Executive Summary

This comprehensive policy addresses the manner in which Delaware Valley College will: prevent sexual misconduct; encourage and respond to reports of sexual misconduct; and comply with applicable laws, specifically: Title IX of the Education Amendments of 1972; Title IV of the Higher Education Act of 1965; the Family Educational Rights and Privacy Act of 1974; the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act and the Campus Sexual Violence Elimination Act (SaVE Act) passed in March 2013 as part of the Violence Against Women Reauthorization Act (VAWA).

The policy addresses:

- Purpose and scope
- Role of Title IX coordinator and other key personnel
- Definitions of prohibited conduct
- Definition and explanation of concept of "consent"
- Support and resource information for victims of sexual assault
- Prevention education requirements
- Confidentiality and private options for reporting
- Formal reporting options for college and law enforcement response
- Investigation and resolution procedures
- College’s reporting and record-keeping requirements
- Resources, support and contact information
- Related policies and guidelines

I. Introduction

Delaware Valley College does not discriminate on the basis of sex in the administration of any of its educational programs or activities, including but not limited to admissions, financial aid, athletics and employment policies and practices, as required by Title IX of the Educational Amendments of 1972, which states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Gender and sex-based misconduct is a form of discrimination under Title IX.

One of our College's values is to respect all people. Members, guests and visitors of our campus have the right to be free from all forms of gender and sex-based misconduct, examples of which can include acts of sexual harassment, sexual violence, domestic violence, dating violence and stalking.
For these reasons, Delaware Valley College has a zero-tolerance policy in regard to sexual misconduct. The College is committed to eliminating sexual misconduct, preventing its recurrence and addressing its effects to ensure that all students have equal opportunity to be engaged in campus life and benefit from the college's educational programs.

The information contained with this policy describes the manner in which this commitment will be fulfilled.

II. Scope of the Policy

This document sets out procedures, confidential resources, prohibited conduct, educational resources and guidance to assist those who have experienced or been affected by sexual misconduct whether as a complainant, a respondent or a third party.

The policy applies to all students regardless of sexual orientation or gender identity, addresses student-to-student misconduct and applies to such conduct that may occur both on-or-off campus.

After reviewing this document, students will have the knowledge and information that will allow them to:

- Understand what sexual misconduct is and what conduct is prohibited;
- Find sources of support, information and resources to address sexual misconduct;
- Understand ways to prevent sexual misconduct against themselves or others;
- Know how to make a report or complaint; and
- Understand the process by which the college responds to complaints.

III. Title IX Coordinator

The Title IX coordinator is the College's responsible employee with major responsibility for the development, implementation and monitoring of meaningful efforts to comply with Title IX. Responsibilities include: coordinating any investigations of complaints under Title IX and insuring: a coordinated and integrated response across the college through education, training, policies and support; a centralized reporting, investigatory and record-keeping process; and a prompt, fair and impartial grievance process.

The Title IX coordinator is assisted by a deputy coordinator who has responsibility for managing the grievance process for student-to-student complaints of sexual misconduct. The following personnel serve in these roles:

*Title IX Coordinator*
Barbara Hladik
Director of Human Resources
barbara.hladik@delval.edu
215.489.2346
The Title IX coordinator convenes the College's Central Review Team (CRT), the body responsible for investigating and responding to complaints of sexual misconduct (see Section X). The CRT convenes twice a semester with representatives from community agencies that provide victim support, advocacy and resources, as well as local law enforcement officials. This gathering of College and community personnel, or College Community Response Team (CCRT), is designed to provide and support a coordinated and systemic network of effective prevention and response.

IV. Prohibited Conduct Defined

An understanding of the terms associated with this policy is essential. Sexual misconduct is the umbrella term used in this policy to describe a broad range of behaviors prohibited at law and under this policy. Sexual misconduct includes the following behaviors which, if alleged, will be reviewed under the college's investigation and resolution process for sexual misconduct complaints, which is outlined under Section X of this policy.

Under this policy, sexual misconduct includes:

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for favors, and other forms of verbal, physical or electronic behavior of a sexual nature. Specific examples of sexual harassment include but are not limited to: touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying sexually explicit drawings, pictures or written materials; calling others by sexually charged names; spreading sexual rumors; rating students on sexual performance; circulating or creating e-mails, websites or other forms of social media of a sexual nature.

A hostile environment is created when there is sexually harassing conduct is sufficiently severe, persistent or pervasive, with the result that the behavior unreasonably interferes with or limits someone's ability to take advantage of the college's educational programs and activities.

A single or isolated incident of harassment may create a hostile environment if the incident is sufficiently severe. Anyone can be a victim and harassment that occurs between members of the same sex will be treated the same as that between members of different sexes.

Sexual Assault
Defined as physical sexual acts perpetrated without consent or against a person's will; where a person is incapable of giving consent, for example because of the use of drugs or alcohol or due to an intellectual or other disability; and through coercion or force. The concept of consent is explored more fully later in this policy. Sexual assault takes two forms:

Non-consensual intercourse/penetration: Engaging or attempted to engage in any sexual intercourse with another person without effective consent. Intercourse includes acts of oral, vaginal, or anal penetration, however slight, by an object or body part.

