

TABLE OF CONTENTS

I. Introduction ..... 1

II. Important Terms ..... 3

III. Policy and Violation Definitions ..... 5

IV. Confidentiality and Reporting ..... 9

V. Procedures ..... 15

VI. Special Complaint Process Provisions ..... 22

Appendix A Resources

Appendix B Statement of the Complainant and Respondent Rights

Appendix C Frequently Asked Questions

I. INTRODUCTION

West Chester University is committed to creating and maintaining a campus environment where safety, health, and well-being are priorities for all. Sexual misconduct includes a variety of acts that are perpetrated against another without consent or when an individual is unable to freely give consent. West Chester University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct, and timely and fair resolution of sexual misconduct complaints. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The intention of these procedures is to define community expectations, encourage individuals to report violations, and to provide a process for responding to violations.

For questions related to the Sexual Misconduct Policy contact the Title IX Coordinator:

Lynn Klingensmith, Esq.  
Director for Equity and Compliance  
Office for Diversity, Equity and Inclusion  
Phone: 610-436-2433  
[lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu)

## **A. Policy Violations**

Violations of this policy can impair or limit the educational and occupational opportunities of any person at West Chester University and have no place in this community. These procedures apply to all West Chester University students, both undergraduate and graduate. The **West Chester University Sexual Harassment Policy** for allegations against employees (faculty, staff and student employees) can be found at: [https://www.wcupa.edu/\\_admin/diversityEquityInclusion](https://www.wcupa.edu/_admin/diversityEquityInclusion)

## **B. Criminal Offenses**

These procedures also define behavior and identify resources for individuals who have experienced an incident of sexual misconduct. Sexual offenses are prohibited under Commonwealth of Pennsylvania statutes and federal law and may be prosecuted by the criminal justice system. Legal definitions may vary from the definitions used by West Chester University community as outlined in these procedures. Pursuing a University resolution through this policy does not preclude an individual from pursuing legal action now or in the future, or vice versa. (These procedures do not address civil law remedies that may also be available, such as a privately-filed lawsuit against a perpetrator of a sexual offense, to an individual who has experienced an incident of sexual misconduct.)

## **C. Context**

Anyone can experience or be a perpetrator of sexual misconduct regardless of gender or sexual orientation. Perpetrators can be a stranger, a long-time acquaintance, or a new acquaintance. When the complainant or respondent (perpetrator) is a student, the violation falls under the rules and regulations of **Title IX** – which is a provision of the federal law. **Title IX** [20 U.S.C § 1681 & 34 C.F. R., Part 106 (1972)] mandates that: “No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of or be subjected to discrimination under any educational program or activity receiving federal assistance.” One of the principal purposes of this policy is to implement and enforce the requirements of **Title IX**. As such, Title IX will be referenced throughout this document.

## II. IMPORTANT TERMS

Contained within this document are the use of the following terms:

***Complainant*** is the individual who believes that they have been the subject of a violation of University policy.

***Complaint*** is the submission and request for an alleged incident to be resolved or investigated through either a formal or informal process.

**Formal** – This option involves an investigation by trained investigators who will prepare a written report of the investigation. If the allegations are supported by the statements and other evidence, the case will be referred to Student Conduct (student v. student), the Provost (student v. faculty) or Labor Relations (student v. non-faculty employee) for possible disciplinary action.

**Informal** - These options, which may include mediation, may be applicable in certain situations, and can be requested by any party who is directly involved. These options may be used to avoid escalation of minor conflicts or to address behaviors that may not rise to the level of a policy violation. This may also be used in some instances where a policy violation may have occurred, but both parties agree to an informal resolution. Informal resolution does not result in disciplinary action against a student or employee.

***Interim and Supportive Measures*** are individualized services or actions offered to the complainant or respondent after the submission of a sexual misconduct report.

***No Contact Directive*** is an official written instruction issued by a University administrator restricting or limiting contact (in person, electronic, via social media or 3<sup>rd</sup> parties) between individuals.

**Preponderance of evidence** is the standard of proof used to determine whether violations of University policy have occurred and means “it is more likely than not” that a violation has occurred.

**Process and Policy Advisor** is an individual who may be present to provide support and guidance to a complainant or respondent throughout an investigation and/or conduct proceeding. The student may consult privately with their Advisor. The Process and Policy Advisor will serve as a key resource in helping students understand their rights and responsibilities. The list is available at:  
[https://www.wcupa.edu/\\_services/stu.jud/documents/policyandProcessAdvisorInformation.pdf](https://www.wcupa.edu/_services/stu.jud/documents/policyandProcessAdvisorInformation.pdf)

**Respondent** is the individual or group who is alleged to have violated a University policy. In some contexts, this individual may also be referred to as the perpetrator, and in the *Student Code of Conduct* is referred to as the accused.

**Report** is an official document which provides information about an alleged policy violation and may include the names of the complainant, respondent, witnesses, location, date, time and a summary of the incident. The report can be submitted anonymously except by a University employee.

**Title IX Coordinator** is the individual designated to oversee compliance with Title IX regulations. The Coordinator will:

- provide guidance, assistance, and serve as a resource to complainants and respondents regarding any acts of sexual misconduct;
- coordinate policy development and monitor practices and procedures, including interim measures and/or accommodations for complainants and respondents;
- oversee prompt, effective, and equitable investigations;
- provide training/consultation to employees and students;
- provide specialized training for hearing officers and investigators; and

- review and support informational initiatives enabling students and employees to fully understand sexual violence and sexual harassment as forms of sexual discrimination and further educate the community about University policies and procedures.

***Title IX Investigation*** is a fact gathering process conducted by experienced and trained individuals that includes interviews with the complainant, respondent, and any witnesses, and a review of electronic messages, medical documentation, or any other relevant evidence.

***Title IX Investigation Report*** is the summary of the Title IX investigation and will include the following: summaries of statements of the complainant, respondent, and witnesses; outline of the allegations; any interim measures that were imposed; the relevant policy (or policies) at issue; identification of facts in dispute and an analysis of those facts using the preponderance of evidence standard; and the conclusions made by the investigator(s) related to violations of policy.

***Witness*** is a person who may have knowledge related to an incident.

### **III. POLICY and VIOLATION DEFINITIONS**

It is the policy of West Chester University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination. Sexual misconduct as defined in this policy is a form of sex discrimination prohibited by Title IX.

