

Guide For
RESPONDENTS

of

Sexual Assault
Sexual Harassment
Dating Violence
Stalking



Susquehanna
UNIVERSITY

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Being accused of sexual misconduct or gender-based violence can be confusing and unsettling. This guide provides information on the sexual misconduct and gender-based violence formal resolution process as well as the resources that are available to you.

If you have been accused of sexual misconduct or gender-based violence, you are referred to as a Respondent throughout the resolution process.

For details on SU's policy and procedure for cases of sexual misconduct, domestic violence, dating violence and stalking, see www.susqu.edu/title-ix.



STUDENTS ACCUSED OF CODE OF STUDENT CONDUCT VIOLATIONS ARE ENTITLED TO THE FOLLOWING:

- to be informed of the charge and alleged misconduct upon which the charge is based;
- an opportunity to offer a relevant response;
- an opportunity to call and pose questions for relevant witnesses;
- confidentiality, to the extent permitted by, and consistent with, applicable federal and state law;
- to request that any person conducting an investigation or serving as the decision-maker or the appeals officer be disqualified on the ground of personal bias;
- to be considered not responsible of the charge(s) until determined responsible by a preponderance of the evidence; and
- to be supported throughout the Code of Student Conduct process.

SEXUAL MISCONDUCT AND GENDER-BASED VIOLENCE

At Susquehanna University, we are committed to creating an environment that is safe and free from all forms of violence. The university prohibits the conduct defined below. An attempt to commit any act defined below, as well as assisting or willfully encouraging any such act, is also considered a violation of the sexual misconduct and gender-based violence policy. Community members may also be held responsible for the misconduct of their visitors and guests.

Sexual misconduct and gender-based violence is defined under the policy as:

SEXUAL ASSAULT

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent; includes, but is not limited to, rape, fondling, incest and statutory rape.

In 8 out of 10 rape cases, the victim knows the attacker (Department of Justice).

SEXUAL HARASSMENT

Any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, including sexual assault and other forms of sexual misconduct; includes, but is not limited to:

- When submission to or rejection of such conduct is used as a term, condition, or basis for employment or educational advancement.
- When such conduct, of a severe and pervasive manner, has the purpose or effect of interfering with an individual's work performance or educational experience, or creates an intimidating, hostile or offensive work/educational environment.
- Unwelcome behavior that the individual did not solicit or invite, and particularly if they indicate that they find the conduct undesirable or offensive; acquiescence or failure to complain does not mean that the conduct is welcome.
- Such harassment, and all forms of sexual discrimination, are specifically prohibited not only by this policy, but also by Title IX of the Education Amendments of 1972.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

DATING VIOLENCE

Any act of violence or pattern of abusive behavior in an intimate relationship that is used by one partner to gain or maintain power and control over another partner.

Dating violence can be physical, sexual, emotional, economic or psychological actions, or threats of actions that are so severe, pervasive or persistent as to significantly interfere with an individual's ability to learn and/or work or cause substantial emotional distress, when judged both objectively

(meaning that a reasonable person would find the behavior to be abusive) and subjectively (meaning the impacted individual felt the behavior was abusive). Dating violence includes domestic violence.

The diagram below illustrates this pattern of abusive behavior.

DOMESTIC VIOLENCE

Violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.



CONSENT

Consent is present when words or actions manifest a **knowing, active, voluntary and present agreement to engage in specific sexual or intimate contact**. When determining whether consent was present, the university will consider whether a reasonable person(s) in the same position as the Respondent(s) knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent.

Knowing: Consent must demonstrate that all individuals understand, are aware of and agree to the who (same partners), what (same acts), where (same location), when (same time) and how (the same way and under the same conditions) of the sexual activity.

Active: Consent must take the form of words or actions that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission or the lack of verbal or physical resistance (including the lack of a "no") should not — in and of themselves — be understood as consent.

Voluntary: Consent must be given freely and cannot be the result of Respondent's coercion. Coercion is the use of express or implied threats, fraud, intimidation or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

Present: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to present sexual acts; similarly, consent to one type of sexual activity does not imply consent to all sexual activity.

Consent is NOT present when an individual is incapacitated.

Incapacitated: Incapacitation is 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. Someone who is drunk or intoxicated may be — but is not necessarily — incapacitated. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting or inability to perform.

REPORTING, ACCOMMODATIONS, INVESTIGATION AND RESOLUTION

REPORTING

A report of sexual misconduct or gender-based violence could happen in a variety of ways. A person may report directly to the Title IX Coordinator, Campus Safety or another responsible employee at the university. They may report to Selinsgrove Borough Police Department and seek a criminal investigation. An individual has the right to pursue a criminal investigation, campus investigation, both or neither.

SUPPORTIVE MEASURES

In the aftermath of an incident of sexual misconduct and/or gender-based violence, it can be difficult knowing what all you might need. Below is a list of available interim/supportive measures.