Non-consensual contact: Engaging, or attempting to engage in any touching or contact, however slight, of a sexual nature without effective consent. Includes but is not limited to kissing, and other intentional contact with the breasts, buttock, groin or genitals or touching another with any of these body parts, or forcing another to touch you or themselves with any of these body parts.

Domestic Violence

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

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on consideration of the following factors: 1) length of the relationship, 2) the type of relationship and 3) the frequency of interaction between the persons involved in the relationship.

Exploitation

Occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples include but are not limited to: invasion of sexual privacy; non-consensual video or audio recording of sexual activity; knowingly transmitting a sexually transmitted disease; sexting or public distribution of images of a sexual nature without another’s consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress; and/or that creates a hostile environment.
Cyber-stalking is a particular type of stalking in which electronic media (the Internet, social media and networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person.

**Retaliation**

Is behavior to seek revenge or retribution against any individual who makes or is connected to the bringing forward of allegations of harassment or discrimination. Delaware Valley College has a zero-tolerance policy for retaliatory behaviors which will be addressed with severity.

**Complicity**

The act of contributing to, assisting with or facilitating behavior in violation of the policies set forward in this document.

**Gender-based harassment**

As distinguished from sexual harassment, is the harassment of any individual or group within the College based on gender identity, or sexual orientation, whether or not such acts involve physical conduct that is sexual in nature. Gender-based harassment may include but not be limited to verbal or nonverbal acts, physical aggression or intimidation.

**False reporting**

Falsely reporting and/or falsely accusing an individual of sexual harassment or any of the behaviors under the umbrella of that definition is a serious violation of policy. Intentionally providing false and or inaccurate information regarding an allegation of prohibited conduct under this policy is considered serious misconduct. Good faith reports for which a respondent is not found to be responsible is not considered false reporting.

**V. Consent Defined and Explained**

Our College's core value to respect all people relates to the concept of consent, an issue that figures prominently in complaints of sexual misconduct. In a sexual context, respecting another person means understanding that we do not have the right to act upon another person sexually unless and until they give clear permission to do so.

Consent means giving permission for sexual activity to occur. Consent to engage in sexual activity must be informed, knowing and voluntary prior to and during sexual activity. Consent is active not passive and is demonstrated through clear and mutually understood gestures and words that signal a willingness to engage in sexual activity. Silence cannot be interpreted as consent. Obtaining consent is the responsibility of the individual who wishes to initiate sexual activity.

Consent to sexual activity can be withdrawn at any time. Further, consent to one type of sexual activity may not, in itself, be taken to imply consent to another type of sexual act.
The influence that drugs and alcohol is an important consideration in understanding the concept of consent. The use of alcohol or other drugs can have unintended consequences and can create an atmosphere of confusion and impaired judgment over whether consent is freely and effectively given. Being under the influence of drugs and/or alcohol does not diminish the responsibility of the initiator of sexual activity to obtain consent and is never an excuse for sexual misconduct.

There are several circumstances under which consent cannot be freely given, nor should it be assumed to have been given:

1. **Incapacitation**: A person may not engage in sexual activity with another person who the initiator knows, or should reasonably have known, is incapacitated as a result of alcohol or other drugs. Incapacitation is a state where a person lacks the capacity to appreciate the nature of giving consent to participate in sexual activity. Examples may include but are not limited to vomiting, falling/ inability to walk or stand, incoherent speech, unresponsive behavior. Physical markers such as these indicate an inability for a person to give affirmative consent which is required for sexual activity to occur.

2. **Coercion**: The use of fraud or force to compel another person to engage in sexual activity does not constitute consent. Examples of fraud or force include but are not limited to physical force, threats, intimidation, or coercion.

3. **Current or prior intimate partner relationship**: The existence of a relationship between parties does not confer consent nor should consent be presumed. Clearly understandable agreements about sexual activity are still expected within the parameters of an intimate partner or dating relationship.

**VI. Confidentiality Policy: Disclosing and Reporting Sexual Misconduct**

Because the College is committed to eliminate sexual misconduct, students are strongly encouraged to talk with someone about what has happened to them so that victims can receive support and the College can respond appropriately.

Students who wish to discuss or formally report an incident should know that faculty and staff members at Delaware Valley College have differing abilities to maintain confidentiality upon learning of an incident.

You should know that:

- Certain personnel on campus (and off campus) can offer **confidentiality** -- providing support, advice and options without any obligation to tell anyone unless a student requests that they do so, or if there is an imminent risk of harm to someone.

- Other personnel can provide **privacy** in the advice and support they can offer. While they are not required to report specific, personally identifying information (unless there is fear for your safety or that of others), they do have an obligation to report that **something** has
occurred, without specifics or names. This limited reporting keeps the College's Title IX Coordinator informed about the nature of incidents on campus for purposes of tracking patterns, evaluating campus wide procedures and providing remedies for the campus community.

• Finally, some personnel, who are designated by the College as "responsible employees," are required to **act on a specific report**, which means they have an obligation to report the specifics of an incident to the Title IX coordinator, for review and investigation.

The options:

Generally there are four options, classified as informal and formal, for discussing an incident.