#### **A. Sexual Misconduct Violations**

**Sexual Harassment** is defined as unwelcome, harassing conduct of a sexual nature or harassment based on a person's gender or gender stereotype. For the purposes of this definition, the harassment is evaluated to determine whether or not the conduct is sufficiently severe or pervasive as to deny or limit a person's ability to participate in

or benefit from the University's resources and opportunities.

In a harassment allegation, the harassment can be one of two forms: power differentials (*quid pro quo*) or hostile environment:

*Quid pro quo* sexual harassment exists when:

1. There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
3. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.

(An example of this is when a supervisor - who could be a student - makes unwelcome advances upon a supervisee who is a student.)

*Hostile environment* includes any situation where there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from both a subjective (complainant) and an objective (reasonable person's) viewpoint.

1. The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include (but is not limited to):
  - a. The degree to which the conduct interfered with the complainant's educational or work performance;
  - b. The type, frequency, and duration of the conduct;
  - c. The identity and relationship between the respondent and the complainant;
  - d. The number of individuals involved;
  - e. The age and sex of the respondent and the complainant(s);
  - f. The location of the incident(s) and the context in which it occurred;
  - g. The nature and severity of the conduct;
  - h. Whether the conduct was physically threatening;

- i. Whether the conduct was humiliating;
- j. The effect of the conduct on the complainant's mental or emotional state;
- k. Whether the conduct arose in the context of other discriminatory conduct; or
- l. Whether the speech or conduct deserves the protections of academic freedom or the first amendment.

(Examples of this include repeatedly subjecting a person to unwanted sexual attention, repeatedly subjecting a person to gender or sex stereotyping, or attempts to coerce an unwilling person into a sexual relationship.)

- 2. A single or isolated incident of harassment (e.g., sexual assault) may be severe enough to create a hostile environment.

**Non-Consensual Sexual Contact** is the touching, however slight, of any clothing or body parts for the purpose of sexual gratification without consent.

**Sexual Assault** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

**Sexual Exploitation** is the act or acts committed through non-consensual use of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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. (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the targeted person. (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Dating violence** includes, but is 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 injured party. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the injured party; by a person with whom the injured party shares a child in common; by a person who is cohabitating with, or has cohabitated with, the injured party as a spouse or intimate partner; by a person similarly situated to a spouse of the injured party under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Other Relationship Abuse** includes a course of conduct involving controlling behavior or psychological abuse, which does not fall within the foregoing categories, between or among persons engaged in a social relationship of a romantic or intimate nature. Controlling behavior is the exercise of influence and authority over another person's behavior including, but not limited to, psychological manipulation in the form of promises and threats or the use of other techniques or methods to instill fear. Controlling behavior may also include use of drugs, hypnosis, isolation, and interrogation.

## **B. OTHER DEFINITIONS**

**Consent:** a voluntary decision to engage in specific types of sexual



activity communicated through clear actions and/or words.

The following are clarifying points about consent:

- Consent is required each and every time there is sexual activity;
- At any and all times when consent is withdrawn or not agreed upon through actions or words, the sexual activity must stop immediately;
- A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Bodily movements and non-verbal responses such as moans are not consent;
- Silence, passivity, or lack of active resistance is not consent;
- Intentional use of alcohol/drugs does not imply consent to sexual activity;
- Seductive dancing or sexy/revealing clothing does not imply consent to sexual activity;
- Anyone under the age of 16 cannot give consent; and
- Use of agreed upon forms of communication such as gestures or safe words are acceptable but must be discussed and verbally agreed upon by all parties before sexual activity occurs.

**Incapacitation:** Occurs when an individual is unable to give consent due to the use of drugs, alcohol, being asleep or unconscious, or due to an intellectual or other disability. Any of these actions or factors may prevent the individual from having the capacity to give consent.

Additional examples of incapacitation include being:

- frightened,
- physically or psychologically pressured or forced,
- intimidated, or
- threatened.

#### **IV. CONFIDENTIALITY AND REPORTING**

##### **A. REPORTING PROCEDURES AND OPTIONS**

###### **1. Title IX Coordinator**

Lynn Klingensmith, /Director for Equity and Compliance

114. W. Rosedale Avenue

[lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu)

610-436-2433

Upon receipt and review of a report, all efforts will be made to provide the complainant with interim and supportive measures and to discuss their options for resolution.

## **2. To Report Confidentially**

- **Counseling and Psychological Services** (2<sup>nd</sup> floor Lawrence Center, 610-436-2301)
- **WCU Community Mental Health Clinic** (8<sup>th</sup> floor, Wayne Hall, 610-426-2510, must be referred)
- **Student Health Services** (Ground floor, Commonwealth Hall, 610-436-2509)

## **3. On line report: [www.wcupa.edu/sexualmisconductreport](http://www.wcupa.edu/sexualmisconductreport)**

Some considerations when submitting a report:

- Anyone can submit a report, including a witness or a concerned third party.
- Anyone – except employees – can submit an anonymous report.
- Complainants have the option to submit both a criminal report (to the police) and a report with the University and are not obligated to pursue any type of action.
- A complainant can request an Advocate to go with them when filing a report with the police. Call the Chester County Crime Victims' Center at 610-692-7273 to request an Advocate.
- The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentional false report of any policy violation, and it may also violate Pennsylvania criminal statutes and civil defamation laws.

Under Title IX, the University has an obligation to respond to all incidents of sexual misconduct and will strive to respect the privacy and confidentiality of all involved parties. The University's obligation to ensure the safety of all students and to record statistics may not permit complete confidentiality, but the University shall take the necessary measures to ensure that any information that is shared is limited to those individuals required to know pursuant to law, regulation, or University policy. In life-threatening situations, confidentiality is not

legally possible and University employees are required to contact emergency personnel.

**All members of the West Chester University community are encouraged to promptly report any information they have pertaining to gender-based discrimination, sexual harassment, or sexual misconduct offenses against any member of the University community, guests or visitors so the that the matter can be addressed in a timely manner.**

## **B. EMPLOYEE RESPONSIBILITY TO REPORT SEXUAL MISCONDUCT**

An employee's responsibility to report incidents of prohibited conduct is governed by this policy. Under this Policy, every employee is designated as either a "confidential employee" or a "responsible employee".

