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Bucknell University Sex Discrimination,
Sexual Misconduct, Relationship Violence and
Stalking Policy & Procedures for Resolving
Complaints Against Students

Bucknell
UNIVERSITY

Lewisburg, PA 17837
bucknell.edu

BUCKNELL UNIVERSITY SEX DISCRIMINATION, SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE & STALKING POLICY & PROCEDURES FOR RESOLVING COMPLAINTS AGAINST STUDENTS

Bucknell University is committed to maintaining an academic environment in which members of its community can pursue their academic and professional activities. This environment cannot thrive unless each member of the University community is valued as an individual and is treated respectfully. Sex Discrimination (which includes Sexual Misconduct), Relationship Violence and Stalking are antithetical to the standards and values of the University, violate University policy and, in some instances, state and federal law, and will not be tolerated.

This Policy sets forth the options and resources available to an individual making a report of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking. Reports alleging such conduct committed by students will be resolved according to the procedures outlined in this Policy. Reports alleging such conduct committed by faculty or staff members will be resolved consistent with the procedures outlined in the faculty and staff handbooks and policies.

I. POLICY DEFINITIONS & VIOLATIONS

This Policy prohibits “Sex Discrimination” (including “Sexual Misconduct”), “Relationship Violence” and “Stalking,” broad categories encompassing the conduct defined below. Anyone can be found responsible for having committed Sex Discrimination (including Sexual Misconduct), Relationship Violence, or Stalking (regardless of sex or gender), which can occur between people of the same or different sexes or genders.

SEX DISCRIMINATION

Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681 et seq., prohibits discrimination on the basis of sex in educational programs and activities operated by recipients of federal financial assistance, including in employment by such institutions. Title VII of the Civil Rights Act of 1964 likewise prohibits discrimination in employment. The University complies with Title IX and Title VII and does not discriminate on the basis of sex in educational programs and activities, admissions, or employment. It complies with all applicable federal and state laws regarding nondiscrimination and equal opportunity. www.bucknell.edu/noticeofnondiscrimination

Sex Discrimination occurs when someone is treated adversely because of, or on the basis of, their sex or gender. It is important to understand that Sex Discrimination includes sexual harassment, sexual assault and other forms of misconduct as discussed below. Sex Discrimination also includes discrimination or harassment of a person based on the person’s nonconformity with gender stereotypes.

Sex Discrimination is a violation of this Policy.

Sexual Misconduct

Sexual Misconduct is a form of Sex Discrimination and encompasses the conduct described below:

Sexual Harassment: Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person’s employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person’s employment or education, or creating a hostile employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes gender-based harassment and harassment based on an individual’s failure to conform with gender stereotypes.

Sexual Assault: Having or attempting to have sexual intercourse or oral sex (cunnilingus or fellatio) without Consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.

Non-Consensual Fondling: The touching or attempted touching of another’s breasts, genitals, or buttocks (over or under clothes), for the purpose of sexual gratification, without Consent. Non-consensual fondling also includes forcing or attempting to force another to touch the breasts, genitals or buttocks of the Respondent, for the purpose of sexual gratification, without Consent.

Sexual Exploitation: The abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

RELATIONSHIP VIOLENCE

Relationship Violence includes the following violations:

Domestic Violence: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Pennsylvania law.

Dating Violence: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

STALKING

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

OTHER PROHIBITED CONDUCT

Complicity: Assisting, facilitating, or encouraging the commission of a violation of this Policy.

Retaliation: Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking or who has participated (or is expected to participate) in any manner in an investigation or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits Retaliation.

For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

OTHER DEFINITIONS

Alleged Victim: Any individual who has allegedly experienced a violation of this Policy.

Adviser: An individual who has agreed to serve as an informal provider of support and advice for an Alleged Victim or Respondent. The Adviser may accompany an Alleged Victim or Respondent to any proceeding or meeting that is held in connection with the Investigation and resolution of a Complaint. The Adviser may not speak aloud during the proceeding or meeting, including by addressing anyone other than the Alleged Victim or Respondent whom the Adviser is advising. The Adviser may confer quietly or by means of written notes with that Alleged Victim or Respondent. An Adviser whose presence is deemed at the sole discretion of the University employee conducting the proceeding or meeting to be improperly interfering with the proceeding or meeting will be required to leave and may be prohibited from participating in further meetings or proceedings under this Policy.

The Dean of Students' Office keeps a list of Advisers who have received training on this Policy. Parties may (but are not required to) select a trained Adviser from this list.