*Informal reporting*: the option of discussing an incident for the purposes of support or guidance, without expectation or desire for the College to act on the incident. Informal reporting may occur by:

1) Confidently discussing an incident with College counseling or health services personnel:

   Counseling Services (on campus) in Elson Hall  
   Phone number: 215.489.2317  
   After 4:30 p.m. weekdays and weekends call public safety 215.489.2315  

   Health Services (on campus) in Elson Hall  
   Phone number: 215.489.2252  
   After 4:30 p.m. weekdays and weekends call public safety 215.489.2315

2) Privately discussing an incident with campus personnel (faculty and staff not designated as "responsible employees" for support and guidance). Examples of personnel in this category include those without supervisory responsibility or authority to address sexual misconduct including but not limited to:

   • Faculty  
   • Advisors to student organizations  
   • Admission, financial aid, bursar, registrar and finance personnel  
   • CSPD staff  
   • Academic affairs/support (tutoring, learning support, student success)  
   • Certified athletic trainers  
   • Dining and facilities staff  
   • Custodial and facilities staff  
   • Administrative assistants and clerical
Victims wishing to speak with someone on campus about an incident are encouraged to first ask about the level of confidentiality or privacy that will be afforded to the conversation.

Limits of confidentiality and privacy: Victims who choose to speak informally with personnel who can extend confidentiality or privacy must understand that a victim's desire for confidentiality means that the College will be unable to conduct an investigation into an incident or pursue action against the alleged perpetrator.

*Formal reporting:* defined as a report with the desired intent to initiate an investigation. Details about formal reporting to the College follow in Section VIII of this policy. Formal reporting may occur by:

3) Making a formal report to the college through a responsible employee, public safety, the Title IX coordinator or Title IX deputy, which will result in the College evaluating and investigating as appropriate.

4) Making a formal report to law enforcement and/or the U.S. Office of Civil Rights (OCR). The College will actively assist in the process of formal reporting to local law enforcement.

College personnel are annually trained on their reporting roles and obligations and are able to identify for students into which category of reporting obligation they fall.

**VII. Victim Support and Assistance**

Immediate assistance:

If a sexual assault has occurred, the College is committed to providing a variety of support and assistance to victims. Medical care following an assault is important to ensure the victim's safety and well-being, to evaluate any injuries, and for preventative treatment for sexually transmitted diseases and other health services.

**Medical attention and resources:**

Immediate medical care, a rape kit, and the services of a sexual assault nurse examiner (SANE) can be accessed locally at:

Doylestown Hospital Emergency Services  
595 West State Street  
Doylestown, PA  18901  
215.345.2586

**Preserving evidence:**

Students who are sexually assaulted may experience severe emotions or even shock. Any victim of rape, domestic violence, dating violence, sexual assault and/or stalking is advised to take steps
immediately to preserve any evidence they may have in their possession and/or on their person. This evidence can be important proof if the victim chooses to pursue a protective order and/or criminal charges in the future.

Seeking medical treatment is an important option to preserve evidence for the future. If evidence is to be collected, go immediately to the hospital; avoid food, drink, smoking, showering or changing clothes.

Students are strongly encouraged to seek medical care and are advised that the hospital will notify police that an assault has occurred and that evidence has been collected. Students are not obligated to speak with police or to pursue a criminal complaint.

Students who would like the support of a victim advocate to accompany them to the hospital are strongly encouraged to contact NOVA, a local Network of Victim Assistance. The contact information is below.

**Confidential resources for support and information after an assault:**

Students can receive confidential support and information both on and off campus without making a report to the College or law enforcement.

- **Counseling Services (on-campus) in Elson Hall**
  Phone number: 215.489.2317
  After 4:30 p.m. weekdays and weekends, call public safety 215.489.2315

- **Health Services (on campus) in Elson Hall**
  Phone number: 215.489.2252
  After 4:30 p.m. weekdays and weekends, call public safety 215.489.2315

- **Network of Victim Assistance (NOVA) – off campus**
  24-Hour Phone Number: 800.675.6900
  novabucks.org
  A victim advocate can accompany a student to the hospital or health provider

- **A Woman’s Place – off campus**
  Phone number: 800.220.8116
  awomansplace.org

**Emergency assistance and response:**

- **Office of Public Safety – on campus**
  Phone number: 215.489.2315

- **Doylestown Hospital Emergency Services - off campus**
  595 West State Street
  Doylestown, PA. 18901
Phone number: 215.345.2586

Central Bucks Regional Policy Department - off campus
Non-emergency line: 215.345.4143

Doylestown Township Police Department - off campus
Non-emergency line: 215.348.4201

*In the event of an emergency where seconds count, dial 911*

**Academic accommodations and other measures:**

Upon notice of a sexual assault, the College will take interim measures as needed to protect the safety and emotional and/or physical well-being of parties involved in a report and the college community. These measures are taken regardless of whether a victim wishes to pursue action through local law enforcement. A request for interim measures may be made by any party involved in a report. Such measures may include:

- No-contact directives
- Changes in class schedules
- Withdrawal from classes with no penalty
- Changes in living arrangements
- Change in work arrangements
- Counseling or other supportive services
- Medical services
- Academic support services
- Escort services to ensure safe movement on campus

In cases where the report of sexual harassment or violence poses an ongoing threat or risk to individuals or to the college community, the College may place an individual or organization on Interim Separation -- from the College, from residence or from specified activities.