A **Confidential Employee** is any employee who is a licensed medical, clinical, or mental health professional (e.g., physicians, nurses, psychologists, counselors, social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student or an employee; or any employee explicitly designated as a confidential employee by the University. A Confidential Employee is required to report, if known, the date, location, and nature of the prohibited conduct to the University's Title IX Coordinator as required by law. Confidentiality does not apply when the complainant is a minor (under the age of 18).

A **Responsible Employee** is an employee who has been given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator. All faculty and staff are responsible employees, except those identified as confidential employees. Responsible employees are required to report "all relevant details" including, if known, the identities of the involved parties (complainant, respondent, and witnesses), as well as the date, time, and location of the incident. The employee should make every effort to advise a student before the student discloses sensitive information of their obligation to reveal the names and information to the Title IX Coordinator.

### **C. TO REPORT SEXUAL MISCONDUCT TO THE POLICE**

Sexual offenses are prohibited under Commonwealth of Pennsylvania statutes and federal law and may be prosecuted in the criminal justice system. Filing a formal report with the police is necessary when an individual would like to initiate a criminal investigation conducted by the police. If the incident occurred off-campus, the WCU Public Safety will assist the individual in filing the complaint in the appropriate jurisdiction.

WCU Department of Public Safety  
690 S. Church Street  
West Chester, PA 19382  
610-436-3311

### **D. TO REPORT ANONYMOUSLY**

**NOTE:** Anonymous reporting is not afforded to responsible employees as they are required to report.

The University strongly encourages those who want to file a report on behalf of themselves or someone else to identify themselves by name, but anonymous reports will be accepted by anyone with knowledge of a sexual misconduct violation. Anonymous reports can be filed by submitting a Sexual Misconduct Incident Report Form online at [www.wcupa.edu/sexualmisconductreport](http://www.wcupa.edu/sexualmisconductreport). Any issues with completing the online form can be directed to Lynn Klingensmith, Title IX Coordinator/Director for Equity and Compliance, Office for Diversity, Equity and Inclusion, 114. W. Rosedale Avenue, West Chester University, West Chester, PA 19383, 610-436-2433 or [lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu).

The University has a legal obligation to investigate anonymous reports of sexual misconduct to the extent feasible. It is not usually possible to conduct a formal investigation of anonymous reports of sexual misconduct, or in situations where a complainant requests confidentiality, or when a person making a report asks that the complaint not be pursued; however, the University has a responsibility to act to prevent further misconduct.

In the event of anonymous reports of sexual misconduct, or if the person making the report asks that the complaint not be pursued, the Director for Equity and Compliance/Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, which may include meeting with the respondent to provide notification of the allegations and the possible repercussions if a formal complaint is brought forward.

#### **E. OTHER REPORTING OPTIONS**

Complaints (by either party) can be submitted to the U.S. Department of Education, Office of Civil Rights at:

Office for Civil Rights, U.S. Department of Education  
Philadelphia Office  
The Wanamaker Building, 100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323

Telephone: 215-656-8541

FAX: 215-656-8605; TDD: 800-877-8339

Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Online Form: <https://wdcrobcop01.ed.gov/cfapps/OCR/contactus.cfm>

#### **F. FEDERAL STATISTICAL REPORTING OBLIGATIONS (CLERY ACT)**

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes under the Clery Act. In these reports, information is required to be passed along to campus law enforcement regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are used) for publication in the annual Campus Security Report (<https://www.wcupa.edu/dps/default.aspx>). This report helps to provide the community with an understanding of the extent and nature of campus crime to ensure greater community safety. Individuals' names or other identifying information are not included in the Campus Security Report.

## **G. FEDERAL TIMELY WARNING REPORTING OBLIGATIONS**

Complainants of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions for themselves considering the pending danger.

Campus Security Authorities are required to submit information for the purposes of a timely warning. When it has been determined that a crime creates a threat of continuing danger to the campus community, a crime alert will be circulated throughout the campus community. The Department of Public Safety will be responsible for issuing and updating the timely warnings.

## **H. RETALIATION PROHIBITED**

**Retaliation** is any action taken in response to a report of misconduct that restrains, interferes with, coerces, or punishes the person making the report or submitting a complaint. Under this policy, no faculty, administrator, staff, student, applicant for employment, or member of the public may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice regarding a misconduct matter, file a complaint, participate in the complaint process, or to serve as a witness in the investigation of a misconduct complaint. Retaliation is a separate violation and may be cause for discipline apart from the outcome of the initial misconduct complaint. That is, retaliation may be found to have occurred even if there is no finding of a policy violation under the initial misconduct complaint.

## **I. AMNESTY AND THE SEXUAL MISCONDUCT PROCESS**

Sometimes, students are hesitant to report to University officials or participate in complaint processes because they fear that they themselves may be accused of policy violations: in particular, underage drinking. A student who reports sexual misconduct or is a witness of sexual misconduct will not face disciplinary action for violating alcohol

and/or drug policies. This amnesty provision applies only when the University determines that: (1) the alcohol and/or drug violation occurred during or near the time of the reported Sexual Misconduct; (2) the student acted in good faith in reporting or participating as a witness.

## **V. PROCEDURES**

### **A. INTERIM SUPPORTS AND MEASURES**

Interim supportive measures can include, but are not limited to, the following, and can be implemented at any time during the process:

- Housing reassignment to ensure that the complainant(s) and respondent(s) are not in close proximity to each other;
- Limitations on contact between parties (referred to as a “No Contact Directive”);
- An escort to and from campus locations;
- Reassignment of classes to ensure that the parties are not attending the same class;
- Counseling services;
- Medical services;
- Academic support such as tutoring;
- Adjustments to on campus transportation, parking or work; and
- Other remedies and/or measures not listed to ensure the safety of all involved parties and the campus community.

### **B. COMPLAINTS**

There are two types of complaint-resolution mechanisms: a formal complaint process that involves investigation and possible conduct proceedings, and an informal process (available for certain kinds of complaints) that may not necessitate an investigation. Each process is described below:

#### **1. Informal (Alternative Resolution Options)**

These options, which may include mediation, may be applicable in certain situations and can be requested by any party who is directly involved. These options may be used to avoid escalation of minor conflicts or to address behaviors that may not rise to the level of a policy violation. The goal of using an alternative resolution option is to

identify an agreed-upon resolution between the parties. In cases where the respondent is an employee, an investigation is a part of the Informal process under the Sexual Harassment Policy.