This Policy does not create a privileged relationship between an Alleged Victim or Respondent and an Adviser. If

the Adviser for an Alleged Victim is a member of the University community, the Adviser is obligated under this Policy to inform the Dean of Students' Office of information that contradicts the report or charges. Likewise, if the Adviser for the Respondent is a member of the University community, the Adviser is obligated to similarly disclose information that supports the allegations.

Appellant: A Party appealing a decision of the Hearing Panel.

Appellee: A Party opposing an appeal.

Complainant: An individual who invokes the University's processes to determine whether this Policy has been violated. The Complainant is normally the Alleged Victim.

Complaint: A statement submitted by the Complainant to the Title IX Coordinator for the purpose of initiating an Investigation. The University reserves the right to investigate and take action with regard to information brought to its attention regardless of the wishes of the parties or whether any Complaint is filed.

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent.

Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through Coercion or from an individual whom the person initiating the sexual contact knows or reasonably should know is incapacitated.

Coercion is the use of express or implied threats, 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.

An individual is considered to be Incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who is drunk or intoxicated 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 other physical or cognitive tasks without assistance.

An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent.

A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility for misconduct.

Hearing Panel: The three-member panel charged with adjudicating an alleged violation of this Policy. The Hearing Panel is typically drawn from the Hearing Panel Pool and comprised of three University employees. The Dean of Students' Office has sole discretion to make exceptions to this composition to ensure a timely hearing, including by appointing other available members of the University community to serve on that panel. A member of the Hearing Panel shall be appointed to serve as the Hearing Panel Chair.

Hearing Panel Pool: The group of University employees from which members of the Hearing Panel is selected. All members of a Hearing Panel Pool will receive at least annual training on i) issues related to Sex Discrimination, including Sexual Misconduct, Relationship Violence, and Stalking; ii) the purpose and implementation of this policy; and iii) how to conduct an investigation and hearing process that protects the safety of alleged victims,

provides appropriate support to all students involved, and promotes accountability.

Hostile Environment: Alleged discrimination that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the University's educational program.

In evaluating whether a Hostile Environment has been created, the University will consider the alleged conduct from both a subjective and objective perspective. Specifically, it will evaluate the alleged conduct from the perspective of a reasonable person in the Alleged Victim's position, considering all the circumstances. If the University determines that a Hostile Environment exists, it will take steps to eliminate the Hostile Environment, prevent its recurrence, and, as appropriate, remedy its effects.

Investigation: An investigation of a Complaint, which may include a hearing.

Investigator: An individual, typically the Title IX Coordinator, who is appointed by the Dean of Students to investigate a Complaint.

Party or Parties: A term referring individually or collectively to the Complainant and/or Respondent.

Respondent: Any student or student organization alleged to have violated this Policy.

Responsible Employee: Any regular full or part-time University employee, unless the employee is authorized or required by law to keep information confidential by virtue of the employee's professional role (The Advocates, Bucknell Student Health, Counseling & Student Development Center, and the Chaplains' office, for example).

Student Conduct Investigative Report: A report prepared by the Investigator for the purpose of resolving a Complaint.

Witness: Any individual who has seen, heard, or otherwise knows or has information about facts related to an alleged violation or attempted violation of this Policy. Expert witnesses are not permitted unless the expert has specific, factual information related to an alleged violation or attempted violation of this Policy. Individuals identified to provide information about a Party's character may not serve as witnesses. The Investigator's role is not that of a witness, and the Investigator may not be questioned by the Complainant or Respondent.

RELATIONSHIPS WITH INDIVIDUALS INVOLVING DISPROPORTIONATE AUTHORITY

A sexual or romantic relationship between students and faculty/staff and between employees in a supervisory/subordinate relationship (one individual being directly or indirectly supervised or evaluated by the other) is strongly discouraged. There will be a strong presumption that sexual activity between students and faculty/staff members and between employees in a supervisory/subordinate relationship is unwelcome and nonconsensual. Furthermore, such interactions may constitute violations of other University policies and professional standards.

II. REPORTING

The University encourages anyone who has information pertaining to a potential violation of this Policy to report it to the Title IX Coordinator.

Title IX Coordinator:

570-577-1554

204 Elaine Langone Center, Bucknell University

Lewisburg, PA 17837

titleix@bucknell.edu

www.bucknell.edu/titleix

If the incident involves alleged criminal activity or presents a safety concern, it may also be reported to the Department of Public Safety.