- Medical and mental health services, including counseling
- Assistance in finding alternative campus housing and/or dining locations
- Assistance in arranging for alternative university employment
- Assistance with Student Financial Services
- Assistance seeking visa and/or immigration assistance
- A mutual no contact order.
- Providing an escort to ensure that the individual can move safely between school programs and activities
- Transportation accommodations
- Assistance identifying an advisor of choice
- It may be possible to secure time-limited academic accommodations, such as:
 - » *Rescheduling an exam, assignments, etc.*
 - » *Attendance accommodation*
- Transferring to another section of a lecture or laboratory
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence or withdrawal from campus
- Preserving eligibility for academic, athletic or other scholarships, financial aid, internships, study abroad or foreign student visas
- If the student experiences persistent academic difficulties as a result of the incident (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the student may request more long-term academic accommodations, such as:
 - » *A temporary leave of absence.*
- You may also be entitled to additional services and supports if you have a disability or developed a disability as a result of experiencing sexual misconduct.

Center for Academic Success, Fisher Hall, Second Floor | **570-372-4340**

INVESTIGATION & RESOLUTION PROCESS

After a report has been made to the Title IX Office, the Title IX Coordinator or a Deputy Title IX Coordinator will reach out to schedule an intake meeting with the alleged Complainant. At that meeting they will gather additional information, review and offer supportive measures, and review the grievance/resolution process. At this point the person can take a few days to decide if they would like to pursue next steps.

They could elect to:

- a. File a formal complaint and seek:**
 - i. a formal resolution process, which includes an investigation and hearing.
 - ii. an informal resolution process, which could include restorative justice, mediation or another outcome agreed to by all parties.
- b. Not move forward with a formal complaint and seek to have:**
 - i. The report filed for informational purposes only.
 - ii. Supportive measures only and the report filed for informational purposes.

After a decision is made about how a Complainant would like to proceed, a meeting is scheduled with you, the Respondent, to indicate that they have been named in an alleged incident of sexual misconduct or gender-based violence. If a report was filed for informational purposes only, you would not be contacted.

The Title IX team has the duty and responsibility to proceed with a formal complaint—even if not supported by the Complainant—when an incident of sexual misconduct and gender-based violence rises to a threshold that the Respondent poses a significant threat to the campus community.

1. If the Complainant elects to move forward with a formal complaint and an informal resolution process, the Title IX Coordinator will work closely with both parties to help facilitate a mutually desired outcome. If a Complainant elects to move forward with a formal complaint and a formal resolution process, an investigator from Campus Safety will contact you, the Complainant, and any witnesses who are indicated and conduct an investigation. This includes questioning all parties involved and collecting a statement and any relevant evidence from all parties.
2. Once the investigation is complete, a draft investigation summary and the evidence collected will be shared with you, your advisor of choice, the Complainant and the Complainant's advisor of choice. You will have 10 days to review the investigation summary and all evidence collected. After the first 10-day review period has ended you will receive the final investigation summary, and have another 10-day review period to respond to the report.
3. After the second 10-day review period has ended, a hearing notice will be sent to all parties. The hearing will occur 14 days after the notice has been submitted. During that time, you and your advisor will meet with a case manager and the final investigation report will be shared with the Decision-Maker (the person who will hear the case).
 - a. The case manager is a Student Life professional who works with the conduct system. The goal of this meeting is to review the hearing process and ensure that you are fully informed of the procedures leading up to the hearing, during the hearing and appeals process.

4. A virtual hearing will occur and both parties will have the opportunity to speak about the alleged events. The Decision-Maker, an external contracted attorney, will use the preponderance of evidence standard to determine if you are found responsible for violating the university's policy.
 - a. *Preponderance of Evidence Standard* means that the evidence shows that it is more likely than not that sexual misconduct or gender-based violence occurred.
5. Violations of the policy may result in sanctioning. This could include probation, suspension or expulsion for students and demotion, termination or revocation of tenure for employees. Services or other measures to help remedy the effects of sexual misconduct and prevent recurrence may also be put in place.
6. Both parties have the opportunity to appeal the decision on specific grounds. If no appeal is filed, the case is closed. If you are found responsible, you will have to comply with the sanctions that are provided. These sanctions will be monitored by the Conduct Office. Failure to comply with the sanctions could result in additional conduct violations.
7. If the case is appealed, the Appeals Decision-Maker (the Vice President for Student Life or the Provost) will review the facts of the case and the reason for appeal. The Appeals Decision-Maker will render a final decision in the case.

Timeline

The university strives to resolve cases within 90 days of a formal complaint being signed. A general timeline for cases may be affected by breaks in the academic calendar, availability of the parties and witnesses (including leaves of absences), scope of the investigation and unforeseen circumstances.