## **2. Formal Complaints**

Any member of the University community, guest, visitor, or other interested party may submit a report of alleged violation of the University's Sexual Misconduct Policy which will be reviewed by the Title IX Coordinator.

While the University is firmly committed to protecting all students from harassment and discrimination in educational programs and activities, failure to file a timely report may adversely affect the ability of the University to investigate a complaint. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing interim measures or taking appropriate action. However, at the request of law enforcement, the Title IX Coordinator/Director for Equity and Compliance may defer its fact finding until the initial stages of a criminal investigation are complete.

The investigative process is initiated when the Title IX Coordinator receives a request for a formal complaint regarding a violation of this policy. The Title IX Coordinator will ensure that any immediate health or safety concerns are addressed. Upon review of the complaint, the Title IX Coordinator may take any of the following actions:

- If the complaint, even if substantiated, would not rise to the level of a policy violation; the nature and circumstances of the report do not make it appropriate for an investigation; there is insufficient information to investigate the complaint; or if the complainant chooses not to participate in an investigation, the Title IX Coordinator may close the incident until such time additional information becomes available to pursue the matter.
- If the complaint is outside the scope of this policy and/or would



be more appropriately handled by another office, the Title IX Coordinator will refer the complaint to that office for review.

- If the complaint would, if substantiated, constitute a violation of the policy, and the complainant has agreed to be a participant in the investigative process, the Title IX Coordinator will facilitate any appropriate interim measures and initiate the investigative process.

**The Formal Complaint (investigative) process is outlined below:**

The Title IX Coordinator or designee reviews the complaint with the complainant regarding the nature of conduct that is being alleged and will assign the matter to an investigator.

- i. The respondent will be provided written notification of the request for a formal investigation which identifies (if known) the date, time, location of the incident, and the alleged policy violation. Resources and a copy of the Sexual Misconduct Policy are provided.
- ii. The investigation generally includes interviews with the parties, any relevant witnesses, and a review of relevant documents (text messages, emails, etc.). Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of an investigation.
- iii. The complainant(s) and respondent(s) may each have an advisor and/or support person present during their interviews. *In those instances where the complainant or respondent is an employee, the employee may have a representative present during an interview when they are required by applicable University policy or collective bargaining agreement.*
- iv. The investigator(s) takes notes during the interview and provides each participant with a summary of the interview for the purpose of review.
- v. At any time during the investigation, the investigator may recommend to the Title IX Coordinator that interim

measures be provided to the complainant, respondent, or witnesses. Violations of these interim measures may be considered a separate violation of the Sexual Misconduct Policy.

- vi. The investigation shall be completed as promptly as possible, and in most cases within sixty (60) business days of the date of the formal complaint was filed. A total of three attempts (by email, text, or phone) will be made to schedule investigative interviews. Failure to respond to scheduling requests will result in proceeding with the investigation.
- vii. At the conclusion of the interviews, the investigator will prepare a written report that includes a statement of the allegations and issues, summaries of statements offered by the parties and witnesses, review of any additional evidence, identification of facts in and not in dispute, and a determination of whether the alleged actions violated the University's Sexual Misconduct Policy using the preponderance of evidence standard.
- viii. The complainant and respondent will be provided with the opportunity to review the final investigative report (within five business days of notification), and to submit comments and clarifications for additional consideration to the Director for Equity and Compliance/Title IX Coordinator.
- ix. In cases where both the complainant and respondent are students, if the report substantiates the allegation(s), the case will be referred to the Student Conduct Office. The student conduct process is outlined in the Student Code of Conduct.
- x. In cases where the respondent is an employee, if the report substantiates the allegation(s), the case will be referred to the Provost (faculty) or Labor Relations (non-instructional) for review and possible action.

**The Formal complaint process against student groups is outlined below:**

- i. Preliminary Inquiry: Reported incidents of group misconduct often result in a preliminary inquiry conducted by fact-finding investigators. Interviews may be scheduled with the individual complainants, reporters, witnesses, and accused student(s) (respondents). If the preliminary inquiry substantiates a possible violation of the *Student Code of Conduct*, and an investigation is warranted, the case may be referred for a formal investigation. At this juncture, the group leadership (advisor, coach, president or captain) will be notified.
- ii. Formal Investigation:
  - a. The Assistant Dean of Students will assign the matter to a trained investigator(s) who will determine the best method of acquiring information. This may include a mandated group meeting or a series of individual meetings.
  - b. For those students who are requested to participate, they will be asked to sign an Investigation Participation Form affirming the truthfulness of statements provided, their right to be silent, acknowledging they have the option to make a report with law enforcement, understanding that information provided may be made available to other individuals if they are alleged to have violated the *Student Code of Conduct*, and that any attempt to disrupt or obstruct the investigation may result in violations of dishonesty or failure to comply violations of the *Student Code of Conduct* .
  - c. In the interest of full disclosure and to reduce the incidence of retaliatory behavior, the investigators will make every attempt to maintain student testimony for group misconduct confidential.
  - d. Cell phones and any other technology may be collected during any meeting to avoid collusion and conspiracy but are not subject to a search by a University official without the student's permission or a search warrant.

- e. The investigator(s) may recommend interim action to the Assistant Dean of Students at any point in the investigation.
  - f. Although participation in the investigation is optional, future membership in the group may be assessed on the student member's cooperation.
- iii. Expectations for student groups while under investigation:
- a. Group members are advised to refrain from communication or behavior that could be considered retaliatory in nature, which is a violation of the *Student Code of Conduct*. Examples include, but are not limited to, sending intimidating or harassing texts, calls or emails; sending messages through other people, and making intimidating or harassing comments on social media. Retaliation against anyone involved in the case should be brought to the immediate attention of the Office of Student Conduct and/or Public Safety.
  - b. In order to protect the privacy of all parties, students are advised to only speak with University officials who are facilitating the investigation. Any member or guest who may have facts of the incident (what took place before, during, and after the alleged misconduct) will be contacted for an interview.
- iv. Investigation and outcomes:
- a. In the event that an investigation determines that a group's culture or actions contributed to the incident, the group will be advised of the alleged violations of the *Student Code of Conduct* which may include an Interim Suspension Notice which will remain in place until the conclusion of the resolution process. Every effort will be made to conduct a fair and expeditious investigation, but in the event of extenuating circumstances, a delay may result in completing the investigation. For example, a delay in an investigation may occur in cases where there is a concurrent criminal case. [If local law enforcement and legal representatives are not supportive of key individuals (the complainant and/ or and accused) participating in

University interviews that may affect an on-going criminal proceeding.]