Department of Public Safety: (24 hours)

570-577-1111 (emergency)

570-577-3333 (non-emergency)

580 Snake Road, Bucknell University

Lewisburg, PA 17837

www.bucknell.edu/publicsafety

Students have the option to make an anonymous report to the Department of Public Safety using the anonymous reporting form at www.bucknell.edu/publicsafety. The amount of detail provided will determine the University's ability to respond.

Incidents involving University faculty or staff members may be reported as specified above or to Human Resources.

Human Resources:

570-577-1631

1st Floor, Cooley Hall, Bucknell University

Lewisburg, PA 17837

hr@bucknell.edu

www.bucknell.edu/humanresources

The University does not limit the time frame for reporting under this Policy, although a delay in reporting may impact the University's ability to take certain actions. The University retains the authority to pursue disciplinary action against students who withdraw or are on a leave of absence from the University after an incident of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking is alleged to have occurred. The University may withhold a student's diploma where a report of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking is pending. It may also, with Board of Trustee approval, revoke any degree awarded for an individual who is found responsible for prohibited conduct occurring prior to conferral of the degree.

Alleged Victims have other reporting options, which they can pursue regardless of whether or not they choose to invoke the disciplinary process on campus. These options are not mutually exclusive. Alleged Victims can pursue criminal charges (through the University's Department of Public Safety or local authorities) and, in some instances, may wish to talk with a private attorney about civil litigation. University personnel will assist the Alleged Victim in notifying authorities if the Alleged Victim so requests. It is important to understand that the standard for criminal prosecution is different from that used in student conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other. Additionally, in most situations, where a report is made on campus, it will move forward without regard to the status of criminal or civil proceedings.

Responsible Employees: If a Responsible Employee becomes aware of an instance of alleged Sexual Misconduct, Relationship Violence or Stalking involving a student, the employee must promptly report that information to the Title IX Coordinator. The Title IX Coordinator makes an online reporting form available for this purpose at www.bucknell.edu/TitleIX.

III. CONFIDENTIALITY

The University will seek to protect the privacy and confidentiality of the individuals involved in any report of alleged Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

The University will complete any publicly available record-keeping, including Clery Act reporting and disclosure,

without the inclusion of identifying information about the Alleged Victim. It will also maintain as confidential any interim measures or remedies provided to the Alleged Victim to the extent that maintaining confidentiality will not impair its ability to provide the interim measures or remedies.

Confidential resources and support services, such as the Advocates, are listed in Section XI of this Policy.

IV. INTERIM MEASURES

During the investigation and prior to a final determination, the Title IX Coordinator and/or the Dean of Students will provide appropriate interim measures to protect the Alleged Victim and provide appropriate support to all students involved. These measures may include, but are not limited to, the imposition of a no-contact order; employment, transportation, residence, and academic modifications; and access to counseling services. The Title IX Coordinator and/or the Dean of Students or their designee may limit a student's access to certain University facilities or activities pending resolution of the matter. The Dean of Students may impose an Interim Suspension on the Respondent pending the resolution of an alleged violation when the Dean determines, in the Dean's sole discretion, that it is necessary in order to protect the safety and well-being of members of the Bucknell community, to protect the Respondent's own physical or emotional safety and well-being, or if the Respondent poses an ongoing threat of disruption of or interference with the normal operation of the University.

V. INVESTIGATING REPORTS OF SEX DISCRIMINATION (INCLUDING SEXUAL MISCONDUCT), RELATIONSHIP VIOLENCE & STALKING

The University will investigate reports of Sex Discrimination (including Sexual Misconduct), Relationship Violence and Stalking to the extent appropriate and possible.

Resolution of all reports made under this Policy will be conducted in a prompt and equitable manner by an Investigator who has received appropriate training. Resolutions will typically be completed within 60 days. This time frame may be extended at the sole discretion of the Title IX Coordinator.

Other Code of Conduct Violations: The University has discretion whether or not to pursue other violations of the Student Code of Conduct that occurred in the context of the reported incident of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking. Such violations may be resolved in a hearing held under this Policy, may be resolved under the Code of Conduct, or may not be pursued.

VI. DISCIPLINARY PROCEEDINGS

Complaint: To initiate an Investigation, the Complainant must submit a statement to the Title IX Coordinator that contains:

- The name of the Respondent, if known,
- A description of the alleged Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking, and
- The date, approximate time, and location of the alleged violation, if known.