Advisor of Choice

Both Complainants and Respondents may be assisted during the investigative and resolution process by an advisor of their choosing. This person can attend all campus meetings with you and help you prepare for your hearing. You must have an advisor of choice for the hearing. This person will be responsible for conducting cross examination during the live hearing. If you do not have an advisor of choice by the hearing, the University can provide one. The university may remove or dismiss an advisor of choice who becomes disruptive or does not abide by the rules of decorum, as determined by the Decision-Maker.

Confidentiality/Privacy

Susquehanna University handles cases of sexual misconduct and gender-based violence discreetly. Information is shared only with those who need to know in order to investigate and resolve the matter. Any parties involved in the investigation are asked to be respectful and keep the information related to the investigation and resolution process private, to the extent consistent with any applicable laws.

Honesty

All participants have the responsibility to be honest and truthful with the information they share at all stages of the process. If evidence is revealed that determines a person has knowingly been dishonest, it is a violation of our Code of Conduct and the participant could face conduct charges.

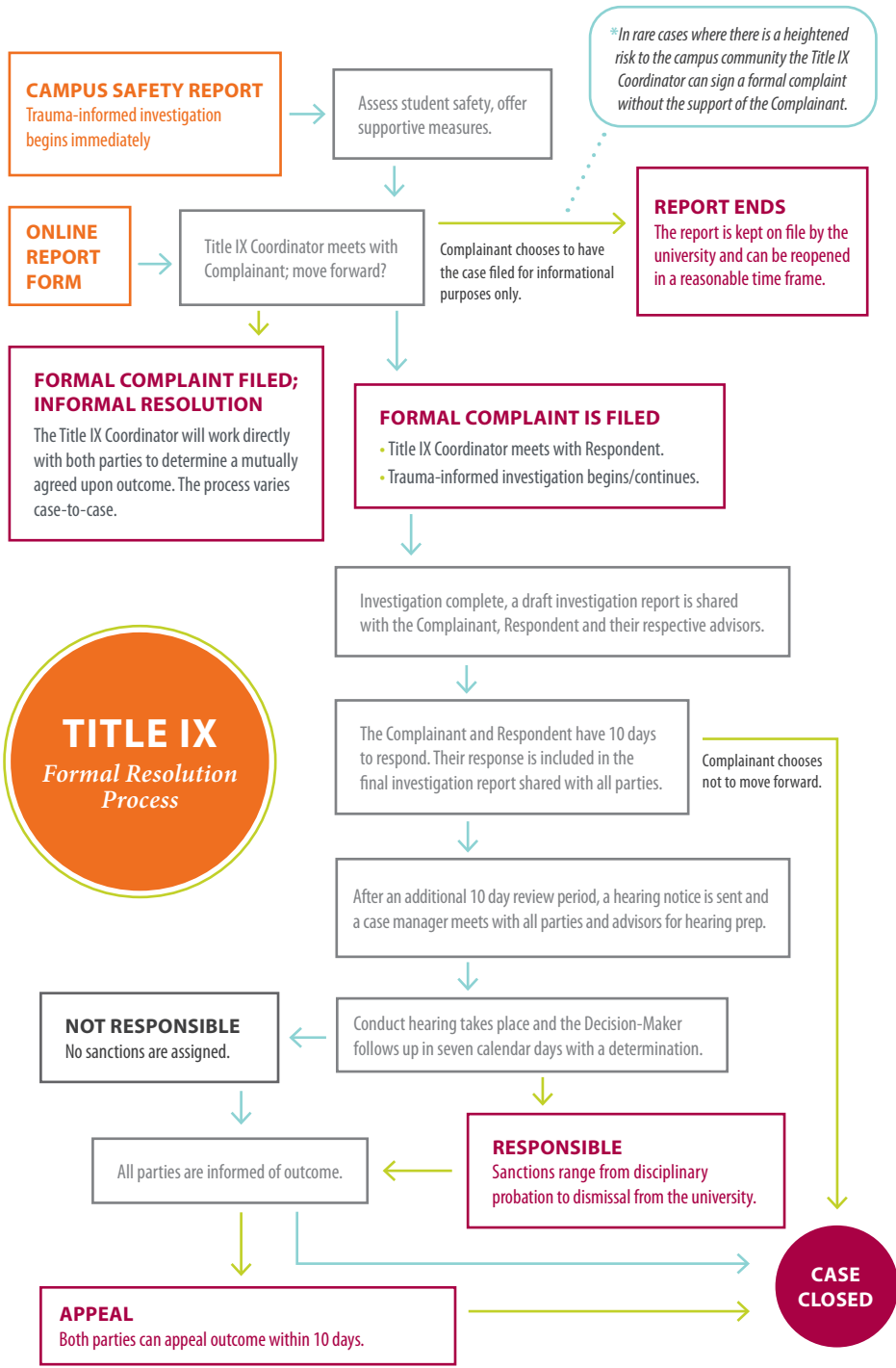
Retaliation

Any act or attempted acts to seek retribution against anyone in response to a good-faith report of an alleged violation of the sexual misconduct or gender-based violence policy or against anyone who has participated in an investigation or related proceeding.

