



## STUDENT SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE POLICY INVOLVING STUDENTS

### A. PURPOSE/POLICY STATEMENT

La Salle University seeks to prevent all forms of sexual misconduct, and interpersonal violence and desires to establish and maintain a safe and healthy environment for all members of the community through sexual misconduct prevention efforts, education, support, and a fair adjudication process. The University does not discriminate based on any protected characteristic under applicable non-discrimination laws.

This Sexual Misconduct and Interpersonal Violence Policy (“Policy”), including all principles, and processes contained herein, shall govern any incident raising concerns of harassment based on sex *that is not* a violation of Title IX of the Education Amendments of 1972, including sexual misconduct of any nature, domestic violence, dating violence, stalking or sexual assault **where a student (from the time of acceptance of admission) is identified as a potential respondent.**

Violations of Title IX of the Education Amendments of 1972 involving student respondents are addressed separately through the [University’s Policy for Handling Title IX Complainants Against Students](#). Allegations of discrimination and harassment based on protected classes other than sex or gender that involve student respondents are addressed separately through the [University’s Anti-Harassment and Non-Discrimination Policy Involving Student Respondents](#).

The procedures set forth in this Policy do not apply to faculty and staff. Any faculty and/or staff accused of violating the standards set forth in this Policy shall be subject to the procedures set forth in the University’s Anti-Harassment and Non-Discrimination Policy. If a student worker is accused of violating this Policy, the University will determine whether the alleged conduct occurred primarily in the student’s capacity as a student or as a staff member and proceed under the appropriate policy at LaSalle University’s sole discretion.

Non-La Salle University community members may report violations of this Policy and the report will be addressed in accordance with the procedures below. However, a non-La Salle University community member’s role in the University’s investigatory and disciplinary procedures may be limited. La Salle University’s support resources are available only to members of the La Salle University community. If an individual’s status with the University (i.e., student, staff, faculty member, non-community member) has changed from the time of the alleged policy violation to the time of complaint, the University will determine which policies will apply.

To the extent this Policy conflicts with any another University policy, principle, and/or process, this Policy shall govern.

## B. DEFINITIONS

- **Advisor:** an individual, without personal involvement in any of the underlying facts or circumstances of the alleged violation, chosen by the complainant or respondent. Advisors meet with the complainant or respondent before and after a hearing, and hearing and will provide limited support during a hearing under this policy. The University maintains a list of University employees who have received specific training, are knowledgeable about this Policy and corresponding procedures, and are available to serve as Advisors under this Policy.
- **Advocate:** a designated employee from the Division of Student Development and Campus Life who is tasked with providing a party institutional guidance and resources as needed with respect to matters covered under this Policy.
- **Coercion:** Coercion is defined as compelling someone to act by applying pressure, harassment, threats, intimidation, or other actions a reasonable person would consider to be coercive.
- **Complainant:** the individual who brings a complaint of violation of this Policy. A Complainant can be an alleged victim, a third party, or the University. In some exceptional cases the University may decide that the alleged misconduct needs to be investigated and may pursue an investigation and adjudication under this Policy without a designated complainant. In these cases, the University may extend some or all of the rights of a complainant as defined in this Policy to affected parties as deemed appropriate by the Vice President for Student Development and Campus Life.
- **Confidential Resource:** people or entities that are not required, either by law or by policy, to report an allegation of policy violations and that also provide confidential counseling and support services to people impacted by alleged acts covered under this Policy.
- **Consent:** words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct. Consent is not present or valid when:
  - i. a person is incapable of giving consent because they are incapacitated by drugs and/or alcohol;
  - ii. when intimidation, threats, physical force, or other actions that a reasonable person in that person's circumstances would consider coercive are applied;
  - iii. when that person is placed in fear that any person will suffer imminent bodily injury;
  - iv. when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or
  - v. when a person is under the age of consent, which in the Commonwealth of Pennsylvania is 16 years old.

Silence, non-communication, or a lack of resistance does not imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

The use of alcohol and/or drugs does not minimize or excuse a person's responsibility for committing an act in violation of this policy, or that person's responsibility for determining whether another is capable of giving consent.

