

Sexual Assault, Sexual Harassment, and Sexual Misconduct Policy

This entire policy, to include appendices, can be found in the [Villanova Policy Library](#)

Note on gender-inclusive language: Portions of this policy utilizes they/them/their as singular pronouns.

I. INTRODUCTION

Villanova University seeks to foster and maintain a community of mutual respect and concern for all of its members. There can be no greater violation of the terms of that community, or of the essential dignity of any member of it, than an act of sexual assault, sexual harassment, or other forms of misconduct described in this Policy (referred to as “sexual misconduct”). These acts constitute the deepest affront to University standards and will not be tolerated in any form.

All members of this community – students (current and applicants), faculty, staff, applicants for employment, persons doing business with or acting on behalf of the University, and visitors to campus – are protected under this Policy and share in responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this Policy provides the framework for eliminating sexual assault, sexual harassment, and other sexual misconduct from our community, preventing its recurrence, and addressing its effects.

Pursuant to Title IX of the Education Amendments of 1972 (Title IX), Villanova prohibits all forms of sexual harassment, including sexual assault and other forms of sexual misconduct. Any person found responsible for such violations will face disciplinary actions up to and including dismissal or expulsion from the University. Acts of sexual assault or sexual misconduct may also be prosecuted under the Pennsylvania Criminal Code. This Policy applies to all on-campus conduct, as well as any off-campus conduct that has an adverse impact on any member of the University community or the University.

Should an incident of sexual assault, sexual harassment, or other sexual misconduct occur, the University has both reporting procedures and support resources in place so that no one needs to face the effects of such an incident alone. The first concern is for the safety, health, and well-being of those affected. Confidential and non-confidential (yet private) options for support and reporting are available both on and off campus (Section IV & Appendix A).

All members of the University community have an obligation to assist in preventing harassment. Responsibilities include: (1) participating in periodic training to learn how to recognize and report concerns; (2) conducting themselves in a manner that does not violate this policy; (3) intervening when possible to prevent harassment of another; (4) reporting incidents and assisting victims to report; (5) respecting the privacy rights and confidentiality rights of those involved; and (5) cooperating in University investigative and disciplinary procedures.

When an incident is reported, the University will respond promptly and equitably to all allegations of sexual assault, sexual harassment, or other sexual misconduct to ensure the safety of the reporting person and the Villanova community in order to provide an environment that is free from gender and sex discrimination.

Anyone making a report, filing a complaint, or participating in the investigation or resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct is protected by law and this Policy from retaliation (see Section II.A.). The University will take prompt responsive action to all reports of retaliation.

When used in this Policy, a reporting person is a person who notifies the Title IX Coordinator, or other Villanova authority, of an act of sexual assault, sexual harassment, or other sexual misconduct. When the reporting person is also the person who experienced the misconduct, the reporting person is also referred to as a Complainant. A Respondent refers to the person reported to have committed the act of sexual assault, sexual harassment, or other sexual misconduct.

II. PROHIBITED CONDUCT AND DEFINITIONS

The University expects all members of the Villanova community to conduct themselves in a manner consistent with the Villanova Mission Statement and its Enduring Commitments available at http://www1.villanova.edu/villanova/president/about_university/mission./html, the *Environmental and Relational Expectations* as described in the Code of Student Conduct, the Human Resources Handbook, and the Faculty Handbook.

Villanova University prohibits sexual assault, sexual harassment, and other sexual misconduct, as detailed in the definitions below and as further clarified in some instances under Federal and Pennsylvania law. The University reserves the right to address behavior regardless of whether the conduct also violates federal, state and/or municipal civil or criminal law. Pennsylvania criminal law definitions can be found in Appendix E.

A. PROHIBITED CONDUCT

SEXUAL ASSAULT. Having or attempting to have sexual intercourse or sexual contact with another person without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where a person does not consent to the sexual act, or where a person is incapacitated (as defined in Section B). Sexual assault includes rape, fondling, incest and statutory rape, defined as follows:

- **Rape - Attempted or Actual Penetration(s):** Causing or attempting to cause non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person.
- **Fondling - Non-Consensual Sexual Contact:** The touching of the private body parts of another, for the purpose of sexual gratification forcibly and/or against that person's will; or not forcibly or against that person's will where the person is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. This can include causing the other to touch the harasser's private body parts.
- **Incest** – Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Statutory rape is sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania, individuals under 13 years of age can never consent to intercourse; individuals younger than 16 years of age can never consent to intercourse with a partner more than four years their senior. For more about consent, see Part B below.

