

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

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 available to an individual making a report of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking, as well as the available resources. Reports alleging such conduct committed by staff members will be resolved according to the procedures outlined in this Policy. Reports alleging such conduct committed by faculty members or students will be handled consistent with the procedures outlined in the Bucknell University [faculty](#) and [student](#) 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 (which encompasses sexual assault and other forms of misconduct), as discussed below. Sex Discrimination also includes harassment of a person based on sex or gender and 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 an intimidating, hostile, or offensive 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 is 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

The following also constitute violations of this Policy:

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) or Relationship Violence 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 an act or acts of Sex Discrimination, Relationship Violence, Stalking, or Retaliation.

- **Adviser:** An individual who has agreed to serve as an informal provider of support and advice for an Alleged Victim or Respondent in resolutions involving Sexual Assault, Non-Consensual Fondling, Stalking, or Relationship Violence, or involving any form of Sexual Misconduct or Relationship Violence where the Alleged Victim is a student. In these resolutions, the Adviser may accompany an Alleged Victim or Respondent to any proceeding or meeting that is held in connection with such resolution. 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.

Parties involved in resolutions not involving Sexual Assault, Non-Consensual Fondling or Relationship Violence are not entitled to an Adviser unless the Complainant is a student.

- **Complainant:** An individual who invokes the University's processes to determine whether this Policy has been violated.

- **Complaint:** A written statement submitted by the Complainant to Human Resources or the Title IX Coordinator for the purpose of initiating a resolution. 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 Respondent 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.

Use of alcohol or drugs does not diminish one'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.

- **Hostile Environment:** Alleged discrimination that is sufficiently serious to limit or deny an individual's ability to participate in or benefit from the University's education program, including employment.

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 or initiated by the University in response to information suggesting a violation of this Policy.

- **Investigator:** An individual (or individuals), typically a member of Human Resources or the Title IX Coordinator, who investigates a Complaint. If the Complainant is a student, at least one of the Investigators will typically be the Title IX Coordinator.

- **Party or Parties:** A term referring individually or collectively to the Complainant and/or Respondent.
- **Respondent:** Any individual alleged to have violated this Policy.

RELATIONSHIPS 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 & CONFIDENTIALITY

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

Title IX Coordinator: 570-577-1554
 331 Cooley Hall, Bucknell University
 Lewisburg, PA 17837
titleix@bucknell.edu
www.bucknell.edu/titleix

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

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: 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 tip form at www.bucknell.edu/publicsafety. The amount of detail provided will determine the University's ability to respond.

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. Human Resources and/or 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 are listed in [Section V](#) of this Policy.

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.

Alleged Victims have other reporting options, which they can pursue regardless of whether or not they choose to invoke the University's resolution process. These options are not mutually exclusive. Alleged Victims can pursue criminal charges (through the University's Department of Public Safety or local authorities). 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 University 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.

Other University policy violations: The University has discretion whether or not to pursue other violations of University policy that occurred in the context of a reported incident of Sex Discrimination (including Sexual Misconduct), Relationship Violence or Stalking.

III. INTERIM MEASURES

During the resolution process and prior to a final determination, Human Resources and/or the Title IX Coordinator will take appropriate interim measures to protect the Alleged Victim. These measures may include, but are not limited to, the imposition of a no-contact order and/or employment, transportation and residence modifications. Human Resources and/or the Title IX Coordinator may limit a Respondent's access to certain University facilities or activities pending resolution of the matter if they determine, in their sole discretion, that the action is necessary in order to protect the safety and well being of members of the Bucknell community.

IV. RESOLUTION

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

All resolutions will be conducted in a prompt, fair and impartial manner, from the initial investigation to the final result, by individuals who have received at least annual training regarding

i) the purpose and implementation of this Policy and ii) how to conduct resolutions in a manner that protects the safety and well-being of the Parties and promotes accountability.

Resolutions will typically be completed within 60 days. This time frame may be extended, at the sole discretion of Human Resources or the Title IX Coordinator for good cause and with written notice of the delay and reason for delay to the Parties.

Both Parties will receive timely notice of meetings at which their presence is required. Both Parties and appropriate officials will receive timely and equal access to any information that will be used during a disciplinary meeting or hearing.