The Title IX Coordinator will provide the Complainant with a copy of this Policy, review procedures, and inform the Complainant of available resources, support services, and options, including the option to be assisted by an Adviser of choice.

The Title IX Coordinator will contact the Respondent in writing to notify the Respondent that a Complaint has been filed, provide notice of the allegations, and advise that these allegations will be investigated. The Title IX Coordinator will meet with the Respondent to review the allegations in greater detail, provide a copy of this Policy, review procedures, and inform the Respondent of available resources, support services and options, including the option to be assisted by an Adviser of choice.

Student Conduct Investigative Report: After a Complaint is filed, the Investigator will conduct an Investigation and

prepare a Student Conduct Investigative Report, which may be accompanied by supporting documentation or items (for example, statements, photographs, etc.). The Investigator will move forward with a hearing if sufficient information of a violation of this Policy is found.

If the Investigator determines to hold a hearing, the Investigator will inform the Parties in writing of the date, time and place of the hearing, the alleged violations that will be investigated in the hearing, and the names of those who have been selected to serve as the Hearing Panel.

Each Party shall have an opportunity to challenge Hearing Panel members for bias or conflict of interest. The challenge must be rooted in a specific bias or conflict of interest (e.g., the proposed Hearing Panel member is someone with whom a Party has had a previous conflict or relationship) rather than a general objection (race, religion, gender, etc.). A challenge must be made in writing to the Investigator within two (2) calendar days of notification of the composition of the Hearing Panel. The Dean of Students, in the Dean's sole discretion, shall determine whether a Hearing Panel member will be removed for possible bias or conflict of interest.

Informal Resolution: The University may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution if all the following are met:

1. All parties voluntarily agree to participate in an informal resolution, without a full investigation and adjudication, with the understanding that informal resolution may be ended and formal processes invoked at any time prior to conclusion; and
2. All parties have received full disclosure of the allegations and their options for a formal resolution; and
3. The University determines that the particular Title IX complaint is appropriate for such a process.

Acceptance of Responsibility: If a Complaint is not addressed through Information Resolution, the Respondent chooses to accept responsibility for the alleged violation(s), the Respondent will provide the Investigator with a written statement identifying the specific violation(s) and/or conduct to which the Respondent admits. The Investigator will share the Respondent's statement with the Complainant and the Hearing Panel. Sanctions will be determined by the Hearing Panel, which may hold a hearing solely for the purpose of determining sanctions and accountability plan recommendations.

Information: Information relevant to the alleged violation(s) or defenses thereto may be presented at the hearing. Statements concerning a Party's character do not constitute Information.

The Hearing Panel Chair will review the Student Conduct Investigative Report with the Investigator and will determine which witnesses, documentation, and other information will be called or presented at the hearing. No later than five (5) calendar days prior to the hearing, the Investigator will provide the Parties with a copy of the alleged violation(s), the Student Conduct Investigative Report, the list of witnesses, and any other information that will be presented at the hearing. The Investigator may redact the Student Conduct Investigative Report to the extent necessary to comply with the law.

No later than three (3) calendar days prior to the hearing, the Parties may request that additional witnesses, supporting documentation, or other information be presented at the hearing. The request must be in writing, submitted to the Investigator, and include a brief description of why the information is relevant to the determination of responsibility. The Parties may not introduce witnesses, documentation, or other information at the hearing that were not provided to the Investigator by this deadline. Exceptions may be made at the sole discretion of the Hearing Panel Chair if the identity of the witness or the documentation or other information was not available to the Party as of this deadline or for other extenuating circumstances.

The Investigator has sole discretion to alter the time frames provided in this Policy for good cause and with written notice of the delay and reason for delay to the Parties.

Prior to the hearing, the Investigator will offer to meet with each Party to review hearing procedures, the alleged violation(s), and the list of witnesses and other information that will be presented at the hearing.

The Investigator will forward a copy of the alleged violation(s), the Student Conduct Investigative Report, the list of witnesses, and any other information that will be presented at the hearing to the Hearing Panel in advance of the hearing.

Hearing Panel members and Advisers are required to keep the information learned in preparation for the hearing and at the hearing confidential. No copies of documents provided are to be made or shared with any third parties. All copies provided must be returned to the Investigator, or deleted if provided in electronic form, at the conclusion of the hearing or, if applicable, the appeal. The Investigator will advise when materials are to be returned or deleted.