SEXUAL EXPLOITATION. Sexual exploitation is an act or omission to act that involves taking non- consensual, unjust, humiliating, or abusive sexual advantage of another, either for personal advantage or to benefit or advantage anyone other than the Complainant. Examples of sexual exploitation include but are not limited to the following:

- Creating a picture(s), movie(s), webcam, tape recording(s), graphic written narrative(s), or other means of memorializing sexual behavior or a state of undress of another person without the other's knowledge and consent;
- Sharing items described in the paragraph above beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;

- Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;
- Voyeuristic behaviors, such as watching another person or persons, without their consent, while they are undressing, undressed, or engaged in sexual activity;
- Engaging in sexual behavior with knowledge of an illness or disease that could be transmitted by the behavior without full and appropriate disclosure to the partner(s) of all health and safety concerns;
- Engaging in or attempting to engage others in “escort services” or “dating services” which include or encourage in any way sexual behavior in exchange for money;
- Intentionally, knowingly, or surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; or
- Exposing another person to sexually explicit or lewd material without the person’s advanced knowledge and consent.

STALKING. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress. The course of conduct means two or more acts in which the stalker follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person.

SEXUAL HARASSMENT. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other physical, visual, or verbal behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or education; or
- Submission to or rejection of such conduct by a person is used as the basis for employment or academic decisions affecting the person; or
- Such conduct has the purpose or effect of:
 - Unreasonably interfering with a person’s academic or professional performance; or
 - Creating an intimidating, hostile, or demeaning employment or educational environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

Examples of potentially sexually harassing behaviors include, but are not limited to, the following:

- Unwelcome sexual advances, sexual innuendo, or requests for sexual favors in person, by

phone, by electronic message or photo, written words or images such as graffiti, and social media postings;

- Unwelcome behavior of a sexual nature by a faculty member, coach, or other staff person directed towards a student, a colleague, or other community member;
- A person in a position of authority (such as a faculty member, coach, supervisor) suggesting that an educational or employment benefit will result from submission to some unwelcome behavior of a sexual nature or will be denied for refusal to engage in sexual activity;
- Repeated sexual remarks, offensive stories, remarks about sexual activity or experiences, sexual innuendoes or other suggestive comments that are unwanted and unwelcome by another;
- Displaying or showing pictures, cartoons, or other printed materials of a sexual nature in the workplace or in an educational setting where there is insufficient academic relevance;
- Exposing the private parts of one's body to another person, or in public forums.

DATING VIOLENCE. Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Dating violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, financial or emotional abuse. Specifically, dating violence is violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship is determined based upon the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE. Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Domestic violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, financial or emotional abuse. Specifically, domestic violence is a crime of violence committed by a current or former spouse or intimate partner, or by a person with whom the Complainant shares a child in common. Domestic Violence also includes a crime of violence against a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

SEXUAL MISCONDUCT. The term sexual misconduct is a comprehensive term that encompasses any unwelcome conduct of a sexual nature and includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment and stalking.

RETALIATION. Retaliation is defined as attempts or acts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment, or intent to prevent participation in criminal proceedings or University proceedings under this Policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel. Retaliation may be committed by any person or group of people, not just a Respondent or Complainant. It may be committed against the Complainant, Respondent, or person or group of people involved in the investigation and/or in the resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct. Retaliation could occur before, during or after an investigation and/or University proceedings.

B. DEFINING KEY TERMS USED IN THIS POLICY

ALCOHOL and OTHER DRUGS: Sexual assault, sexual harassment, and other sexual misconduct are never excused because a person is intoxicated or impaired by alcohol or other drugs and does not diminish one's responsibility to obtain consent. The University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior because people may abuse the impaired condition of another to commit sexual violence. Alcohol and other drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. The use of alcohol or other drugs can limit a person's ability to freely, affirmatively, and clearly give consent and can create an atmosphere of confusion over whether or not consent has been freely, affirmatively, and clearly sought or given. The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent to which the use of alcohol or other drugs impacted a Complainant's ability to give consent.