Complaint: To initiate a resolution under this Policy, the Complainant must submit a written statement to Human Resources or the Title IX Coordinator that contains:

The name of the Respondent, if known,

A description of the alleged violation, and

The date, approximate time, and location of the alleged violation, if known.

Regardless of whether the Complaint is submitted to Human Resources or the Title IX Coordinator, both offices will receive a copy of the Complaint.

Human Resources or 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, if permitted under this Policy, the option to be assisted by an Adviser of choice.

Human Resources or the Title IX Coordinator will meet with the Respondent to notify the Respondent that a Complaint has been filed. Human Resources or the Title IX Coordinator will provide the Respondent with a copy of this Policy, review procedures, and inform the Respondent of available resources, support services and options, including, if permitted under this Policy, the option to be assisted by an Adviser of choice.

A. Informal Resolution

Either the Complainant or Respondent may request an informal resolution by providing written notice to Human Resources. Participation of both the Complainant and Respondent in informal resolution is voluntary. The goal of informal resolution is to provide a forum where the Complainant and Respondent can, with the aid of a representative from Human Resources or designee office, come to a mutually agreed upon resolution. If a mutually agreed upon resolution is not reached, either of the parties may invoke the formal resolution process.

Informal Resolution may not be used to resolve allegations of Sexual Assault, Non-Consensual Fondling, Stalking or Relationship Violence, regardless of the identity of the Complainant. Additionally, Informal Resolution may not be used to resolve any alleged violation of this Policy if the Complainant is a student.

B. Formal Resolution

Either the Complainant or Respondent may invoke the formal resolution process by providing written notification to Human Resources or the Title IX Coordinator. The University may also, either before or after conducting an Investigation, independently invoke the formal resolution process.

If permitted under this Policy, each Party may select an Adviser to accompany them to any meeting or related proceeding.

The Investigator will conduct an Investigation to determine, based on a preponderance of the evidence, whether a violation of this Policy occurred. This means that the Investigator will decide whether it's more likely than not, based upon the information available, that the Respondent is responsible for the alleged violation(s).

If the Investigation discloses that the Respondent is responsible for a violation of this Policy, the Investigator will recommend to the appropriate supervisor disciplinary and corrective actions. The recommendation is based upon a number of factors, including: the nature of the violation; the harm suffered by the Alleged Victim; any ongoing risk to either the Alleged 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.

Typically, the appropriate supervisor, in consultation with Human Resources and, if applicable, the Title IX Coordinator, will impose appropriate disciplinary and corrective actions.

Disciplinary sanctions may range from a written warning to termination of employment. They may also include any educational, remedial or corrective actions as warranted.

Notice of Outcome

The University will communicate in writing to both Parties the results of the formal resolution process to that the extent that it is required under federal law.

V. 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

Employee Assistance Plan+Work/Life 866-799-2728

For Employees

Licensed professional counselors are available 24 hours a day, seven days a week, through the toll-free number. There is no charge to staff or faculty members for the use of the program.

Bucknell University Chaplains & Religious Life (business hours)

570-577-1592

For Alleged Victims & Respondents

The University Chaplain, the Chaplain for the Catholic Community, and the Jewish Chaplain are available to discuss religious, spiritual, and personal issues.

Transitions (24 hours) 800-850-7948

For Alleged Victims

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

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

Human Resources 570-577-1631

1st Floor, Cooley Hall, Bucknell University

Lewisburg, PA 17837

hr@bucknell.edu

www.bucknell.edu/humanresources

Allegations of Sex Discrimination (including Sexual Misconduct), Relationship Violence and Stalking may be reported to Human Resources. Human Resources can answer questions and provide information concerning this Policy, available resources and support services, and external criminal and legal options.

Title IX Coordinator: 570-577-1554

331 Cooley Hall, Bucknell University

Lewisburg, PA 17837

titleix@bucknell.edu

www.bucknell.edu/titleix

The University's Title IX Coordinator is responsible for overseeing 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 will protect privacy and confidentiality 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.

Department of Public Safety 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: 911 (emergency) 570-524-5151 (non-emergency)
2009 West Market Street
Lewisburg, PA 17837

Additional resources for students are listed in the Bucknell University Sex Discrimination, Sexual Misconduct, Relationship Violence & Stalking Policy & Procedures for Resolving Complaints Against Students. The Policy is located in the student handbook and online at www.bucknell.edu/titleix.