An objective standard will be used in determining whether a person is incapable of giving consent due to the person's incapacitation by the use or consumption of drugs and/or alcohol, or if a physical or mental condition as described above is present. That is, consent is not present or valid when:

- the person was, in fact, incapable of giving consent because the person was incapacitated by the use or consumption of drugs and/or alcohol such that the person could not understand the fact, nature, or extent of the sexual situation, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition; and
  - from the standpoint of a reasonable person, the Respondent knew, or reasonably should have known, that the person was incapable of giving consent because the person was incapacitated by the person's use or consumption of drugs and/or alcohol such that the person could not understand the fact, nature, or extent of the sexual situation, or that the person's physical or mental condition would prevent knowing and voluntary consent.
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- **Formal Complaint:** a written and signed notice to the University detailing with reasonable specificity the alleged Policy violation and requesting that an investigation be initiated by the University. Formal complaints shall include enough detail to determine the identity of a complainant, state the name (if known) of the respondent, as well as date and location of the prohibited acts/behavior(s). To the extent possible, formal complaints should be in one's own words and should not be authored by others including Advocates, Advisors, other students or attorneys. Electronic submissions of formal complaints are acceptable as long as they meet the requirements specified above.
  - **Hearing Board:** a team of two to three trained University employees led by the Director of Student Conduct who are authorized to facilitate formal hearings in accordance with the provisions of this Policy.
  - **Parties:** the complainant(s) and the respondent(s).
  - **Preponderance of the evidence:** Standard of proof used to determine if a violation of this Policy has occurred. Involves determination that it is more likely than not (>50%) that the alleged policy violation occurred.
  - **Protected characteristics:** personal traits, characteristics and/or beliefs that are defined by applicable law as protected from harassment and/or discrimination, including race, color, religion, sex, age (40 years and older), disability, national origin, ethnicity, ancestry, citizenship, sexual orientation, marital, parental, family, and pregnancy status, gender identity or expression, military or veteran status, genetic information and/or other protected characteristics.
  - **Respondent:** the individual who has been reported as an alleged perpetrator of conduct that could constitute a violation of this Policy. Under this Policy, only students can be designated as respondents.
  - **Sexual Misconduct:** an action or course of actions that involves any unwelcome conduct of a sexual nature and includes sexual assault, sexual exploitation, dating/domestic violence, stalking, and/or sexual harassment. These terms are defined below under Prohibited Conduct and are intended to provide clarity, and do not suggest that one behavior is more severe or violating than the other.

- **Supportive Measures:** actions that the University may take in order to maintain, preserve and protect the health and safety of the community.
- **Violence:** conduct that involves the use, or threatened use, of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

## C. POLICY PROCEDURE/GUIDELINES

### Scope of policy

This Policy governs conduct both on and off La Salle University's campus, and also governs conduct that occurs while students are on a leave of absence or studying abroad. This Policy will apply to a student's behavior even if the student withdraws or graduates from the University while a matter is pending under the process explained herein. La Salle University reserves the right to investigate and adjudicate complaints under this Policy irrespective of actions taken (or not taken) by other institutions or law enforcement agencies.

### Prohibited Acts/Behaviors

The following are examples of acts/behaviors that are considered to be violation of this Policy:

- i. **Sexual Assault:** Having or attempting to have sexual intercourse or sexual contact with another person without consent. Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence. Sexual assault may be actual, or attempted, rape, fondling/non-consensual sexual contact, incest, statutory rape, as defined in the Clery Act and below:
  - a. Rape 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 the consent of the victim.
  - b. Fondling/Nonconsensual Sexual Contact is the touching of the private or intimate body parts of another person for the purpose of sexual gratification, without consent (as defined herein), including instances where the person is incapable of giving consent because of their temporary or permanent mental or physical incapacity. This can also include causing the other to touch the private body parts of another.
  - c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction.
  - d. Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.
- ii. **Sexual Exploitation:** Sexual exploitation occurs when a person takes non-consensual, sexual advantage of another person for the benefit of anyone other than that other person. Examples of behavior that could constitute sexual exploitation include, but are not limited to the following:
  - a. Intentional non-consensual contact with the private body parts of another person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault," above;

- b. Prostituting another person;
- c. Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- d. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity, if the individual distributing the images or audio knows, or reasonably should have known, that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure;
- e. Viewing another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy, without that person's consent, if the individual viewing the other person's or persons' sexual activity, intimate body parts, or nudity in such a place knows, or reasonably should have known, that the person(s) being viewed would object to that;
- f. Exposing one's genitals without the consent of the other parties;
- g. Knowingly exposing another person to a Sexual Transmitted Infection without their consent.