BYSTANDERS: Bystanders are individuals who witness emergencies, criminal events or situations that could lead to criminal events and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior.

COERCION: Consent must be freely given. Consent is not freely given if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would compromise someone's ability to exercise their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm or severe and/or pervasive emotional intimidation, which (a) places a person in fear of immediate or future harm or physical injury of themselves or another person or (b) causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance that impairs the person's ability to give consent.

COMPLAINANT: Refers to the person who reports that they have been the subject of sexual assault, sexual harassment, or other sexual misconduct.

CONSENT: Consent is an explicitly communicated, reversible mutual agreement in which all parties are capable of making a decision. Consent is informed, voluntary, and actively given. Consent exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity.

The following further clarifies the meaning of consent:

- Each participant in a sexual encounter must obtain consent for all sexual activities. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that a person has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both

parties should stop and obtain mutual verbal consent before continuing such activity.

- Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease.
- A person who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware, or otherwise physically impaired is considered unable to give consent. For example, a person who is asleep or passed out cannot give consent.
- People with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates consent to engage in sexual activity.

DEPUTY TITLE IX COORDINATOR: The Title IX Coordinator is supported by several Deputy Title IX Coordinators, all of whom are knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment or other sexual misconduct, as well as University policy and procedure. A list of Deputy Title IX Coordinators can be found in the “Title IX Notice” in Appendix C.

DISCLOSURE: When a person shares that they have experienced sexual assault, sexual harassment or other sexual misconduct. Disclosure does not necessarily constitute the filing of a formal complaint. (See Section IV for more information).

INCAPACITATION: Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically impaired due to: illness; disability; alcohol or other drug consumption, either voluntarily or involuntarily; and/ being unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, people are incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

REPORT: A formal record regarding a sexual assault, sexual harassment or other sexual misconduct. (See Section IV for more information)

REPORTING PERSON: Refers to the person who is reporting that they are aware of or have witnessed a sexual assault, sexual harassment or other sexual misconduct, as defined in this policy.

RESPONDENT: The person who is reported to have committed acts of sexual assault, sexual harassment, or other sexual misconduct.

RESPONDENT RESOURCE COORDINATOR (RRC)TEAM: The University has designated the Respondent Resource Coordinator team to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. Members of the RRC Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

RESPONSIBLE EMPLOYEE: All employees (except for confidential resources listed in Section B) must report any and all incidents to the Title IX Coordinator or Deputy Coordinator (as outlined in the Title IX Notice contained in Appendix C), regardless of whether or not the “responsible employee” witnessed the incident or learned of it through the Complainant, Respondent or a third party.

SAFETY ALERT: A Safety Alert is a campus-wide warning intended to provide members of the University community timely information about certain serious crimes. Safety Alerts are part of the University’s compliance responsibilities to issue timely warnings under the Clery Act, a federal campus crime disclosure law. Safety Alerts do not contain identifying information about the reporting person.

SEXUAL ASSAULT RESOURCE COORDINATOR (SARC) TEAM: The University has designated the Sexual Assault Resource Coordinator team to provide immediate assistance and support to any student who has experienced sexual assault, sexual harassment, or other sexual misconduct. The Sexual Assault Resource Coordinator on call at the time of the contact may meet with the person, provide information about safety, emotional and physical well-being, on campus and community resources, possible supportive measures, and review the person’s options to address the complaint under this Policy. The Sexual Assault Resource Coordinator team also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The University’s Sexual Assault Resource Coordinator on-call can be reached at 484-343-6028 and is available 24 hours/day. Members of the SARC Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

SEXUAL HARASSMENT COMPLAINT OFFICER: The Sexual Harassment Complaint Officer or their designee will typically oversee the investigation of all reports of sexual harassment (as defined above) involving a Respondent who is a University employee (faculty or staff). The Sexual Harassment Complaint Officer may be assisted in the investigation by the Human Resources and/or Public Safety Departments.