**VIII. Formal Reporting of Sexual Misconduct to the College**

Under the expectations of Title IX, the College has a set of obligations and procedural responses to evaluate and treat reported incidents of sexual misconduct in ways designed to end the behavior, prevent its recurrence and to ensure the safety of the reporting student and the Delaware Valley College community.

A formal report occurs when a victim of sexual misconduct makes a report to institutional personnel directly responsible for investigating an incident, or to a "responsible employee" of the College.

Any report will result in an immediate assessment of any risk of harm to individuals or to the campus community and any steps necessary to address those risks. The initial evaluation will
proceed to the point where a reasonable assessment of the safety of the individual and of the
 campus community can be made. Thereafter, an investigation may continue depending on a
 variety of factors, such as the request of the complainant not to proceed and the risk posed to the
 any individual or the campus community by not proceeding.

Institutional Officials:

The following personnel comprise the college's Central Review Team and are trained and
charged to investigate and resolve complaints (see Section X for process). A victim may bring a
complaint of sexual misconduct directly to:

Title IX Coordinator
Barbara Hladik
Director of Human Resources
barbara.hladik@delval.edu
215.489.2346
Office of Human Resources - Alumni House

Deputy Title IX Coordinator
Tim Poirier
Associate Dean of Students
timothy.poirier@delval.edu
215.489.2415

Director of Public Safety
Steve Johnson
steven.johnson@delval.edu
215.489.2315
Office of Public Safety - Welcome Center

Reports to the College result in a procedural response, described throughout this document, to
ensure the safety of the reporting student and the Delaware Valley College community. The
College will respect and safeguard the privacy of reporting individuals while meeting the
College's responsibility to maintain a safe learning environment.

Responsible Employees:

Victims also have the option of making a report through a "responsible employee" of the
College. For the purposes of this policy, the following staff positions are designated as
"responsible employees." A report to them serves as notice to the College, which will initiate an
investigation (see section X).

- President and vice presidents of the College
- Associate and assistant vice presidents, deans (and associates and assistant deans)
- Directors and associate or assistant directors
- Coaches and assistant coaches of athletic teams
• Administrators with supervisory responsibilities (directors, work-study supervisors)
• Public Safety
• Human Resources
• Residence Life professional staff
• Resident Assistants (RA's)
• Student Involvement professional staff

When a report is made to a responsible employee, a victim has the right to expect that the College will take timely and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. It is the obligation of a responsible employee to make a report to the Title IX coordinator or deputy, outlining the details shared by the victim.

Retaliation for reporting:

No individual will be subject to retaliation for making a reasonable and good faith complaint as described above regarding: unlawful harassment or discrimination; cooperating in the investigation of alleged unlawful harassment or discrimination; or otherwise opposing unlawful harassment or other discrimination. The college will not tolerate retaliatory behavior. Engaging in retaliation or abusing this policy is a form of prohibited conduct under this policy.

Third-party and anonymous reporting:

By encouraging reporting and responding to same, the College signals its commitment to eliminate sexual misconduct on campus. For this reason, the College, through the Title IX coordinator or other member of the CRT, will evaluate and investigate reports of sexual misconduct that are made through third-parties or anonymous reporting.

IX. Formally Reporting Sexual Misconduct to Outside Agencies

Reporting to local law enforcement:

Victims may choose to pursue resolution through the local law enforcement as well as through the College's processes if the alleged violation is also a crime. Criminal acts under the scope of this policy include but are not limited to: assault, stalking, rape, domestic violence and dating violence. Contact information for outside law enforcement is provided below:

Central Bucks Regional Police Department
Non-emergency line: 215.345.4143

Doylestown Township Police Department
Non-emergency line: 215.348.4201

Emergency assistance: Dial 911

The College strongly encourages and supports victims and complainants in choosing this option and will assist as requested in connecting individuals with appropriate local officials. Delaware
Valley College's main campus straddles two local municipalities and the college operates other facilities on the Gemmill Campus and the Roth Farm. The Office of Public Safety is available for guidance in determining the appropriate jurisdiction and contact information.

Pursuing action through local law enforcement does not prevent the College from taking action as well, or from a victim requesting formal action by the College. The College's conduct proceedings differ in mission and purpose from the criminal justice system and represent two separate processes. For that reason, reports made to the College will be evaluated and may proceed through college grievance procedures independent of any action being pursued through the criminal justice system.

Office of Civil Rights (OCR):

Complaints of violations under Title IX, or inquiries regarding same, may also be referred to the Office for Civil Rights of the U.S. Department of Education at the following address:

Philadelphia Office
Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215.656.8541
FAX: 215.656.8605
TDD: 215.656.8604
e-mail: OCR_Philadelphia@ed.gov

X. Investigation and Resolution Procedures

The college is committed to providing members of the college community with a safe place to live and learn. Because of this commitment, the college will respond with procedures that provide a fair, prompt and impartial resolution to reports and allegations of sexual misconduct that occur on or off our campus.

Because of the unique nature of sexual harassment complaints and the college’s requirements to resolve them in a manner consistent with Title IX, the resolution process for sexual misconduct cases is related to but distinct from the college’s student code of conduct. Sexual misconduct is a violation of the college’s student code of conduct. The manner in which such cases are investigated and resolved differ from cases of a non-sexual nature that are resolved through the student code of conduct.