**iii. Dating Violence:** 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 person subjected to the violence. The existence of such a relationship shall be determined based on the Complainant'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.

Dating violence does not include acts covered under the definition of domestic violence stated below.

**iv. Domestic Violence:** Domestic violence includes but is not limited to sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been in a domestic relationship as defined below:

- a. a current or former spouse or intimate partner of the person subjected to the violence;
- b. a person with whom the person subjected to the violence shares a child in common;
- c. a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- d. a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred; or
- e. 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 violence occurred.

**v. Sexual Harassment:** Sexual Harassment is any unwelcome verbal or physical conduct based on or motivated by an individual's sex that from the point of view of a reasonable person in the position of the Complainant, has the purpose or effect of unreasonably interfering with an individual's access to University employment or educational opportunities by creating an

intimidating, hostile, humiliating, demeaning, or sexually offensive academic or social environment, when such conduct is severe or pervasive.

**vi. Stalking:** Stalking is defined as 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. Examples of stalking behaviors or activities include, but are not limited to the following:

- a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- b. Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - i. Posting of pictures or text on social media or other websites;
  - ii. Sending unwanted/unsolicited e-mail or talk requests;
  - iii. Posting private or public messages on Internet sites, social media, or in other public spaces.
- c. Non-consensual surveillance of another, including, but not limited to:
  - i. Installing spyware on a person's computer;
  - ii. Using Global Positioning Systems (GPS) or similar technology to monitor a person;
  - iii. Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
  - iv. Other types of observation including staring or "voyeurism";
  - v. Trespassing;
  - vi. Vandalism;
  - vii. Gathering information about an individual from friends, family, or co-workers;
  - viii. Accessing private information through unauthorized means
- d. Additional stalking behaviors can include, but are not limited to:
  - i. Direct verbal or physical threats;
  - ii. Threats to harm self or others;
  - iii. Defamation and/or lying to others about the person; or
- e. Using a third party or parties to accomplish any of the above.

**vii. Retaliation:** Retaliating directly or indirectly against a person who has in good faith made a report under this Policy or participated in an investigation is prohibited. Retaliation includes, but is not limited to, ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment, threatening, intimidating or coercing the person or otherwise discriminating against any person for exercising their rights or responsibilities under this Policy. Depending on the circumstances, retaliation may also be unlawful. Retaliation under this Policy may be found whether or not the underlying complaint is ultimately found to have merit. In the event an individual believes that he or she has been retaliated against, an investigation will be conducted and appropriate disciplinary action will be taken, if warranted. That investigation may be independent of or may be combined with the existing investigation, as determined by the Director of Student Conduct.

## **Interim Measures**

At any time after a Complaint is received, the University may take interim steps to provide for the rights and safety of the complainant and respondent, as well as the campus community. Interim measures may be modified throughout this process, and may in some instances last beyond the investigation and adjudication of a complaint. Restrictive measures are used only when deemed necessary. Students who are subjected to interim measures may request a review of those measures by contacting the Office of the Vice President for Student Development and Campus Life. Interim measures may include, but are not limited to those actions explained below:

**a. Emergency Removal**

When there is an actual or perceived threat to the rights and safety of either party or the campus community, based on a threat assessment completed by the Division of Student Development and Campus Life, the University may issue an Emergency Removal. At the discretion of the Director of Student Conduct, students who are removed from campus in this manner may be prohibited from attending classes or exams, residing in University owned housing, or being present on campus for any purpose but to respond to matters related to the conduct case and with prior permission from the Director of Student Conduct or Office of Public Safety.