SUPPORTIVE MEASURES: Following a report of sexual assault, sexual harassment or other sexual misconduct, the University will provide interim support and reasonable protection against further acts of misconduct, harassment, or retaliation as needed, as well as provide services and resources to provide a safe educational and employment environment. More information about Supportive Measures can be found in Appendix B.

TITLE IX COORDINATOR: The Title IX Coordinator oversees the University’s centralized review, investigation, and resolution process for reports of sexual assault, sexual harassment, and other sexual misconduct, and coordinates the University’s compliance with Title IX. See Appendix C for the complete Title IX Notice.

TITLE IX INVESTIGATOR: The Title IX Investigator conducts prompt and impartial administrative investigations of all sexual misconduct reports where the Respondent is a current student, and sexual misconduct reports (other than sexual harassment as defined above) where the Respondent is a University employee.

III. BYSTANDER INTERVENTION

Bystanders play a critical role in the prevention of sexual violence. The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual assault, sexual harassment, or other sexual misconduct. Each situation is unique and each person has different strengths when it comes to intervention. Taking action may include:

- Direct intervention: approaching one of the key people involved in the situation and attempting

to prevent the situation from escalating further

- Delegating: involving other people to prevent a situation from worsening. This can include recruiting friends, Public Safety or law enforcement.
- Distracting: altering the flow, interrupting or shifting a situation to prevent something from worsening.

When considering options, it is most important for students to make the safest choice available to interrupt or intervene in situations that could result in acts of sexual assault, sexual harassment or other sexual misconduct. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

IV. HOW AND WHEN TO REPORT AN INCIDENT OF SEXUAL ASSAULT, SEXUAL HARASSMENT, OR OTHER SEXUAL MISCONDUCT

All members of the University community (unless required to maintain confidentiality by law) are expected to report information about any incident of sexual assault, sexual harassment, or other sexual misconduct involving a student, staff or faculty member, regardless of where and when the incident happened. Specifically, all employees (except for confidential resources listed in Section B) have been designated as “responsible employees” and must report any and all incidents to the Title IX Coordinator or Deputy Coordinator (as outlined in the Title IX Notice contained in Appendix C), regardless of whether or not the responsible employee witnessed the incident or learned of it through the Complainant, Respondent or a third party. The Title IX Coordinator or Deputy will report incidents occurring on or near campus to Public Safety consistent with a federal law known as the Clery Act. The Clery Act requires colleges and universities to maintain statistics of serious crimes reported on and near campus, including incidents reported under this Policy. The report to Public Safety will typically include the general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning (or “safety alert”) should be issued. In addition to complying with the Clery Act, this information helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so that the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Villanova is committed to supporting the rights of a person reporting an incident of sexual assault, sexual harassment, or other sexual misconduct to make an informed choice among options and services available both on and off campus. Complainants have the option to, and are encouraged to, notify law enforcement. This includes notifying Public Safety and/or the police department with jurisdiction, and to file a simultaneous criminal and University complaint. Complainants can receive assistance from Villanova in making the report. Complainants may also decline to participate in campus or law enforcement processes.

The University will respond to all reports in an integrated, consistent manner that treats each person with dignity and respect and will take prompt responsive action to end the misconduct, prevent its recurrence, and address its effects.

A. MAKING A REPORT, RESOURCES FOR COMPLAINANTS

To make a report, a person has several options:

To initiate a criminal complaint through law enforcement, the location of the incident will determine which police department will investigate. For on-campus incidents, the Villanova University Department of Public Safety is the law enforcement agency with jurisdiction to investigate crimes that occur on campus property. For off-campus incidents, the University can assist complainants in identifying and reporting to the appropriate law enforcement agency. The following includes contact information for Villanova University Department of Public safety and police departments in proximity to the University and/or have student housing in their respective jurisdiction:

Law Enforcement	911
Villanova University Department of Public Safety	610-519-5800
Radnor Police Department	610-688-0503
Lower Merion Police Department	610-649-1000
Conshohocken Police Department	610-828-4032/4033
Upper Merion Police Department	610-265-3232
Tredyffrin Police Department	610-647-1440