The College's Title IX Central Review Team (hereafter CRT), comprised of the Title IX coordinator, the director of public safety and the deputy Title IX coordinator/chief student conduct officer is the body primarily charged with ensuring that all reports of sexual misconduct are evaluated in a fair, prompt and impartial manner.
Investigation defined:

For the purpose of this policy, an investigation is a fact-finding and decision-making process to determine: 1) whether or not the conduct occurred; and 2) if the conduct occurred, what actions will be taken to end the behavior, eliminate the hostile environment and prevent its occurrence, which may include imposing sanctions on the perpetrator and providing remedies for the victim and the broader campus community.

Initial evaluation and response:

Any formal report will result in an immediate assessment of any risk of harm to individuals or to the campus community and any steps necessary to address those risks. The initial evaluation will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the request of the complainant not to proceed and the risk posed to the any individual or the campus community by not proceeding.

Complainant confidentiality and college action:

When a formal report comes forward, but the complainant wishes or requests to remain anonymous, or requests that the matter not be pursued, the College will balance and evaluate this request against the responsibility to provide a safe and non-discriminatory environment for all College community members, considering factors such as: 1) the seriousness of the alleged harassment; 2) the respective ages and positions of the complainant and the respondent; 3) whether there have been other harassment complaints against the respondent; and 4) the respondent’s right to receive information if such information is maintained in an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99.

At all times, the College will seek to respect the request of the complainant, and where it cannot the College will consult with the complainant and keep him/her informed about the planned course of action.

Investigation process:

Delaware Valley College employs a two-step process for resolving student-to-student sexual misconduct complaints. The resolution process combines the expertise of individuals who by position and training are best suited to assume this responsibility for the college, maximizes the privacy of those involved in the complaint, and maintains the engagement of the college’s Student Conduct Board, the body generally charged with resolving student conduct that violates college policy.

While each case is unique, steps of the investigation process generally include: 1) preliminary interview of the complainant by the CRT; 2) collection of additional information relevant to the report which may include but is not limited to, interviewing the respondent and any other individuals who may have relevant information, and gathering any physical or medical evidence
available. An investigation may also include consideration of prior allegations of, or findings of responsibility for, sexual harassment or misconduct by the respondent. Evidence of a prior consensual dating relationship or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the College community and impose remedies as necessary to address the effects of the alleged conduct. The report and recommendations (redacted of personally identifiable information) prepared by the CRT is presented to a hearing panel from the Student Conduct Board for its endorsement and approval in finalizing a determination of responsibility under this policy.

The CRT’s report and recommendation, with personally identifiable information redacted, is forwarded to a conduct board panel, comprised of one member of the faculty, one student and one member of the staff, for review and ratification. A member of the CRT represents the findings and recommendation of that group to the board.

What follows are specific procedural issues and protections relevant to the Title IX investigation.

**Rights of the complainants and respondents:**

Students participating in a Title IX investigation are afforded the same rights of fundamental fairness which are part of the College’s student conduct process and include:

- The right to have appropriate notice of concerns about specific behavior;
- The opportunity to be assisted by an advisor of their choice;
- The opportunity to respond to the concern;
- The opportunity to appeal the initial hearing outcome if grounds for appeal are met; and
- The right to present witnesses in support of or response to matters of fact

**Additional rights for all parties relevant to a Title IX investigation include:**

- Simultaneous written notice of the outcome of an investigation;
- Right to be informed of options for counseling and support; and
- An investigation panel that is trained for the task and that has no prior relationship with either party that would render them impartial

**Additional rights for victims/complainants:**

- Right to be informed of options to notify law enforcement; and
- Right to be notified of options for changing academic or living situation, or other remedies

**Timeline:**
An investigation (with outcome and appeals) will be conducted promptly and come to conclusion within 60 days, although this time frame may be extended as necessary to achieve thorough and reliable gathering of the relevant facts. Throughout the investigation, the College will make a commitment to regular and timely communication with complainant and respondent on the progress of the investigation.

The College reserves the right to reasonably adapt the time frames or processes described in this policy in light of the nature of the complaint and the time of year during which it was received, to ensure a full and fair investigation and resolution, or due to other similar significant factors.

**Standard of proof:**

Consistent with the U.S. Department of Education’s Office for Civil Rights requirements, Delaware Valley College uses the standard of “preponderance of the evidence” to determine a student's responsibility for violations of our policies. This means that the Central Review Team will decide whether it is “more likely than not,” that the behavior occurred, based upon the information provided through the course of the investigation.

**Role of the advisor:**

An advisor is an individual who may assist a student in preparing for the investigation and who may accompany the party that he or she is assisting to the meeting(s) with the Central Review Team. Advisors are not advocates for the party they are assisting and their role is not to speak on behalf of a complainant or respondent during any meetings.

Students participating in a Title IX investigation are entitled to be assisted by an advisor of their choice during the process.

Students who intend to bring a practicing attorney as their advisor of choice are required to provide the CRT with notice of this intent in advance of any meeting(s). This will allow the CRT to inform other parties involved and to encourage all parties (including the College) to be assisted by the presence of such an advisor.