**b. No Contact Order**

When a violation of this Policy has been alleged, or when otherwise deemed appropriate under the circumstances, the University may issue No Contact Orders to the students involved. A No Contact Order is used to restrict encounters and communications between individuals. No Contact Orders can be issued whether or not disciplinary action is taken and may remain in effect after the adjudication of a conduct case, regardless of the findings. While a No Contact Order in and of itself does not constitute discipline and will not appear on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action, including suspension or expulsion.

**c. Persona Non-Grata**

The University may also initiate a no-trespass/ *persona non-grata* (PNG) status, indicating that an individual is not welcome on University property and could face criminal arrest for trespassing.

**d. Academic Accommodations**

The University may assist students with a variety of academic accommodations such as changing class schedules, providing alternate exam locations, and having relevant absences excused.

**e. Housing Accommodations**

Pending availability, the University can assist students with housing accommodations such as providing an alternate living space on campus or temporary emergency housing in University residence halls for off-campus students.

**f. Safety Plans**

The University can assist students in developing personal safety plans for both on and off-campus.

**g. Counseling**

Both parties can access counseling services through the Student Wellness Services and University Ministry, Service and Support

There are options for students who have been subjected to or accused of violating this Policy to confidentially discuss the circumstances with specific staff at the Student Counseling Center, and designated individuals in Ministry, Service, and Support. A Confidential Resource will not disclose details of a student's conversation to anyone else in the University except in cases of a threat of imminent physical harm.

Sharing information with a Confidential Resource will not result in a report or Formal Complaint to La Salle University or investigatory or disciplinary action against a respondent. Statistical information about these incidents may still be included in the University's annual Clery Act reporting, but such statistical information will not include any identifying information about any student.

## **REPORTING**

The University will take reasonably prompt and appropriate steps to respond to complaints of a violation of this Policy. While there is no time limit for reporting a violation of this Policy, the complainant is encouraged to report any incident as soon as reasonably possible in order to maximize the University's ability to respond and investigate promptly and effectively.

**Confidential Reporting Option:** There are options for individuals to confidentially report incidents reasonably believed to be in violation of this Policy. Confidential reporting options will not disclose any details of the report with anyone. At La Salle University, these confidential reporting options are the Student Counseling Center, designated individuals in Ministry, Service, and Support, a designated Complainant Advocate, and a designated Respondent Advocate.

Sharing information with a Confidential Resource will not result in a report or Formal Complaint to La Salle University or investigatory or disciplinary action against a respondent. Statistical information about confidentially-reported incidents may still be included in the University's annual Clery Act reporting, but such statistical information will not include any identifying information about any student.

All La Salle University faculty and staff who are not Confidential Resources are required by the University to report information received relating to violations of this Policy.

**Reporting to a non-Confidential Resource:** All La Salle University faculty and staff who are not listed above as Confidential Resources are required by the University to report information received relating to violations of this Policy. Students who have experienced or witnessed a violation of this Policy and would like La Salle University to respond by offering resources and/or investigating the incident should fill out an online report found here.

**Confidentiality and Privacy:** Only Confidential Resources can offer confidentiality. However, non-Confidential Resources (such as faculty and staff members) will still maintain privacy to the greatest extent possible. Information provided to a non-Confidential Resource will be shared only as necessary for an investigation and/or to seek resolution. To the extent practicable, non-Confidential Resources will inform a potential complainant of their responsibility to report any case of a potential violation of this Policy and the options for confidential reporting on campus. At that time, the potential complainant can decide to move forward and share the information

with the non-Confidential Resource, choose to access a Confidential Resource, or report using the online report found here.

Privacy is not confidentiality; if an alleged violation of this policy is reported to a non-Confidential Resource, confidentiality cannot be guaranteed and there may be circumstances in which the University may need to investigate a report of a violation of this Policy and take appropriate actions to fulfill its legal obligations, even if the complainant wishes to maintain confidentiality or to not pursue an investigation and adjudication of an incident violating this Policy. The determination of when to proceed with an investigation or adjudication against the complainant's wishes shall be at the discretion of the University based on the facts and circumstances of the case, including, but not limited to, the health and safety of the complainant, the health and safety of others, the safety of the campus community, and the rights of the parties.

