

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

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 faculty in their capacity as Bucknell employees and/or otherwise against Bucknell faculty, staff or students will be resolved according to the procedures outlined in this Policy. Reports alleging such conduct committed by students or staff members will be resolved consistent with the procedures outlined in the [student](#) 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 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: 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 support and advise an Alleged Victim or Respondent, which may include legal advice or other professional support. The Adviser may accompany an Alleged Victim or Respondent to any proceeding or meeting that is held in connection with the Investigation and Formal 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.
- **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 written statement submitted by the Complainant to the Title IX Coordinator or Human Resources 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 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.

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:** A panel charged with adjudicating certain alleged violations of this Policy. The Faculty-elected Faculty Hearing Committee, as defined in the Faculty Handbook, constitutes the Hearing Panel for purposes of this Policy. In the event that at least three (3) members of the Faculty Hearing Committee are not available to serve as the Hearing Panel, including due to conflict of interest, the Provost and Chair of the Faculty shall jointly appoint other available faculty members to serve on the Panel to ensure a timely hearing. The Chair of the Faculty Hearing Committee shall serve as the Hearing Panel Chair. In the event the Chair of the Faculty Hearing Committee is unable to serve on the Hearing Panel, the Hearing Panel shall elect one of its members to serve as the Hearing Panel Chair.

All members of a Hearing Panel 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 victims and promotes accountability.

- **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 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 or individuals, typically the Title IX Coordinator, who investigates a Complaint.

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

- **Respondent:** Any faculty member 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 (e.g, the Advocates, Bucknell Student Health, Counseling & Student Development Center, and the Chaplains' office).

- **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 or Human Resources.

Title IX Coordinator: 570-577-1554
306H Elaine Langone Center, 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

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 faculty members who resign 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.

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 IX of this Policy.

IV. INTERIM MEASURES

During the Investigation and prior to a final determination, the Title IX Coordinator, with the Provost and Human Resources, as appropriate, 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, residence, and academic modifications. The Provost, in consultation with the Title IX Coordinator, may temporarily limit a Respondent's access to certain University facilities or activities pending resolution of the matter if the Provost determines that the action is necessary in order to protect the safety and well being of members of the Bucknell community.

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.

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

VI. DISCIPLINARY PROCEEDINGS

Complaint: To initiate an Investigation, the Complainant must submit a written statement to the Title IX Coordinator or Human Resources 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.

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

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 meet with the Respondent to notify the Respondent that a Complaint has been filed and will be investigated. 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 the option to be assisted by an Adviser of choice.

A. Informal Resolution

Either the Complainant or Respondent may request the opportunity to pursue an informal resolution by providing written notice to the Title IX Coordinator. 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 the Title IX Coordinator or designee, come to a mutually agreed upon resolution. If a mutually agreed upon resolution is not reached or either party chooses not to engage in Informal Resolution, 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 the Title IX Coordinator. The University may also, either before or after conducting an Investigation, independently invoke the formal resolution process.

Investigative Report: After a Complaint is submitted, the Investigator will conduct an Investigation and prepare an Investigative Report, which may be accompanied by supporting documentation or items (for example, statements, photographs, etc.). The Investigator will move forward to seek a determination of responsibility and sanctioning, if appropriate, if sufficient information of a violation of this Policy is found.

The Investigator will share a copy of the Investigative Report with the Provost or the Provost's designee.

1. Administrative Determination

If the Provost determines that a finding of responsibility on the facts as alleged would likely result in a minor sanction, the Provost will thereafter conduct whatever additional investigation the Provost deems appropriate in order to reach a final disposition. (If at any point the Provost determines that a severe sanction is likely, the Provost will direct that the Investigator convene the Hearing Panel, as set forth below.) For purposes of this Policy, a minor sanction is that which does not impair essential professional duties, such as a letter of reprimand or a financial penalty less than the lesser of \$1,000 or 1% of the annual salary in a one-year period.

If the Provost determines by a preponderance of the evidence that the Respondent is responsible for a violation of this Policy, the Provost will issue the appropriate sanction.

The Provost will communicate the outcome in writing to both Parties (with a copy to Human Resources and the Title IX Coordinator) to the extent that it is required under federal law.