Statements Relevant to Sanctioning: On or before the day of the hearing, the Respondent may submit a written statement relevant to sanctioning and the Alleged Victim or Complainant may submit a written impact statement for consideration by the Hearing Panel. The statement must be provided to the Investigator in a sealed envelope. The statements will be read by the Hearing Panel only if it has found the Respondent responsible. If the Hearing Panel does not find the Respondent responsible, the envelopes will be destroyed, unopened, by the Investigator.

Hearing:

Participants: Hearings are closed proceedings. The individuals who may appear before a Hearing Panel are: the Complainant (who may be accompanied by an Adviser), the Respondent (who may be accompanied by an Adviser), and Witnesses. The Complainant and Respondent, and their Advisers, may be present throughout the responsibility phase of the hearing. Witnesses are permitted in the hearing room only when providing information to the Hearing Panel. The Investigator will attend and question witnesses. Other University personnel may attend as necessary at the discretion of the Dean of Students.

Attendance at Hearings: If a Party fails to attend a hearing, the hearing may be held in the Party's absence. The Hearing Panel Chair has discretion to reschedule a hearing if the Chair determines that it is necessary in order to achieve a prompt and equitable resolution.

Standard of Proof: The Hearing Panel will find the Respondent responsible if a preponderance of the evidence indicates that the Respondent violated this Policy. This means the Hearing Panel must determine whether it is more likely than not, based on the information presented at the hearing, that the Respondent is responsible.

Supplemental Material: If the Hearing Panel Chair believes further information is necessary to make an informed decision, the Chair may allow additional information to be presented and/or call additional witnesses, regardless of whether or not such information or individuals were previously identified.

Audio Recording: The Investigator will audio-record the hearing, but not the deliberations of the Hearing Panel. The audio recording is created for two limited purposes only: for reference by the Hearing Panel during deliberations and for review by the Dean of Students (or designee) in connection with an appeal. The audio recording is kept for ten (10) days after all appeal options are exhausted. After that time, the audio recording is destroyed by the Investigator.

Hearing Procedures: The following procedures are meant to be general guidelines for conducting a hearing. The Hearing Panel Chair may vary the procedures, including adjourning the hearing, if the Chair determines it is appropriate to do so in order to reach a full and fair understanding of the facts. Procedural issues that arise during the hearing (e.g., relevancy determinations) will be resolved by the Hearing Panel Chair, who may consult with the Hearing Panel, the Investigator, and/or the Dean of Students before making a determination.

The Dean of Students also has authority to vary procedures as necessary to ensure the prompt and equitable resolution of Complaints.

1. **Introduction:** After the Parties enter the hearing room, the Hearing Panel Chair will call the hearing to order. The Investigator will introduce all of the individuals present and provide an opportunity for the Parties to ask procedural questions. The Investigator will inform the Parties that the hearing is being recorded.
2. **Reading of the Alleged Violation(s):** The Investigator will read the alleged violation(s). To each alleged violation, the Respondent will either accept or deny responsibility. If the Respondent declines to answer, the hearing will still proceed. If the Respondent admits responsibility, the Investigator may question the Respondent to identify the conduct to which the Respondent is admitting.

If the Respondent admits responsibility to the conduct giving rise to all of the alleged violations, the Hearing Panel will abbreviate the hearing and only consider information relevant to sanctioning.

If the Respondent admits responsibility to some but not all of the alleged violations, the Hearing Panel may abbreviate the hearing, considering information relevant both to responsibility and sanctioning on the disputed violation(s) and relevant only to sanctioning on the violation(s) admitted.

3. **Presentation of Information:** The Investigator will call and question all witnesses, including the Parties. The Parties may ask the Investigator to pose additional questions or inquire further into specific matters by submitting these requests in writing or orally, at the discretion of the Chair. The Chair is empowered to reframe or disallow any questions that are irrelevant, redundant, or otherwise inappropriate. The Hearing Board Panel may pose additional questions or inquire further into specific matters.

Parties and Witnesses are expected to respond honestly, and to the best of their knowledge, without guessing or speculating.

Parties have the option not to provide information at the hearing. The Hearing Panel will base its decision on the Investigative Report and the information provided at the Hearing.

Complainant Presentation: Generally, the Complainant will be questioned first and is encouraged to provide all pertinent information to the Hearing Panel regarding the alleged violation(s). The Complainant may also be questioned about written statements, documents, items, or oral information.

Respondent Presentation: After the Complainant has been questioned, the Respondent will be questioned and encouraged to provide all pertinent information regarding the alleged violation(s) or any defense thereto. The Respondent may also be questioned about written statements, documents, items, or oral information.