**Anonymous Reporting:** Anonymous reports are accepted and investigated to the extent possible. The University will make every effort to review and address the concerns submitted for investigation. However, without adequate information, the University cannot respond as effectively or provide resources and support to those negatively impacted by the alleged behavior or actions.

#### **Making a Criminal Complaint to Law Enforcement**

Reporting an alleged violation to the University under this Policy does not preclude reporting the incident to the police. Complainants have the opportunity at all times, but are not required, to file criminal complaints and Policy violations simultaneously. Complainants who wish to make a police report may contact the Philadelphia Police directly, or may also contact La Salle University Office of Public Safety or the Complainant Advocate to assist in making such a report.

#### **False Reports or Complaints**

The intentional reporting of false reports or complaints will not be tolerated and may subject the individual making the false report or complaint to disciplinary action and potential criminal and/or civil liability. A finding of not responsible after investigation and adjudication of an alleged policy violation in and of itself does not constitute a false complaint or report.

#### **Role of Alcohol and Other Drug Use in Reporting**

La Salle University's primary concern is ensuring that individuals feel comfortable reporting a Complaint. The health and safety of every student at La Salle University is of the utmost importance. La Salle University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an alleged violation of this Policy occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report an alleged violation of this Policy to the appropriate La Salle University official.

A complainant or witness acting in good faith that discloses any incident of an alleged violation of this Policy to the University or law enforcement will not be subject to La Salle University's Student Code of Conduct for violations of alcohol and/or drug policies (see Alcohol & Other Drugs Policy) occurring at or near the time of the commission of the alleged violation of this Policy.

#### **ROLE OF ADVISORS**

All parties shall have equal opportunity and access to an Advisor as defined under this Policy. The University reserves the right to impose parameters on an Advisor's role and standards of acceptable

conduct throughout this process at its discretion. Any Advisor who fails to comply with the requirements of this Policy, hinders this process or is otherwise disruptive, may be asked to leave and/or relinquish their role in the process. In cases where the complainant or respondent have chosen legal counsel as an Advisor, the University reserves the right to have University counsel present as well.

### **Advisors**

The complainant and respondent are each allowed one Advisor of choice to accompany them throughout the investigation, adjudication, and appeal process described in this Policy. Advisors play a supportive role during this process and may assist in preparation for and accompany complainants and respondents to meetings and hearings in accordance with the provisions of this Policy. Advisors will have a limited role in hearings and meetings related to hearings, primarily limited to communicating directly with their advisee as opposed to the Hearing Board, witnesses or other parties. In general, regardless of the modality of the hearing, Advisors are:

- allowed to request a recess/break to the Hearing Board;
- able to communicate directly with their advisee for the duration of the hearing; and
- permitted to ask clarifying procedural questions during the hearing

While an Advisor is not required to be affiliated with the University, the University will provide the complainant and respondent with a list of university employees who have received training in order to be approved by the University to serve in this role.

Students are not required to work with an Advisor to participate in this process or to access any of the resources provided by the University. Additionally, Advisors (just as parties) are prohibited from photographing or otherwise copying the evidence, and are not permitted to use, disclose, disseminate or share any evidence subject to inspection and review for any purpose other than this Policy.

Hearings/meetings will not be postponed due to the unavailability of a party's Advisor.

## **INVESTIGATION AND ADJUDICATION OF REPORTED CASES**

The University's grievance process provides a reasonably prompt and fundamentally fair process as defined and described by the procedures set forth below. To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the process, including the opportunity to recommend witnesses, submit evidence, and appeal the outcome of any formal University disciplinary process.

### **Cooperation of Parties**

The parties to a complaint and/or investigation conducted under this Policy are expected to cooperate fully with the resolution of the complaint and/or investigation by providing complete, accurate, and truthful information and any potentially relevant documentation in any format. In the event that the complainant chooses not to cooperate, the University may be obligated to continue with an investigation and adjudication. If the respondent chooses not to cooperate with the investigation or adjudication, the adjudication of the complaint will proceed without input or involvement from the respondent. The University will also cooperate with other colleges or universities if the respondent or complainant is from a college or university other than La Salle University.