Susquehanna University strictly prohibits retaliation against any members of its community. Members of the community are prohibited from engaging in actions, directly or through others, that are aimed to dissuade a reasonable party or witness from reporting. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion or discrimination.

Medical Amnesty

We recognize that students who have been drinking or using drugs, whether such use is voluntary or involuntary, at the time that violence allegedly occurred may be hesitant to report such incidents due to fear of potential consequences for their own conduct. A bystander or a reporting individual acting in good faith who discloses any incident of sexual misconduct or gender-based violence to Susquehanna University officials or law enforcement will not be subject to SU's Code of Conduct action for violations of alcohol or drug use policies occurring at or near the time the misconduct allegedly occurred.



REPORTING & CONFIDENTIALITY – KNOW YOUR OPTIONS

We encourage anyone who has been accused of harm to talk to somebody about what happened. Various employees on campus have different abilities to maintain confidentiality. The Title IX Coordinator can also connect you to a Respondent Services Coordinator. *They are:*

CONFIDENTIAL EMPLOYEES

Talking with a staff member in this capacity will not result in a report to the University. Confidential employees are available in Counseling and Psychological Services and the Religious and Spiritual Life Office.

RESPONSIBLE EMPLOYEES

Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. This group includes Title IX coordinators, student staff and all faculty and staff who are not listed as confidential or semi-confidential.

All individuals are encouraged to talk to someone in one or more of these groups. Refer to the chart below so you can make an informed decision.

CONFIDENTIAL	RESPONSIBLE EMPLOYEES
<ul style="list-style-type: none">• Counseling and Psychological Services• Religious and Spiritual Life Office• Student Health Center	<ul style="list-style-type: none">• All Faculty• All Staff• Title IX and Deputy Coordinators• All Student Employees and RAs• All Other University Employees

REPORTING ELECTRONICALLY



If you would like to initiate a report online, please fill out the form at www.susqu.edu/title-ix.

Your online report will go directly to the Title IX coordinators and they will be in touch with you as soon as possible. You can report incidents online anonymously. However, electronic submission may not be read immediately. Incidents requiring immediate response should be reported to SU Campus Safety at 570-372-4444.

ON-CAMPUS RESOURCES

Available 24/7

- **COUNSELING AND PSYCHOLOGICAL SERVICES**
570-372-4751
- **HEALTH CENTER**
570-372-4385 or after hours for urgent medical advice: 1-844-936-1731
- **CAMPUS SAFETY** · 570-372-4444

During Regular Hours

- **RELIGIOUS AND SPIRITUAL LIFE** · 570-372-4220

TITLE IX COORDINATOR



Christiana Paradis

*Director of Title IX
Compliance*

570-372-4321
paradis@susqu.edu



DEPUTY COORDINATORS



Grace Lowry

*Senior Director of
Human Resources*

Selingsgrove Hall, First Floor
570-372-4157
lowryg@susqu.edu



Amy Davis

*Assistant Director of
Inclusion and Diversity*

Degenstein Campus Center,
Lower Level
570-372-4590
davisam@susqu.edu



Amir El-Chidiac

*Research & Instruction
Librarian*

Blough-Weis Library
570-372-4301
elchidiac@susqu.edu

OFF-CAMPUS RESOURCES

SELINGROVE BOROUGH POLICE DEPARTMENT

100 W. Pine St. · Selinsgrove, PA 17870

Telephone: 570-374-8655 · Fax: 570-374-8751

For Students

OFFICE OF CIVIL RIGHTS (OCR)

U.S. DEPARTMENT OF EDUCATION

ed.gov/about/offices/list/ocr

For Employees

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

eeoc.gov/contact-eeoc

LEGAL RESOURCES

NORTH PENN LEGAL SERVICES

133 N. Second St. · Sunbury, PA 17801 · 570-286-5687

Other local free legal resources can be found on the American Bar Association's website:
americanbar.org/groups/legal_services/flh-home/flh-free-legal-help

VISA/IMMIGRATION ASSISTANCE:

On Campus

GLOBAL OPPORTUNITIES OFFICE · 570-372-4697

Off Campus

IMMIGRATION SUPPORT SERVICES

2215 Millennium Way · Enola, PA 17025 · 1-800-437-7313

COUNSELING RESOURCES

Information about other local counseling resources can be found by contacting
Counseling and Psychological Services.

www.susqu.edu/campus-life/student-and-campus-services/counseling-services

Susquehanna

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514 UNIVERSITY AVE. • SELINGROVE, PA 17870



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(Adapted from Northwestern University)