- b. If it is determined that a group created a “hostile environment,” as defined in this policy, the group may be found responsible. There does not need to be a repetitive pattern for a hostile culture to exist; even one incident could be reflective of group’s culture.
- c. All allegations of violations of the *Student Code of Conduct* shall be heard by a University hearing officer or board under the supervision of the Assistant Dean of Students. The scheduling of conduct meetings and hearings by a hearing officer or board is at the discretion of the Office of Student Conduct. Students will be given the opportunity to (1) waive their right to a hearing, admit responsibility for the violations, and accept outcomes from the hearing officer; (2) to accept responsibility for the violations and seek review of sanctions offered by presenting their position in a sanctioning hearing; or (3) request a formal hearing to challenge the information presented in the initial report. Formal hearings will be granted for cases where a loss of housing, suspension, or expulsion are a potential outcome.

### **3. Formal Resolution Procedures for Complaints against Employees**

Title IX complaints filed by students against employees at West Chester University will follow the procedures outlined in the West Chester University Sexual Harassment Policy. A copy of this policy can be found online at:

[https://www.wcupa.edu/\\_admin/diversityEquityInclusion/sexualHarassment.aspx](https://www.wcupa.edu/_admin/diversityEquityInclusion/sexualHarassment.aspx) or a hard copy can be obtained from the Director for Equity and Compliance/Title IX Coordinator.

### **4. Retention of Records Regarding the Sexual Misconduct Policy**

The Title IX Coordinator is responsible for maintaining records relating to sexual misconduct reports, investigations and resolutions. All written

records associated with the resolution of a complaint pertaining to a formal investigation will be maintained in accordance with West Chester University's Record Retention Policy.

The Office of Student Conduct maintains records for seven (7) years following the date of the incident and in compliance with FERPA (Family Educational Rights and Privacy Act), provided the student was in good standing with the University. Records involving expulsions are kept indefinitely. For additional information on student conduct records go to: [https://www.wcupa.edu/\\_services/stu.jud/faqs.aspx](https://www.wcupa.edu/_services/stu.jud/faqs.aspx)

## **VI. Special Compliant Process Provisions**

### **A. University as Complainant**

As necessary, the University reserves the right to initiate a complaint, to serve as a Complainant and to initiate complaint proceedings without a formal complaint by the subject of sexual misconduct.

### **B. False Reports**

The University will not tolerate intentional false reporting of incidents, and it will take action against those who make such reports. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation and it may also violate Pennsylvania criminal statutes and civil defamation laws.

## APPENDIX A: SEXUAL MISCONDUCT AND TITLE IX RESOURCES

The health and safety of West Chester University students is important to us. **If you or someone you know has experienced an act of sexual violence, please consider seeking immediate medical attention to check for injuries, test for and/or treat sexually transmitted infections, or pregnancy.**

*Local Hospital options:*

**Brandywine Hospital:** 201 Reeceville Road, Coatesville, PA,  
610-383-8000

**Chester County Hospital:** 701 E. Marshall Street, West Chester, PA  
610-431-5000

**Paoli Hospital:** 255 W. Lancaster Avenue, Paoli, PA  
484-565-1000

The Department of Public Safety (610-436-3311) will assist with transportation to the hospital if needed. In cases requiring urgent care, contact local emergency services by calling 911.

*Medical attention does not need to occur at a hospital when forensic evidence is no longer available, the assault happened more than 72 hours ago, or the individual does not wish to have a forensic exam. In these instances, the individual may seek care at Student Health Services, the local Planned Parenthood of Chester County, or from a private physician or gynecologist.*

**Preserving evidence may be helpful if an individual is considering pursuing criminal charges. Some considerations:**

- Post-assault forensic evidence (commonly referred to as a “rape kit”) is best collected within 72 hours of the assault. Individuals who have experienced sexual misconduct should go to the hospital as soon as possible after the assault.
- An Advocate from the Crime Victims’ Center of Chester County can accompany an individual to the hospital to provide support and answer questions on what to expect. To obtain an

Advocate, call 610-692-7273. The Hospital Emergency room will contact Crime Victims' Center, if desired.

- Evidence is easier to obtain if the individual has refrained from showering or bathing.
- The hospital will keep the clothes worn during the assault as evidence. Individuals should bring a change of clothes to the hospital or place the clothes they were wearing during the assault in a brown paper bag to the hospital.
- If the use of a "date rape drug" is suspected, the hospital can take a urine sample for evidence collection.
- Hospital services will be charged to the students' insurance if they do not file a police report.
- For more information about evidence collection go to: [www.rainn.org/get-information/sexual-assault-recovery/rape-kit](http://www.rainn.org/get-information/sexual-assault-recovery/rape-kit).

*Participating in the collection of evidence does not mean that an individual is obligated to pursue criminal charges, but it does allow for evidence to be preserved in the event the individual chooses that option.*

### **Obtaining a Protection from Abuse or No Contact Directive**

- A No Contact Directive is available through the Director for Equity and Compliance/Title IX Coordinator (114. W. Rosedale Avenue, 610-436-2433) or the Assistant Dean of Students (200 Ruby Jones, 610-436-3511).
- Protections from Abuse Order (PFAs), Sexual Violence Protection Order (SVP), or Protection from Intimidation Order (PFI) may be obtained through the Chester County Courts. An Advocate from the Crime Victims' Center of Chester County (610-692-7273) may assist an individual with this process. The Domestic Violence Center of Chester County (1-888-711-6270) can also provide information and assistance in obtaining a PFA.

### **WEST CHESTER UNIVERSITY RESOURCES:**

**The Counseling Center** (610-436-2301, Lawrence 241) offers confidential counseling to students who have had an experience with sexual misconduct, whether recently or in the past. All counseling is



confidential. This means that the counselor cannot speak with others about the student's situation without the student's written permission.