Witness Presentations: A similar process will be followed for each Witness called by the Investigator.

Questions about the Complainant's sexual history with anyone other than the Respondent are not permitted.

The Investigator and/or the Hearing Board Chair reserve the right to recall any Party or Witness for further questions and to seek additional information.

4. **Closing Statements:** After all information is presented, each Party will have the opportunity to make a brief closing statement. The Hearing Panel Chair has the authority to limit lengthy or irrelevant statements. Closing statements are not subject to questioning by the Parties.
5. **Determination of Responsibility:** After the closing statements, everyone will be dismissed from the hearing room and the audio-recording device will be turned off so that the Hearing Panel may deliberate in private. The Investigator is not an active member of deliberations but is available to answer questions during the deliberations. In determining responsibility, the Hearing Panel is not limited to a consideration of only the violations alleged, and may find the Respondent responsible for other violations of this Policy. The Hearing Panel must reach a decision on responsibility by majority vote. The vote itself will not be shared with the parties.

6. **Determination of Sanction:** If the Hearing Panel finds the Respondent responsible, it will immediately deliberate sanctions. Only the Hearing Panel and the Investigator are present for the deliberations. The Investigator will share the Respondent's prior conduct record and the sanctioning statements with the Hearing Panel. Any sanction imposed upon the Respondent must be selected from the sanctions identified in the Policy. The determination of sanctions is based upon a number of factors, including: the nature of the violation; the harm suffered by the Victim; any ongoing risk to either the Victim or the community posed by Respondent; the impact of the violation on the University community; any previous conduct violations; and any mitigating or aggravating circumstances. The Hearing Panel will determine sanctions by majority vote.

If the Respondent is a student organization, the Dean of Students will determine the appropriate sanction.

7. **Notification of Outcome:** Within three (3) calendar days from the date of the conclusion of the hearing, the Investigator will communicate in writing to both Parties the results of the hearing (consistent with the University's obligations under federal law) and procedures for appeal.

VII. SANCTIONS

A Hearing Panel will impose at least one of the sanctions listed below for any Respondent found responsible of a violation of this Policy. At the recommendation of the Hearing Panel, Respondents may also be subject to an accountability plan imposed by the Hearing Panel, as described below. Accountability Plans and underlying recommendations are not subject to appeal.

In cases where the Respondent is a student organization, suspension of certain activities or loss of University recognition may be the sanction imposed by the Dean of Students.

Sanctions

- a. **Letter of Censure:** official disciplinary action conveying to the student that the student's behavior was unacceptable and that any future prohibited conduct may result in more severe disciplinary action, including Disciplinary Probation, Suspension, or Expulsion.
- b. **Disciplinary Probation:** pre-suspension period in which the student's behavior is under University review, conveying that the student's behavior was unacceptable and that any future prohibited conduct may result in more severe disciplinary action, including Suspension or Expulsion.
- c. **Suspension:** separation from the University for a period of time no less than the remainder of the current semester and no more than seven (7) semesters. Suspension may be effective immediately or deferred until the end of the current semester, subject to the limitations on University representation during the period that suspension is deferred. During the period of suspension, the Respondent is not permitted on campus without the written permission from the Dean of Students. The record of suspension will be maintained by the Dean of Students' Office in accordance with the retention of student record policy. The record will be maintained by the Office of the Registrar only during the period of Suspension. Any refund of room, board, tuition, or fees as result of the suspension shall be in accordance with applicable Finance Office policies.
- d. **Expulsion:** permanent separation from the University effective immediately. The record of expulsion is maintained in both the Dean of Students' Office and the Office of the Registrar. Any refund of room, board, tuition, or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.
- e. **Degree Revocation:** revocation of any degree awarded for a student who is found responsible for prohibited conduct but has already received a degree. Revocation of a degree requires Board of Trustee approval.

Accountability Plans

In addition to the above sanctions, the Hearing Panel may recommend an Accountability Plan, including but not

limited to terms such as:

- a. Restitution for loss, damage, or actual expenses incurred as a result of the Respondent's behavior.
- b. Volunteer service as a corrective measure or learning experience within the University or Lewisburg communities.
- c. On-line tutorials designed to educate the Respondent on a particular topic that is relevant to the prohibited conduct and/or designed to improve the Respondent's decision-making.
- d. Participation in educational programming, including alcohol and other drugs evaluations, assessment, or reflection activities.
- e. Restriction on or prohibition against participation in student activities and/or eligibility to represent the University in any official function or leadership position (e.g. varsity athletics, student leadership positions, cheerleader, committee chair, BSG congress member or officer, or elected office in any recognized student organization).
- f. Change in housing assignment or academic schedule.
- g. Loss of privileges, including housing, organization participation, or event attendance.
- h. Restriction of contact with other specified members of the University community.
- i. Any other measure determined appropriate by the Dean of Students.