### **Cooperation of Witnesses**

All witnesses who agree to be interviewed in the investigation are required to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or

other materials documenting the information they provide, and may be asked to keep the substance of the interview confidential. Witnesses will have the opportunity to request a specific modality for investigative interviews, but the final decision on the modality is determined by the investigator. Failure to cooperate fully with the investigation may subject a witness to disciplinary action up to and including possible suspension or expulsion. Failure to cooperate includes, but is not limited to, providing false, misleading, or incomplete information, failure to provide requested documentation, whether in paper or electronic format, or intentional destruction of relevant or requested evidence.

### **Mental Health Diagnosis and/or Treatment**

The parties each individually have the right to exclude information relating to their own mental health diagnosis and/or treatment. It should be noted however, that in cases where the complainant's capacity to consent is being assessed, information regarding the use of medication may be relevant.

### **Prior Sexual History**

The parties' past sexual history generally may not be referenced throughout the process described herein, except that either party may reference a prior sexual relationship between the complainant and the respondent. Sexual history that relates to past complaints or findings of responsibility under this Policy may be considered when determining an appropriate sanction if a respondent is found responsible.

### **Initial Assessment**

Upon receiving notification of an alleged violation, the Division of Student Development and Campus Life shall make an initial assessment of whether, if the complainant's allegations are true, the allegations would constitute a violation of this Policy.

- a. If the Complainant's allegations, even if true, would not constitute a violation of this Policy, then a representative of the Division of Student Development and Campus Life shall inform the Complainant of that decision in writing and no formal will move forward. The complainant will be provided with instructions on how to appeal this decision. The complainant shall still be offered campus resources and may also be entitled to interim measures. Any doubt as to whether an investigation is warranted should be resolved in favor of proceeding with an investigation.
- b. If it is determined that the complainant's allegations, if true, would not constitute a violation of this Policy but would instead constitute a violation of the Student Code of Conduct, or other official University Policy, the complainant will be informed in writing and the allegations will be addressed through procedures outlined in the applicable policy.

In cases where multiple allegations and/or multiple violations arise out of the same event or series of related events, the University shall have the discretion to direct that a single investigation be conducted under procedures set forth in this Policy.

In most cases, within five (5) school days of receiving notification of an alleged violation of this Policy, the designated Complainant Advocate will contact the complainant and offer to set up a meeting to inform the complainant of the contents of this Policy, provide information about on- and off-campus resources, discuss potential interim measures, provide the complainant with a copy of this Policy, review Formal Investigation options, review the conduct process and other relevant procedures (including the University's prohibition against retaliation), as well as provide instructions on how to file a Formal Complaint with the University if one has yet to be received.

If the Vice President for Student Development and Campus Life, determines that interim measures are appropriate, interim measures will be imposed in consultation with other members of the Division of Student Development and Campus Life.

### **Formal Investigation**

The purpose of the University's investigation is to gather information relevant to the alleged violation of the Policy. The investigation generally will take no longer than 120 school days; however, complex cases, the availability of witnesses, and other exceptional circumstances may require additional time and/or the modification of the timeframes described herein. If there are delays in the investigation, the Office of Public Safety or other appropriate individual will notify the parties.

La Salle University is not obligated to wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this Policy. The University will, however, comply with valid requests by law enforcement in a criminal investigation. As such, the University may need to temporarily delay an investigation under this Policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, the University will promptly resume and complete its investigation.

In the event that a respondent withdraws or seeks to transfer while an investigation is pending but unresolved, the University may elect to proceed with the investigation in the respondent's absence. In addition, in the University's sole discretion, a hold may be placed on the respondent's account during the pendency of an investigation, with no degrees to be awarded or official transcripts to be provided until the investigation has resolved.