The Counseling Center is staffed by men and women psychologists and trainees. Once the student has met with a counselor, together they decide a plan for treatment. Subsequent counseling sessions typically focus on providing emotional support, developing safety and coping skills, and understanding the impact of the sex offense in the student's life now. Since there is no "one way" to heal, the Counseling Center seeks to support the student through their individual healing process.

There are no fees for currently enrolled students to receive counseling. Visit the Counseling Center during triage hours to schedule an appointment. During this time the student will complete an online assessment and meet with a psychologist for a short period of time to determine the level of care. Triage hours are listed on the Counseling Center's website.

If a situation occurs after normal business hours, the on-call psychologist may be accessed by contacting Public Safety (610-436-3311); or, Crime Victims' Center of Chester County in West Chester staffs a 24-hour phone line (610-692-7273) that can provide immediate response and support.

**WCU Community Mental Health Clinic (CMHC)** (610-436-2510, 8<sup>th</sup> Floor, Wayne Hall) is affiliated with the West Chester University Doctor of Psychology (Psy.D.) program. CMHC serves as a training center for graduate students in the Psy.D. program and as a clinical research site for faculty in the Psychology Department. As a non-profit training and research facility, CMHC can provide low-cost, cutting edge psychotherapy and testing. Services are provided by graduate students earning a doctorate in Psychology who are closely supervised by experienced, licensed Psychologists. Assessment appointments can be made by contacting the Clinic. For counseling, students will be referred from the Counseling Center for longer term therapy.

**Student Health Services** (610-436-2509, Commonwealth Hall, Ground Floor) offers confidential medical care and assistance for students impacted by sexual misconduct. Student Health Services is open Monday through Friday from 8:00am to 6:00pm. Scheduling an appointment is recommended but not required. For urgent medical care when Health Services is not open, please dial 911, go directly to the nearest emergency room, or call the Department of Public Safety (610-436-3311).

Nurse practitioners and physicians receive training to provide appropriate medical treatment and care, as well as discuss available services such as counseling and reporting. Student Health Services offers gynecological exams, pregnancy tests, emergency contraception, HIV tests, and sexually transmitted infection tests. **All standard post-assault medical care will be free of charge.**

*Post-assault forensic evidence collection (commonly referred to as a “rape kit”) is not available at Student Health Services. However, nurse practitioners and physicians can help locate a medical provider who offers this service.*

**Office for Student Conduct** (610-436-3511, Ruby Jones 200) is responsible for enforcing violations of the Student Code of Conduct. The Office staff can provide assistance and guidance to students, staff, and faculty in submitting reports on any violation of the *Student Code of Conduct* including sexual assault, sexual harassment, dating violence, domestic violence, and stalking. The Office also maintains a list (on their website) of **Process and Policy Advisors** who can provide guidance and assistance to students throughout the investigative and conduct processes.

**Public Safety** (610-436-3311, 690 South Church Street) Public Safety is available 24 hours a day, 7 days a week. University police officers will make all efforts to investigate any crimes that occur on campus within the scope of the law and will provide support and referral options. Persons who have experienced sexual misconduct may want to consider preserving all physical evidence, regardless of whether or not they want

to press charges. Choosing not to press charges immediately does not prohibit one from doing so in the future, and physical evidence will be important to the case. University police will honor all Protection from Abuse Orders and No Contact Directives, as copies of these are kept on file with the department. For off campus incidents, Public Safety Officers can assist in identifying and connecting with the municipality where the crime may have occurred.

**Title IX Coordinator/Director for Equity and Compliance** (610-436-2433, 114. W. Rosedale Avenue) offers assistance to students, faculty, or staff in matters regarding sexual harassment and sexual misconduct. The Director for Equity and Compliance can:

- discuss situations that may give rise to a complaint of sexual harassment or sexual misconduct and provide options for addressing the situation;
- oversee fact finding investigations into complaints of sexual misconduct;
- oversee investigations of complaints of sexual harassment against University employees;
- provide interim measures for issues of discrimination, sexual harassment, or sexual misconduct;
- facilitate adjustments to on-campus transportation, parking, or work and other measures to ensure the safety of both parties; and
- assist University personnel and students with questions about sexual misconduct policies and procedures.

In addition, the Title IX Coordinator/Director for Equity and Compliance monitors and oversees complaints of discrimination and harassment in compliance with federal regulations.

#### *Additional On-Campus Resources*

- **Department of Athletics** (610-436-3573, Sturzebecker HSC 220) Students may choose to contact them for help with filing a report and locating appropriate resources such as medical care and counseling.

- **Center for Women and Gender Equity** (610-436-2122, Lawrence 214) offers assistance, resources, and referrals for those who are impacted by sexual assault or misconduct. The Center does not offer counseling services or medical services. The Center is classified as a non-confidential resource, which means the staff is required to report incidents of sexual misconduct to the Title IX office. The Center's staff will provide information on resources and support.
- **Center for Trans and Queer Advocacy** (610-436-3147, Sykes 238) offers support services for students who identify as lesbian, gay, bisexual, transgender, queer, questioning, and their allies.
- **Office of Fraternity and Sorority Life** (610-436-2117, Sykes 238) Students may choose to contact the Director for assistance in submitting a report and to identify appropriate resources.
- **Lawrence A Dowdy Multicultural Center** (610-436-3273, Sykes 003) offers a supportive environment for multicultural students at West Chester University. The Dowdy Center coordinates services, programs, and referrals that enhance the academic and personal development of students of color. In matters of sexual misconduct, the Dowdy Center provides information and referral/reporting assistance to students.
- **Office of Residence Life** (610-436-3307, Lawrence 202) The Department of Residence Life and Housing Services has live-in staff available to students involved with sexual misconduct. The live-in staff includes Resident Directors (RD), Graduate Hall Directors (GHD), Graduate Assistants (GA), and Resident Assistants (RA). Staff members assist with room changes with the Title IX Coordinator/Director for Equity and Compliance.
- **Office of Services for Students with Disabilities (OSSD)** (610-436-2564, Lawrence 223) Students may choose to contact the

Director for assistance with submitting a report and identifying appropriate resources.