VIII. REMEDIES

Following a hearing, the Title IX Coordinator, in consultation with the Dean of Students, will determine whether remedies for the Alleged Victim and/or the University community are necessary to eliminate any Hostile Environment, prevent its occurrence, and remedy its effects.

Remedies for the Alleged Victim may include, but are not limited to, the imposition or continuation of a no-contact order, employment, transportation, residence, or academic modifications, support services, and other measures to ensure safety. Remedies for the broader University community may include, but are not limited to, training and education, support services, review and, if appropriate, revision of policy, assessment of campus climate, and other measures to promote safety.

IX. APPEAL

Either Party may appeal a Hearing Panel decision on responsibility or sanctions (but not accountability plans or recommendations) in writing to the Dean of Students within five (5) calendar days from the time of written notification of the decision. The appeal may be based only on one or more of the following grounds:

1. There is previously unavailable relevant evidence that likely would have significantly impacted the outcome of a hearing;
2. There was procedural error that likely would have significantly impacted the outcome of the hearing; or
3. The sanctions imposed were substantially disproportionate to the findings.

The appeal shall consist of a written statement requesting review of the conduct decision or sanction and explaining grounds for appeal. The Appellee will be provided a copy of the appeal (with grounds not subject to appeal redacted) and will have three (3) calendar days from date of the written notification to submit a written response to the Dean of Students, if desired. A copy of the response will be provided to the Appellant. No further communications from the Parties in support of or opposition to the appeal will be accepted. The Hearing Panel Chair may have the opportunity to submit a statement explaining the basis for the decision and/or sanction(s).

In cases where the Respondent is a student organization, the appeal deadlines are the same as stated above. The appeal must be filed with the Provost.

The appeal decision by the Dean of Students or designee will typically be made within ten (10) calendar days after the time for the Appellee to respond to the appeal has passed.

If the Dean of Students or designee determines that previously unavailable relevant information is presented that likely would have significantly impacted the outcome of the hearing, the Dean of Students or designee will ask the original Hearing Panel to reconvene to consider the information and render a determination after considering the new information.

If the Dean of Students or designee determines there was procedural error that likely would have significantly impacted the outcome of the hearing, the Dean of Students or designee will order a new hearing before a new Hearing Panel.

If the Dean of Students or designee determines the sanction to be substantially disproportionate to the findings, the Dean of Students or designee may revise the sanction or order a new hearing before a new Hearing Panel solely for the purpose of sanctioning.

The Dean of Students or designee will provide written notification (which may include by email) of the result of the appeal (consistent with the University's obligations under federal law) to the Parties within three (3) calendar days from the date of the decision.

X. SEX DISCRIMINATION (INCLUDING SEXUAL MISCONDUCT), RELATIONSHIP VIOLENCE & STALKING ABROAD

Students who have experienced Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking in a study-abroad program are encouraged to promptly report incidents to on-site program staff, who can explain options for disciplinary action and reporting criminal offenses to local authorities, arrange for medical treatment, and offer resources and interim measures.

Students may also report incidents to the Title IX Coordinator:

Title IX Coordinator:

570-577-1554

204 Elaine Langone Center, Bucknell University

Lewisburg, PA 17837

titleix@bucknell.edu

www.bucknell.edu/titleix

XI. RESOURCES & SUPPORT SERVICES

Bucknell University recognizes that in instances of alleged Sex Discrimination (including Sexual Misconduct), Relationship Violence and Stalking, community assistance is both necessary and helpful. Parties are encouraged to access the support services identified below:

CONFIDENTIAL RESOURCES

The Advocates (24 hours)

570-850-6115

For Alleged Victims

www.bucknell.edu/TheAdvocates

The Advocates are trained members of the campus community who provide information and support to students regarding the legal, medical, counseling, academic and housing options a student may have following an incident of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking. They help to facilitate referrals, accompany students to medical treatment, answer questions about legal and judicial options, and help to ensure appropriate follow-up and support. The Advocates also assist students in connecting with resources that can help minimize the impact an incident may have on a student's academic career.

The Advocates are available to provide 24/7 confidential support and referral.