In the event that a respondent withdraws or seeks to transfer while an investigation is pending but unresolved, the University may elect to proceed with the investigation in the respondent's absence. In addition, in the University's sole discretion, a hold may be placed on the respondent's account during the pendency of an investigation, with no degrees to be awarded or official transcripts to be provided until the investigation has resolved. Formal Complaints of alleged violations of this Policy will be referred to the Office of Public Safety to conduct the formal investigation. Upon receiving a Formal Complaint, the investigator(s) will notify the parties that they may each submit a written statement to the investigator(s) addressing the allegations presented in the Formal Complaint and provide a list of potential witnesses that each party would like the investigator(s) to interview. The parties may also provide the investigator(s) with any other relevant evidence they would like the investigator(s) to consider and may provide the investigator(s) with lists of specific questions to be asked of the witnesses and/or each other. It is at the discretion of the investigator(s) to determine which witnesses will be interviewed. The investigator(s) may interview additional witnesses deemed relevant even if not named by either party.

Within a reasonable amount of time following the completion of the investigation, the investigator(s) shall prepare a draft Investigatory Report of the evidence collected and notify the parties. Parties and their Advisors are provided the opportunity to review the draft Investigatory Report but are prohibited from photographing or otherwise copying the evidence, and are not permitted to use, disclose, disseminate or share any evidence subject to inspection and review for any purpose other than those allowed by this Policy. Parties are required to submit any responses to the draft Investigatory Report in writing to the investigator(s) within ten (10) school days of review. The Investigator(s) will review all parties' written responses, if any, and determine, within their sole discretion, if any additional investigation is warranted and/or whether revisions to the draft Investigatory Report are warranted.

Once the draft Investigatory Report is finalized by the Investigator(s) to include both of the parties' written responses (if applicable) the Final Investigatory Report, along with all other relevant evidence shall be forwarded to the Director of Student Conduct and made available to the complainant and the respondent in the same manner the draft Investigatory Report was shared.

### **Formal Adjudication Procedure**

Following receipt of the Final Investigatory Report, the Director of Student Conduct shall provide notice to the parties referencing the specific provision of this Policy alleged to have been violated, if there is enough evidence to proceed to a Formal Hearing and the possible outcomes, as well as the date, time, and location or modality of the Formal Hearing if needed. Except in extenuating circumstances, both parties will be given at least five (5) school days' notice of the hearing.

The formal hearing shall be presided over by a Hearing Board consisting of the Director of Student Conduct and up to two additional co-hearers. In the event that a material conflict of interest is deemed to exist, the Vice President for Student Development and Campus Life shall designate an alternate(s) to preside over the hearing. The Hearing Board has the sole discretion of permitting a proposed witness to present evidence at the hearing, and as such, the Director of Student Conduct will communicate the invitation to attend to all approved witnesses prior to the scheduled hearing.

During the formal hearing both parties shall have the opportunity to make an opening statement. Only the Hearing Board may directly ask questions of the individual parties and any witnesses. Both parties will have the opportunity to ask questions to one another through the Hearing Board, who may choose, in their discretion, to reframe questions or omit questions that are deemed to be irrelevant or redundant. The Hearing Board may also permit additional questions to be asked during the course of the hearing.

If the Hearing Board determines that unresolved issues exist that would be clarified by the presentation of additional unavailable information they may postpone the hearing and reconvene it in a timely manner to receive such additional information.

Both parties shall have the option not to participate in the hearing. Non-participation will not prevent the University from moving forward with the process detailed in this Policy. The Hearing Board may not use non-participation as the sole factor in determining responsibility or sanctions.

Both parties shall have the opportunity to make a closing statement prior to the Hearing Board's determination regarding responsibility and corresponding sanction if applicable.

### **Determination Regarding Responsibility and Sanctions**

After completion of the formal hearing the Hearing Board will decide as to whether, by a preponderance of the evidence, this Policy was violated. The determination regarding responsibility will be communicated to both parties in writing concurrently, within ten (10) school days after the hearing has concluded, barring any exigent circumstances that may cause reasonable delays.

If a finding of responsibility is made, the Hearing Board will consider, as part of their deliberations, whether a sanction will:

- a. Bring an end to the violation in question;
- b. Reasonably prevent a recurrence of a similar violation; and
- c. Remedy the effects of the violation on the complainant and La Salle University Community.

In determining an appropriate sanction, the Hearing Board may consider any record of past violations of official University policies, as well as the nature and severity of such past violation(s).