2. Hearing

If the Provost determines that a finding of responsibility on the facts as alleged would likely result in a severe sanction, the matter will proceed before a Hearing Panel. First, however, the Provost will consult with the Chair of the Faculty, the Secretary of the Faculty, and a third member of Faculty Council selected by the Chair, to determine whether, in their opinion, such a hearing is appropriate, without this opinion being binding upon the Provost. For purposes of this Policy, a severe sanction is one that significantly impairs an employee's ability to perform essential professional duties including, e.g., termination; suspension; loss of office space; a financial penalty greater than \$1,000 or 1% of the annual salary (whichever is lesser), in a one year period; and sanctions that significantly impair a faculty member's ability to engage in research.

If the Provost continues to believe a hearing is appropriate, the Provost will direct that the Investigator convene the Hearing Panel. The Investigator will inform the Parties in writing of the date, time and place of a 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 documented 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 Provost shall determine whether a Hearing Panel member will be removed for possible bias or conflict of interest.

Acceptance of Responsibility: If 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.

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 will review the 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 Investigative Report, the list of witnesses, and any other information that will be presented at the hearing. The Investigator may redact the 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 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 Investigative Report, the final 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 Process:

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 they 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 Provost.

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 Appeal Panel during 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 Provost before making a determination. The Provost 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. If a party so chooses, 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 Panel 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 must reach a

decision 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 recommended sanctions. Only the Hearing Panel and the Investigator are present for the deliberations. The Investigator will share the Respondent's prior disciplinary record on matters of Sex Discrimination, Sexual Misconduct, Relationship Violence and Stalking if any, and the sanctioning statements with the Hearing Panel.

Recommended sanctions may range from a letter of reprimand to termination of employment, and may also include any educational, remedial or corrective actions as warranted. The recommendation 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. While the Hearing Panel has the discretion to recommend any sanction it deems appropriate, a first finding of sexual harassment typically will be sanctioned with a letter of reprimand, with appropriate educational or remedial measures, whereas a finding of stalking, non-consensual fondling or sexual assault typically will be sanctioned with suspension or termination of employment. The Hearing Panel will determine recommended sanctions by majority vote.

7. Outcome: The Hearing Panel will communicate its determination of responsibility and, if applicable, recommended sanctions to the Provost (with a copy to Human Resources and the Title IX Coordinator). The Provost will have access to the record of the hearing, including the investigative report, other documentation and the audio recording of the hearing. In rendering a final decision, the Provost may accept or modify the Hearing Panel's determination of responsibility and, if applicable, recommended sanctions. The Provost will communicate the outcome in writing to both Parties (with a copy to Human Resources and the Title IX Coordinator) to the extent that it is required under federal law.

VII. REMEDIES

Following an administrative determination or a hearing, the Title IX Coordinator or Human Resources 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.

VIII. APPEAL

Either Party may appeal the Provost's decision following a hearing or administrative determinations 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;
- (2) there was procedural error that likely would have significantly impacted the outcome;
or
- (3) the sanctions imposed were substantially disproportionate to the finding of responsibility.

Appeals must be in writing and submitted to the President. 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 President, 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, if applicable, and Provost may have the opportunity to submit a written statement explaining the basis for the decision and/or sanction(s).

The President or designee shall determine whether grounds for appeal have been met. The decision will typically be made within ten (10) calendar days after the time for the Appellee to respond to the appeal has passed.

The President may uphold the decision of the Provost or may require further action, as set forth below:

- If the President or designee determines that previously unavailable relevant information is presented that likely would have significantly impacted the outcome, the President or designee will ask the Provost, in consultation with the original Hearing Panel, if applicable, to consider the information and render a determination after considering the new information.
- If the President or designee determines there was procedural error that likely would have significantly impacted the outcome of the hearing, the President or designee will order a new hearing or administrative determination, as applicable.
- If the President or designee determines the sanction to be substantially disproportionate to the findings, the President or designee may revise the sanction or order a new hearing or administrative determination, as applicable, solely for the purpose of sanctioning.

The President 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. The President's decision is final.

IX. RESOURCES & SUPPORT SERVICES

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**
306H 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 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.

Adopted by the Faculty April 2016