To initiate a Title IX (administrative) complaint through the University, the person should contact the Title IX Coordinator or Department of Public Safety as follows:

Ms. Ryan Rost, Title IX Coordinator 610-519-8805 ryan.rost@villanova.edu

Ms. Kim Carter, Title IX Investigator & Deputy Title IX Coordinator 484-343-6926 (24/7) kim.carter@villanova.edu

Department of Public Safety 610-519-4444 (24/7 emergency); 610-519-5800 (24/7 non-emergency)

Any person seeking information and options on how to proceed may also contact:

Sexual Assault Resource Coordinator (SARC) 484-343-6028 (on-call 24/7)

The Sexual Assault Resource Coordinator (SARC) on call at the time of the contact may meet with the person, provide information about safety, emotional and physical well-being, on campus and community resources, possible supportive measures, and review the person's options to address the complaint under this Policy. The Sexual Assault Resource Coordinator also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. **The SARC may talk with a person and generally only report to the Title IX Coordinator that an incident occurred without revealing any personally identifying information about the reporting person.** If the identity of the Respondent is shared with the SARC, this information will be reported to the Title IX Coordinator. Members of the SARC team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

Any person may report an incident of sexual misconduct. Complaints may be pursued through the criminal process and/or through the University disciplinary process consecutively or concurrently. In instances of sexual harassment as defined in II. A. above, a person may also report to the Sexual Harassment Complaint Officer, identified in the [Title IX Notice](#) (and included in Appendix C of this Policy).

The University encourages people to seek immediate medical treatment (see below) and to make a prompt report to law enforcement in response to an incident of sexual assault or other sexual misconduct in order to address immediate safety concerns, allow for the preservation of evidence, and trigger a prompt investigative and remedial response. When the incident is reported to a campus resource, the University will help the person get to a safe place and assist the Complainant in seeking immediate medical attention or in reporting an allegation to law enforcement. The University may provide transportation to the hospital, can assist with notification of law enforcement, and will provide information about the University's resources and complaint process. The University may also provide appropriate supportive measures, as needed, to help ensure the safety and well-being of the parties affected. See Appendix B for more details on Supportive Measures.

The University's Department of Public Safety may conduct criminal investigations and/or administrative investigations of sexual misconduct reports. Criminal investigations are conducted for sexual misconduct reports that occur on campus property, except in cases where the identity of the suspect is unknown to the Complainant. In those cases, the Radnor Township Police Department conducts the investigation. The Department of Public Safety employs trained criminal investigators that can collect evidence, conduct an investigation, and initiate a criminal prosecution. The Department of Public Safety also conducts administrative investigations into allegations of sexual misconduct, which would include acts consistent with criminal sexual assault. These investigations are conducted by trained personnel within the Department of Public Safety who are not sworn police officers. While the administrative and criminal investigators are housed in the same unit of the University, the investigations are separate and apart, and serve different purposes.

When contacting the Department of Public Safety, a Complainant may seek a criminal investigation, administrative investigation, or both. A Complainant is not required to consent to a criminal investigation in order for an administrative investigation to occur, or to receive services under Title IX. When conducting both the criminal and administrative investigations simultaneously, information is shared between investigators, who will typically work together throughout the investigation. A Complainant may always choose to participate, or withdraw their participation, from either investigative process at any time.

The Department of Public Safety does not have the authority to conduct criminal investigations for reports of sexual misconduct that occur off-campus, but can conduct administrative investigations of off-campus incidents.

B. CONFIDENTIALITY AND PRIVACY CONSIDERATIONS

The University is committed to protecting the privacy of all people involved in a report of sexual assault, sexual harassment or other sexual misconduct. Information related to a report to the University of sexual assault, sexual harassment or other sexual misconduct will be kept private by the University unless disclosure is required by law; thus, it will be shared only with those University officials with a designated interest in order to assist in the investigation and/or in the resolution of the matter. Under no circumstances will the University release the name of the Complainant to the general public without the express consent of the Complainant.

Whenever a report of sexual assault, sexual harassment or other sexual misconduct is made, Villanova has an obligation to take steps to ensure it is providing a safe, non-discriminatory environment for all members of the Villanova community. If a Complainant discloses an experience of sexual misconduct and requests that no further investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the Complainant's request against its obligation to provide a safe and non-discriminatory environment for the University community, as explained in Section C below.