- **Learning Assistance and Resource Center (LARC)** (610-436-2535, Lawrence 224) is a resource to provide quality academic support services which help students become independent, active learners who achieve academic success. The LARC can assist in tutoring and other supports to continue to be successful academically.
- **On-Campus Legal Advice** is available by appointment during the fall and spring semesters. A student may make an appointment by logging onto their myWCU account and clicking the link at the bottom right side of the screen that states, “Legal Advice.” Please note that this service may not be available during the summer sessions and students are directed to contact the Assistant Dean of Students for assistance (610-436-3511, 200 Ruby Jones).

## **OFF-CAMPUS RESOURCES**

In addition to the numerous services on campus, there are many additional services and organizations available for those who have experienced sexual misconduct.

- **Crime Victims’ Center of Chester County (CVC)** is located at 135-137 W. Market Street. The CVC provides free and confidential support to members of the West Chester community who have experience sexual misconduct. They offer court and hospital accompaniment, and they assign an advocate to help complainants, significant others, and family members through the entire process. They have a 24-hour hotline for sexual assault (610-692-7273). Their business hours are Monday through Friday 9:00am – 5:00pm.
- **Domestic Violence Center of Chester County (DVC)** provides support for individuals and families who have been abused, physically or sexually, by someone whom they share a residency

with, and/or with whom they have had an intimate relationship. DVC can assist with emergency shelter and long-term housing needs. They also provide a wide range of legal services, including assistance with obtaining a “PFA” (or Protection from Abuse order) and court accompaniment. They can be contacted on their 24-hour hotline at 610-431-1430.

- **Male Survivor** is an organization dedicated to providing support for males who have experienced sexual assault. Visit their website at [www.malesurvivor.org](http://www.malesurvivor.org).
- **The Network La Red** is an organization committed to supporting the lesbian, gay, bisexual, and transgender community with information on and resources about battered relationships. They can be reached on their hotline (617-742-4911). Or, visit their website at [www.thenetworklared.org](http://www.thenetworklared.org).
- **The Rape, Abuse & Incest National Network (RAINN)** is a nationwide organization that provides free and confidential support. They offer immediate crisis help and information about recovery. They can be reached on their hotline (1-800-656-HOPE), or by visiting their website and online hotline at [www.rainn.org](http://www.rainn.org).

### **ON-CAMPUS RESOURCES: Students Accused of Sexual Misconduct**

If you have any questions about sexual misconduct or need help after receiving notification that you are accused of an act of sexual misconduct, the following University offices and staff members can offer information and support.

**The Counseling Center** (610-436-2301, Lawrence 241) offers confidential counseling to students who have been accused of or found responsible for sexual misconduct. All counseling is confidential. This means that the counselor cannot speak with others about the student’s situation without the student’s written permission.

The Counseling Center is staffed by men and women psychologists and trainees. Once the student has met with a counselor, together they decide a plan for treatment. Subsequent counseling sessions typically focus on providing emotional support and understanding the impact of the sex offense in the student's life now. Since there is no "one way" to process an event, the Counseling Center seeks to support the student through their individual process.

There are no fees for currently enrolled students to receive counseling. Visit the Counseling Center during triage hours to schedule an appointment. During this time the student will complete an online assessment and meet with a psychologist for a short period of time to determine the level of care. Triage hours are listed on the Counseling Center's website.

If a situation occurs after normal business hours, the on-call psychologist may be accessed by contacting Public Safety (610-436-3311).

**WCU Community Mental Health Clinic (CMHC)** (610-436-2510, 8<sup>th</sup> Floor, Wayne Hall) is affiliated with the West Chester University Doctor of Psychology (Psy.D.) program. CMHC serves as a training center for graduate students in the Psy.D. program and as a clinical research site for faculty in the Psychology Department. As a non-profit training and research facility, CMHC can provide low-cost, cutting edge psychotherapy and testing. Services are provided by graduate students earning a doctorate in Psychology who are closely supervised by experienced, licensed Psychologists. Assessment appointments can be made by contacting the Clinic. For counseling, students will be referred from the Counseling Center for longer term therapy.

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website) of **Process and Policy Advisors** who can provide guidance and assistance to students throughout the investigative and conduct processes.

**Public Safety** (610-436-3311, 690 South Church Street) Public Safety is available 24 hours a day, 7 days a week. University police officers will make all efforts to investigate any crimes that occur on campus within the scope of the law and will provide support and referral options. Persons who have been accused of sexual misconduct may want to consider preserving all physical evidence, regardless of whether or not charges are filed immediately. Choosing not to press charges immediately does not prohibit one from doing so in the future, and physical evidence will be important to the case. University police will honor all Protection from Abuse Orders and No Contact Directives, as copies of these are kept on file with the department.

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- oversee fact finding investigations into complaints of sexual misconduct;
- oversee investigations of complaints of sexual harassment against University employees;
- provide interim measures for issues of discrimination, sexual harassment, or sexual misconduct;
- facilitate adjustments to on-campus transportation, parking, or work and other measures to ensure the safety of both parties; and
- assist University personnel and students with questions about sexual misconduct policies and procedures.



In addition, the Title IX Coordinator/Director for Equity and Compliance monitors and oversees complaints of discrimination and harassment in compliance with federal regulations.

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- **Lawrence A Dowdy Multicultural Center** (610-436-3273, Sykes 003) offers a supportive environment for multicultural students

at West Chester University. The Dowdy Center coordinates services, programs, and referrals that enhance the academic and personal development of students of color. In matters of sexual misconduct, the Dowdy Center provides assistance in identifying support resources.

- **Office of Residence Life** (610-436-3307, Lawrence 202) The Department of Residence Life and Housing Services has live-in staff available to students involved with sexual misconduct. The live-in staff includes Resident Directors (RD), Graduate Hall Directors (GHD), Graduate Assistants (GA), and Resident Assistants (RA). Staff members assist with room changes with the Title IX Coordinator/Director for Equity and Compliance.
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- **On-Campus Legal Advice** is available by appointment during the fall and spring semesters. A student may make an appointment by logging onto their myWCU account and clicking the link at the bottom right side of the screen that states, "Legal Advice." Please note that this service may not be available during the summer sessions and students are directed to contact the Assistant Dean of Students for assistance (610-436-3511, 200 Ruby Jones).