**Witnesses:**

All parties in a hearing have the right to request that the CRT meet with witnesses who may have information that goes to the determination of facts in a case. Because all parties have the right to understand what information may be presented in a Title IX investigation, the names of any witnesses must be submitted to the Title IX coordinator in advance of a meeting. Such communication should include: 1) The names of any witnesses that either party wishes the CRT to meet with; 2) a written statement and/or description of what each witness observed, if not already provided during investigation; or 3) a summary of why the information the witness has is relevant to making a determination of responsibility in the investigatory process.

The CRT will determine if the witnesses identified for inclusion have information relevant to the finding of facts in the case. Witnesses must have direct, credible information about the specific
allegation. Generally speaking, personnel who respond to and are involved with any aspect of a complaint of sexual misconduct will not be permitted as witnesses, nor will confidential support providers (counseling/health services) for either party. Students may always introduce information about their own health or counseling records into the investigation process.

**Training of investigative personnel:**

Members of the CRT have been identified for inclusion in that role by virtue of their positions and training. The CRT meets regularly to continually explore current issues related to prevention and response to sexual misconduct on college campuses and to review emerging compliance mandates and guidelines.

The members of the CRT, chaired by the Title IX coordinator, provide training to other participants in the student conduct process on issues of non-discrimination, sexual harassment and misconduct, intimate partner violence, dynamics of gender violence and the proper resolution of allegations under this policy. Ongoing training for the CRT and conduct board also includes, but it not limited to, burden of proof, standard of proof, questioning parties and witnesses, assessing credibility and relevance of information, evaluating consent, determining incapacitation, victim/offender behavior and sanctioning.

**Records and confidentiality:**

The report of the CRT is maintained with the Title IX coordinator as a Title IX case file. A copy of the outcome report will also become a part of the student's conduct file maintained in the student affairs office for reviewing any subsequent behavioral violations and determining sanctions of same.

Student records are maintained for a period of three years after a student graduates or terminates from the College with the exception of records associated with a recommendation of suspension or expulsion which are maintained indefinitely.

Title IX case files constitute "educational records" under the Family Educational Rights and Privacy Act ("Buckley Amendment") and are subject to its release and confidentiality provisions. No information shall be released from such proceedings except as required or permitted by law and College policy.

Generally, the policy at Delaware Valley College is to obtain consent from a student before releasing information from a student’s education record to parents. When in the judgment of the College a release of information to parents is appropriate for health and safety, and when such release is not in violation of FERPA or other applicable privacy laws, the College reserves the right to notify parents.

Students have a right to request a copy of their educational records and may do so through a written request to the vice president for student affairs.
In situations where a victim chooses to pursue action through local law enforcement, the College will cooperate with the sharing of all information and records.

**Notice of outcome:**

The outcome of an investigation will be communicated simultaneously to the respondent and the complainant. Generally, the outcome of the hearing will be final and communicated to the parties within five (5) business days from the date the investigation is concluded and will be provided in writing. Any changes as may occur through an appeals process will be similarly communicated to the respondent and complainant.

**XI. Outcomes and Sanctions**

The investigation process outlined above may yield four levels of response: voluntary resolution; sanctions for individuals found responsible for sexual misconduct; remedies and accommodations for the victim; and any additional remedies for the college community.

**Voluntary resolution among parties involved:**

This outcome may be employed if the CRT determines that such an outcome between parties might be an appropriate response given the investigatory process. This outcome may include practices of restorative justice and dialogue. Because outcomes of such a resolution are mutually developed and agreed upon, there is no process of appeal for cases resolved in this manner.

Voluntary resolution or mediation is never an option in instances of sexual assault, domestic violence or dating violence.

**Outcomes and sanctions for those found responsible for violations:**

Those found responsible for violations of this policy are subject to a full range of actions including any civil or criminal charges which may accompany such acts.

The following outcomes and sanctions may be imposed upon any student found responsible for violations under this policy:

- **Education:** Educational activities, programs or interventions
- **Warning:** A notice in writing that institutional regulations have been violated
- **Probation:** A written reprimand in place for a designated period of time and noting the probability of more severe sanctions for subsequent violations during the period of probation. Probation may impose limits on students' participation in certain student programs and activities.
- **Restrictive Probation:** Restrictions may include but not be limited to, for a designated period of time: loss of ability to hold office in any club or organization; restriction from participation in college programs (varsity athletics or other co-curricular or
academic programs); loss of access to facilities or equipment; housing restrictions or limitations. A student may lose his/her privileges or be subject to more severe disciplinary sanctions and/or suspension if found in violation of any regulations during their restrictive probationary period, no matter how minor.

**No Contact Order:** Respondent instructed to have no contact with the victim through any means including: verbal, telephonic, electronic, written or through third parties. This can be imposed by the College or a student(s) can request it, based on the circumstances of an incident.

**Assessment:** Professional evaluation or assessment of problematic behavior and appropriate treatment by a certified professional.