Counseling & Student Development Center (CSDC) (business hours and after hours crisis service)

570-577-1604

For Alleged Victims & Respondents
Graham Building, Bucknell University
Lewisburg, PA 17837
www.bucknell.edu/counseling

CSDC provides individual and group counseling, psychiatric consultation, crisis intervention, consultation and outreach programming. Services are available for all students free of charge.

Bucknell Student Health (business hours)

570-577-1401

Graham Building, Bucknell University
Lewisburg, PA 17837
www.bucknell.edu/studenthealth

Bucknell Student Health provides medical attention that includes treatment of any physical injuries and treatment to prevent pregnancy and certain sexually transmitted infections (generally most effective within 72 hours).

Bucknell University Religious & Spiritual Life (business hours)

570-577-1592

For Alleged Victims & Respondents
109 Rooke Chapel, Bucknell University
Lewisburg, PA 17837
www.bucknell.edu/chaplains

The Chaplains for the Catholic, Jewish, Muslim, and Protestant communities are available to discuss religious, spiritual and personal issues.

Transitions (24 hours)

800-850-7948

For Alleged Victims

Lewisburg, PA 17837

Transitions is a local crisis center that provides confidential counseling services, advocacy, emergency shelter and relocation assistance to survivors of sexual assault, domestic violence and other serious offenses.

Evangelical Community Hospital:

570-522-2640

Lewisburg, PA 17837

Evangelical Community Hospital's Sexual Assault Nurse Examiners (SANE nurses) are on call 24 hours a day to conduct sexual assault evidentiary examinations to collect and preserve evidence (generally within 96 hours of an incident). Ordinarily, when an evidentiary examination is performed, the hospital will contact local police to inform them that evidence was collected, but this does not mean that one has to proceed with criminal charges. Treatment is also available to prevent pregnancy and certain sexually transmitted infections (generally within 72 hours of an incident) and for injuries.

ADDITIONAL RESOURCES

Title IX Coordinator:

570-577-1554

204 Elaine Langone Center, Bucknell University

Lewisburg, PA 17837
titleix@bucknell.edu
www.bucknell.edu/titleix

The University's Title IX Coordinator is responsible for overseeing all reports of Sex Discrimination (including Sexual Misconduct), Relationship Violence and Stalking and identifying and addressing any patterns or systemic problems that arise during review of such reports. Allegations may be reported directly to the Title IX Coordinator. The Title IX Coordinator can answer questions and provide information concerning this Policy, available resources and support services, and external criminal and legal options. The Title IX Coordinator may issue no-contact orders. The Dean of Students may arrange other accommodations in consultation with the Title IX Coordinator. An Alleged Victim who wishes to initiate disciplinary proceedings should submit a Complaint to the Title IX Coordinator.

Interpersonal Violence Prevention Coordinator**

570-577-1542
 306 H Elaine Langone Center, Bucknell University
 Lewisburg, PA 17837

Dean of Students**

570-577-1601
 211 Elaine Langone Center, Bucknell University
 Lewisburg, PA 17837

Department of Public Safety (24 hours)

570-577-1111 (emergency)
 570-577-3333 (non-emergency)
 580 Snake Road, Bucknell University
 Lewisburg, PA 17837
www.bucknell.edu/publicsafety

Buffalo Valley Regional Police (24 hours)

911 (emergency)
 570-524-5151 (non-emergency)
 2009 West Market Street
 Lewisburg, PA 17837

Human Resources**

570-577-1631
 1st Floor, Cooley Hall, Bucknell University
 Lewisburg, PA 17837
hr@bucknell.edu
www.bucknell.edu/humanresources

** These resources will protect privacy and confidentiality to the extent possible and allowed by law, but they are required to inform the Title IX Coordinator of any reports of sexual misconduct or relationship violence. The Title IX Coordinator will evaluate any request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

Sex Discrimination (including Sexual Misconduct), Relationship Violence, and Stalking allegedly committed by a faculty or staff member may also be reported to Human Resources. Complaints against faculty or staff members will be handled consistent with applicable procedures in the faculty or staff handbook and policies.

Public Safety

570-577-1111 (emergency)

570-577-3333 (non-emergency)

580 Snake Road

Bucknell University

Lewisburg, PA 17837

bucknell.edu/PublicSafety

Title IX Coordinator: Kathleen Grimes

570-577-1554

306 H Elaine Langone Center

Bucknell University

Lewisburg, PA 17837

titleix@bucknell.edu

bucknell.edu/TitleIX