#### **OFF-CAMPUS RESOURCES: For Those Accused of Sexual Misconduct**

In addition to the numerous services on campus, there are many additional services available for those accused of sexual misconduct.

- **Chester County Bar Association: Access to Justice Program** This program provides access to free legal services for those who do not qualify for legal aid. They can be contacted at: [www.chescobar.org](http://www.chescobar.org), 15 W. Gay Street, West Chester, PA. Or call 610-692-1889.

- **College Judicial Consultants** provides unwavering, judgment-free support throughout the judicial process and beyond. The professionals at College Judicial Consultants are former chief judicial officers and other student services professionals who are experts in the college judicial process. They are committed to providing top-quality service and minimizing the cost to the client through nationwide, online services and other savings options. Reach them online at [www.collegejudicialconsultants.com](http://www.collegejudicialconsultants.com).
- **Family Service of Chester County** provides low cost or free professional counseling. Health insurance is not required, and the organization is committed to eliminating financial barriers to professional care. They can be contacted at: [www.familyservice.us](http://www.familyservice.us), 310 N. Matlack Street, West Chester, PA. Or call 610-696-4900
- **Legal Aid of Southeastern PA** offers legal aid and is located at 222 N. Walnut Street, 2nd floor, West Chester, PA. Or call 610-436-4510.

## **APPENDIX B**

### **STATEMENT OF COMPLAINANT AND RESPONDENT RIGHTS**

West Chester University will make every effort to ensure that the complainant and respondent receive the following:

- A timely response to any allegations of sexual misconduct.
- The complainant will be informed of reporting options including those for on-campus, and how to notify the proper law enforcement authorities, including local police and the option to be assisted in notifying appropriate authorities.
- A thorough and equitable investigation of any allegations of sexual misconduct.
- Information will be made available to both the complainant and respondent about available services, including but not limited to counseling, mental health, and medical services, both on and off campus.
- Either the complainant or respondent can request a “No Contact Directive”.
- The option for reasonable changes to academic, campus housing, and student employment assignments to ensure the safety of all parties.
- Information and resources about the Student Conduct process and procedures which includes the nature and extent of all alleged violations contained within the complaint.
- The option to have a support person and advisor present throughout the investigation and conduct proceedings.
- The option to review information regarding the complaint in accordance with confidentiality limitations imposed by state and federal law.
- Both parties will be notified – simultaneously – of the outcome of any conduct proceeding.

## **APPENDIX C**

### **FREQUENTLY ASKED QUESTIONS**

#### **Does information about a sexual misconduct report or complaint remain private?**

Respecting the privacy and confidentiality of all individuals involved in reports and complaints of sexual misconduct is extremely important to West Chester University. The University will make every effort to ensure that only those who need to know about a report, or a complaint have information about the matter.

#### **Do I have to pay for counseling/medical care?**

Counseling services through the University are free. The Counseling Center provides short term individual counseling and also offers group counseling sessions. Additionally, the Counseling Center can assist with identifying off-campus clinical service providers.

Student Health Services offers gynecological exams, pregnancy tests, emergency contraception, HIV tests, and sexually transmitted infection tests. **All standard post-assault medical care will be free of charge.**

Forensic (sexual assault) examinations are done at Brandywine Hospital, Chester County Hospital or Paoli Hospital and will be covered by crime victims' compensation. An advocate from the Crime Victims' Center of Chester County can accompany the survivor to the Hospital. The Crime Victims' Center can also assist with legal advocacy. Services are free and confidential. Public Safety will provide transportation to and from the hospital.

#### **Does the complainant have to share the name of the respondent when reporting an incident?**

There is no obligation to share the name of the respondent when reporting an incident of sexual assault, stalking, sexual harassment, dating or domestic violence, sexual exploitation or other relationship abuse. If the complainant would like to move forward with a formal complaint, the respondent will need to be identified.

**Will the respondent be given the name of the complainant?**

Yes, if the complainant moves forward with a formal complaint, the respondent will receive a notice which includes the name of the complainant along with sufficient details about the incident to respond to the allegations.

**Will complainant's or respondent's parents be told?**

In accordance with FERPA (Family Educational Rights Privacy Act), if you make a report or proceed with a complaint of violation of sexual misconduct, your parents or guardians will not be notified. If you are a dependent student and found responsible for a violation of the Sexual Misconduct Policy which results in a sanction from the Office of Student Conduct, your parents or guardians will not be notified.

**What do I do if am I accused of sexual misconduct?**

DO NOT CONTACT the Complainant.

You may want to contact someone in the campus community who may act as your advisor. A list of Policy and Process Advisors (trained University employees) can be found at

<https://www.wcupa.edu/services/stu.jud/judicialProcess.aspx>

It may be helpful to speak with someone in the Counseling Center (610-436-2301) which is open Monday – Friday, 8am to 4:30pm during the academic year. Counseling Center services are confidential and free. The Counseling Center can also assist with providing information on local off-campus clinical service providers.

You may also contact the Title IX Coordinator (610-436-2433) who can explain the University's process and procedures for addressing sexual misconduct complainants.

**Will a complainant get in trouble for being under the influence of drugs/alcohol?**

A student who reports sexual misconduct or is a witness of sexual misconduct will not face disciplinary action for violating alcohol and/or drug policies when participating in an investigation. This amnesty provision applies only when the University determines that: (1) the

alcohol and/or drug violation occurred during or near the time of the reported Sexual Misconduct; (2) the student acted in good faith in reporting or participating as a witness.

### **What about legal advice?**

Students may make an appointment for free legal advice from a local attorney by logging onto their myWCU account and clicking the link at the bottom right side of the screen that states, "Legal Advice."

An attorney is not required for a campus conduct proceeding, but a student may choose to bring an attorney as his/her advisor. Attorneys serving as advisors in a conduct proceeding do not have a speaking role. The University does not provide representation for either party.

Those that have experienced sexual assault, dating violence, domestic violence, or stalking do not need a private attorney to pursue criminal prosecution. Representation in criminal matters is handled by the District Attorney's Office. For more information, contact the District Attorney's Office at (610) 344-6801 or the Crime Victims' Center at (610) 692-7273.

Respondents may retain private legal counsel at their own expense if they need legal advice about a criminal prosecution.