**Suspension:** Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

**Expulsion:** Permanent separation of the student from the College.

The determination of sanctions is based upon a number of factors, including: the harm suffered by the complainant; any ongoing risk to either the complainant or the community posed by respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

**Remedies and accommodations for the victim:**

The result of the investigation process may include actions to address and remediate the misconduct for the victim, such as:

- No-contact directives
- Changes in class schedules
- Withdrawal from classes with no penalty
- Changes in living arrangements
- Change in work arrangements
- Counseling or other supportive services
- Medical services
- Academic support services
- Escort services to ensure safe movement on campus

**Additional remedies for the College community:**

The investigative process may result in remedies for the campus community at large, in order to address the effects of the sexual misconduct. Such remedies may include but not be limited to:
• Designating an individual specifically trained in providing trauma-informed services to victims and those affected by sexual assault to be available to meet with individuals;

• Training or retraining College personnel on College's responsibilities to report and address allegations of sexual misconduct;

• Developing information and educational materials related to sexual misconduct prevention and response that can be distributed to all students;

• Conducting regular bystander education;

• Issuing policy statements about the college's zero tolerance policy;

• Conducting, in cooperation with student leaders, a campus "climate check" to assess the efficacy of prevention and response efforts;

• Training for groups of particular students impacted by an incident -- if for example sexual violence created a hostile environment within a team, residence hall, or other student group; and

• Informational (prevention, safety) emails to students after an event.

Appeals:

Both parties involved in a Title IX investigation have the right to appeal the findings and recommendations of the CRT. Appeals may be made based on the following grounds:

• Procedures set forth in this policy were not followed; and/or
• New information not available at the time of the resolution process has become available.

Appeals shall be made in writing, and delivered within five business days to the vice president for student affairs (VPSA):

Dr. April Vari  
Vice President for Student Affairs  
Delaware Valley College  
700 E. Butler Avenue  
Doylestown, PA 18901  
april.vari@delval.edu  
215.489.2413  
Office: Student Center

If grounds exist, the appeal, which consists of a review of written case materials and files, will be considered by the VPSA and the vice president for academic affairs within five business days from receipt.
Results of the appeal will be communicated simultaneously, and in writing (via electronic mail) to both parties within five (5) business days from the date the appeal review concluded. Appeal decisions are final.

XII. Prevention, education and training

The College educates students about sexual misconduct through several means. New students are required to complete Think About It before matriculating in the fall. Think About It is an online Title IX and Campus SaVE Act education program that combines sexual assault, substance abuse prevention and bystander intervention education.

Think About It is complemented by a required program that occurs during the fall orientation program. Currently, the required fall program is "Can I Kiss You," which addresses issues of consent, bystander intervention and supporting survivors of sexual assault.

All students annually receive a copy of the Sexual Misconduct Policy to continue these educational efforts. Additionally, all students receive a publication from the student affairs office entitled: Delaware Valley College Support and Resource Guide for Sexual Misconduct.

During the course of each academic year, offices within the student affairs division sponsor or co-sponsor at least one program each semester on sexual misconduct.

The Office of Public Safety conducts annual Clery training for all campus security authorities (CSA). Clery Act training includes but is not limited to sexual assault, domestic violence, dating violence and stalking. Additionally, human resources provides training on the College’s Sexual Misconduct Policy and Title IX training annually for all employees and faculty of the College.

Additional training for the Title IX coordinator and deputy(ies), law enforcement, “responsible employees,” members of the Student Conduct Board and victim advocates is designed and implemented by the College’s Coordinated Community Response Team, which comprises College personnel and community agencies with expertise and perspective on these issues.

XIII. College's Reporting and Record-Keeping Obligations

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements.

The Clery Act requires colleges and universities to:

- Publish an Annual Security Report (ASR);
• To have a public crime log;
• Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities;
• Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees. (Names of victim’s are withheld as confidential);
• Devise an emergency response, notification and testing policy;
• Compile and report fire data to the federal government and publish an annual fire safety report; and
• Enact policies and procedures to handle reports of missing students.

The **Campus Sexual Violence Elimination Act**, or **Campus SaVE Act (SaVE)**, is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education. President Obama signed the measure into law as part of the **Violence Against Women Reauthorization Act of 2013** on March 7, 2013.

SaVE requires colleges and universities to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming.

The College, beginning with the 2013 calendar year, collects and reports statistics for domestic violence, dating violence and stalking (as defined by the Violence Against Women Act) occurring on campus, on public property within and adjacent to campus, and at non-campus properties like off-campus student organization housing and remote classrooms. Institutions are already required to report sexual assault statistics.

The College’s Annual Security Report is available on the College’s website.

In accordance with regulations, the College collects statistics from a broad range of campus officials including resident advisors, deans and athletic coaches, campus police or security, and local law enforcement. The law requires disclosures to protect the confidentiality of victims in these statistical disclosures as well as any public record keeping, to the extent provided by law.

The law requires that campus security authorities report crime statistics for inclusion in the College’s Annual Security Report. Campus security authorities include, but are not limited to, officials of the college with significant responsibility for students or campus activities. CSA’s are trained and assessed annually.

A crime will be considered reported when it is brought to the attention of a campus security authority by a victim, witness, or third party.

Campus Security Authority - The following are defined by the Jeanne Clery Act as Campus Security Authorities.
• Campus police/security departments

• Individuals with campus security responsibility - Any individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.

• Individuals designated by the campus - Any individual or organization specified in an institution's statement of campus security policy as one to which students and employees should report criminal offenses.

