ability to modify information that they already entered by clicking on the Modify button next to the corresponding section that they wish to modify.

Once the user is satisfied with their report, they can then click the Submit button in order to send the report to an OLR reviewer within the organization.

Finish

The final tab that users will see is the Finish tab. This tab gives users their OLR number and allows users to view the report, but not change it.