The range of sanctions that may be imposed for a violation of this Policy include warning, probationary status, deferred suspension, suspension, or expulsion, and/or any additional conditions deemed appropriate by the Hearing Board.

If suspension is assigned, reinstatement or readmission criteria may include, but are not limited to, evidence of satisfactory progress by the respondent on relevant educational components to the sanction, such as counseling and training.

Decisions regarding reinstatement or readmission will be communicated to all parties. If the respondent's return will coincide with the complainant's presence at the University, the complainant may request additional provisions from the Office of Student Conduct. Long-term provisions may also be offered or provided to the complainant following sanctioning, which may include: providing an escort on campus; assistance with academics including rescheduling exams and assignments; facilitating a schedule change; housing assignment relocation; restriction of campus access for the respondent (restricted from specific buildings, areas, etc.); no-contact orders; campus employment reassignment; and counseling referrals.

## **APPEALS**

Each party may appeal (1) the dismissal of a report, formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) school days of being notified of the determination, indicating one or more of the following limited grounds for the appeal:

- i. Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- iii. The Investigator and/or members of the hearing board had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

Appeals should be submitted online via the Appeal Form located [here](#). Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities will remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals will be decided by the University Appeals Board, who will be free of conflict of interest and bias, and will not include anyone who served as investigator, advisor, or hearing board member in the same matter.

The outcome of an appeal will be provided in writing simultaneously to both parties and include the rationale for the decision. The ruling of the Appeals Board is final.

#### **D. ADDITIONAL NOTES**

All written notices to the complainant or respondent may be delivered at the University's discretion to any e-mail or mailing address on file with the University. All written notices will be deemed received when sent.

#### **UNIVERSITY RESOURCES**

##### **Campus Confidential Resources:**

Assistant Director for Sexual Misconduct Advocacy and Education	215-951-1387
Complainant Advocate	215-951-1387
Respondent Advocate	215-951-1470
Student Counseling Center	215-951-1355
Student Health Center	215-951-1565
Ordained Priest in Ministry, Service and Support	215-951-1976

##### **Additional Campus Resources:**

Student Conduct Office, La Salle Union 303, 215/951-1916  
Office of Residence Life, La Salle Union 205, 215/951-1350  
La Salle Public Safety, Good Shepard, 215/951-1300 or 215/991/2111 for emergencies

#### **OFF CAMPUS RESOURCES**

##### ***Medical Concerns/Treatments:***

PA Sexual Assault Response Center: SVU  
300 E. Hunting Park Ave., Philadelphia, PA  
*Call Public Safety (215.951.1300) for free transport.* 215-685-3251

Abington Hospital  
1200 Old York Road  
Abington, PA 19001 215-481-2000

##### ***24 Hour Hotlines:***

Women Organized Against Rape (WOAR): 215-985-3333

Philadelphia Domestic Violence Hotline (**Women Against Abuse**): 1-866-723-3014

AIDS Hotline: 215-985-AIDS

Rape, Abuse & Incest National Network (RAINN): 1-800-656-4673

##### ***Spanish/Bilingual Services:***

Congreso de Latinos Unidos: 1-866-723-3014

Bilingual Domestic Violence Project (24-hour bilingual domestic violence hotline):  
215-763-8870 x1300

##### ***Services for Lesbian and Bisexual Women***

Women in Transition Hotline: 215-751-1111

***State Resources for Sexual Assault***

Pennsylvania Commission on Human Relations:

215-560-2496

***Criminal Prosecution***

Philadelphia Special Victims Unit:

215-685-3251

***Resources for Respondents (Male or Female):***

Men's Resource Center:

215-564-0488

Courdea (formerly Menergy):

215-242-2235

John J. Peter's Institute:

215-701-1560

**E. RESPONSIBLE OFFICE/DEPARTMENT**

1. The Division of Student Development and Campus Life

**F. END NOTES**

**The conduct prohibited by this policy was previously prohibited under the university's Policy On Harassment, Sexual Misconduct, and Discrimination.**

**Effective date:** August 17, 2017

**Revision date(s):** August 14, 2020; January 23, 2023