• Officials with significant responsibility for student and campus activities - An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting in those capacities. Examples of this category are: deans of students, student housing officials, student judicial affairs officials, officials who oversee a student center, officials who oversee student extracurricular activities, director of athletics, team coaches and faculty advisors to student groups.

XIV. Related Policies

Responsible employees:

The College is on notice that an act of sexual misconduct has occurred if a responsible employee knew or should have known about the behavior. Responsible employees are required to act on a specific report, which means they have an obligation to report the specifics of an incident to the Title IX coordinator, for review and investigation (Section X).

Responsible employees are those employees who: have authority to take action to redress sexual misconduct; who have been given the duty of reporting incidents of sexual misconduct to the Title IX coordinator; or whom a student could reasonably believe has the authority or duty to redress the sexual misconduct.

At Delaware Valley College the following personnel are identified as "responsible employees"

• President and vice presidents of the College
• Associate and assistant vice presidents, deans (and associates and assistant deans)
• Directors and associate or assistant directors
• Coaches and assistant coaches of athletic teams
• Administrators with supervisory responsibilities (directors, work-study supervisors)
• Public safety
• Human resources
• Residence life professional staff
• Resident Assistants (RA's)
• Student Involvement professional staff

When a report is made to a responsible employee, a victim has the right to expect that the College will take timely and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. It is the obligation of a responsible employee to make a report to the Title IX coordinator or deputy, outlining the details shared by the victim.

Responsible employees are trained annually by the CRT on Title IX, reporting procedures and expectations, the College's policy generally, and strategies for sensitively responding to those who come forward with complaints.

**Prohibited relationships:**

A romantic or consensual sexual relationship between a faculty member and a student currently enrolled in his/her class is not permitted. Faculty and/or staff members may not supervise students, employees or college community members with whom they have a romantic or sexual relationship. If such a relationship exists it is a conflict of interest and arrangements must be made to ensure a faculty/student or supervisor/employee reporting relationship does not occur.

**Child protection policies:**

While any individual may, and is encouraged to, report child abuse whenever and wherever it occurs, all employees, students who work or volunteer with individuals under the age of 18, consultants, sub-contractors, adjunct faculty, volunteers, or those affiliated in any way with Delaware Valley College are required to make a report whenever the person has reasonable cause to suspect that a child under the age of 18 is a victim of child abuse.

College employees, students, volunteers and/or outside contractors who suspect child abuse shall immediately notify the individual’s supervisor unless the alleged perpetrator is the individual’s supervisor. If an employee, student, volunteer or outside contractor does not know to whom a report should be made, the individual should report the alleged abuse to the Delaware Valley College office of human resources at 215.489.2346. Upon notification, the supervisor or human resources shall report the suspected child abuse.

The obligation to report suspected child abuse to a supervisor is in addition to the requirement for reporting to the local police and the Department of Public Welfare. The complete policy and expectations of Delaware Valley College in this regard can be found on the human resources section of the College portal.

**XV. Comprehensive Resource and Contact Listing**

Below is a comprehensive listing of all resources, offices and contact information referenced in this policy.

**Emergency assistance and response:**
Office of Public Safety – Delaware Valley College
Phone number: 215.489.2315

Doylestown Hospital Emergency Services
595 West State Street
Doylestown, PA 18901
Phone number: 215.345.2586

Central Bucks Regional Police Department
Non-emergency line: 215.345.4143

Doylestown Township Police Department
Non-emergency line: 215.348.4201

In the event of an emergency where seconds count, dial 911

Confidential support – on and off campus:
Counseling Services (on campus) in Elson Hall
Phone number: 215.489.2317
After 4:30 p.m. weekdays and weekends, call Public Safety 215.489.2315

Health Services (on campus) in Elson Hall
Phone number: 215.489.2252
After 4:30 p.m. weekdays and weekends, call Public Safety 215.489.2315

Network of Victim Assistance (NOVA) – off campus
24-Hour Phone Number: 800.675.6900
A victim advocate can accompany a student to the hospital or health provider

A Woman’s Place – off campus
Phone number: 800.220.8116

Formal reporting to the College:

Title IX Coordinator
Barbara Hladik
Director of Human Resources
barbara.hladik@delval.edu
215.489.2346
Office of Human Resources - Alumni House

Deputy Title IX Coordinator
Tim Poirier
Associate Dean of Students
Reporting to local law enforcement:

Central Bucks Regional Police Department
Non-emergency line:  215.345.4143

Doylestown Township Police Department
Non-emergency line: 215.348.4201

Emergency assistance:  Dial 911

Policy questions:

General questions regarding these regulations and policies or student complaints of student-to-student discrimination or harassment may be referred to:

Dr. April Vari
Vice President for Student Affairs
215.489.2415
Office location:  Student Center

Questions specifically regarding Title IX or sexual harassment or violence may be referred to the following official who has been designated by the College to serve as the Title IX coordinator:

Barbara Hladik
Director of Human Resources
barbara.hladik@delval.edu
215.489.2346
Office of Human Resources - Alumni House

Inquiries regarding Title IX may also be referred to the Office for Civil Rights of the U.S. Department of Education at the following address:

Philadelphia Office
Office for Civil Rights
U.S. Department of Education