In conducting an appropriate investigation, University investigators and administrators are sensitive to the privacy of those involved. Incidents will always be handled as private matters; confidentiality cannot be guaranteed unless disclosed only to a confidential resource (listed below). To conduct an effective investigation and fully assess the ongoing safety of the community, it may be necessary to gather information related to the incident. The Complainant is always free to decide whether and how they want to be involved in the investigation and the disciplinary process, if any, that follows. When a person requests that their name not be shared as part of an investigation, that request will be considered, balancing the need for a meaningful investigation.

Parameters of Confidentiality and Responsible Employee Reporting Obligation

1. Confidential Resources: Counselors/therapists at the University Counseling Center and priests acting in a pastoral capacity. The University provides confidential resources who are outside the official reporting channels. Any community member may seek advice and counseling confidentially, including about sexual assault, sexual harassment or other sexual misconduct, by speaking to those University employees.

Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these people are not required to report any information to anyone without permission.

2. Nurses and Nurse Practitioners at the Student Health Center and the Sexual Assault Resource Coordinator (SARC) team. The University has designated these employees to provide immediate assistance and support to any person wishing to make a report of sexual assault, sexual harassment, or other sexual misconduct. These people are considered responsible employees and are required to share disclosures of sexual misconduct with the Title IX Coordinator, but generally only report that an incident occurred without revealing any personally identifying information about the person, if requested by the reporting person. These reports to the Title IX Coordinator will include the name of the Respondent (if shared), general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued.

3. All other employees. As noted in Section IV, all employees (except for confidential resources listed above) are considered responsible employees and are required to share disclosures of sexual misconduct with the Title IX Coordinator. These reports to the Title IX Coordinator will include the name of the reporting person, name of the Respondent (if shared), general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued.

Note: Physicians at the Student Health Center (M.D.s and D.O.s) are generally required by Pennsylvania law to make a report to the police department with jurisdiction, any time they receive a report of an injury caused by a criminal act, including sexual assault.

In all cases, these reports will prompt an investigation by the University to address and remedy the situation. Complainants may still decide whether and how they want to be involved in any next steps. Without the cooperation of the Complainant, investigations may be limited. As such, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited based on the information provided.

Should there be a continuing threat to the community, a campus-wide timely warning, also known as “safety alert,” could be issued in order to protect the community. Safety alerts do not contain identifying information about the reporting person. When an ongoing threat to the safety of campus exists, the University will use the procedures set forth in Section C to determine whether appropriate actions to address the situation must be taken.

Regardless of a Complainant’s involvement in an investigation, resources found in Appendix A and supportive measures described in Appendix B, remain available to that person. Off-campus resources are also available and do not typically involve the University without the Complainant’s consent. Some are also confidential.

C. WHEN THE COMPLAINANT REQUESTS LIMITED OR NO FURTHER ACTION

If a Complainant reports an incident of sexual assault, sexual harassment or other sexual misconduct and requests that no further investigation or disciplinary action be taken, the University must weigh that request against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the Complainant.

If the University honors the request, a Complainant should understand that the University’s ability to meaningfully address the incident and pursue disciplinary action against the Respondent may be limited.

Although rare, there are times when the University may not be able to honor a Complainant’s request in order to provide a safe, non-discriminatory environment for all community members.

When weighing such a Complainant request, the Title IX Coordinator or Deputy Coordinator(s) will consider a range of factors, including the following:

- The risk that the Respondent will commit additional acts of sexual or other violence, such as:
 - whether there have been other complaints of sexual or other violence about the same Respondent;
 - whether the Respondent has a history of arrests or records from a prior school indicating a history of sexual and/or physical violence;
 - whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras, eye-witnesses or, physical evidence);
- whether the Complainant’s report reveals a pattern of perpetration (e.g., alcohol or drug facilitated sexual violence) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action and/or involve the law enforcement agency with jurisdiction. If none of these factors is present, the University will likely respect the Complainant’s request for no further action.

When the University determines that it cannot honor a Complainant's request for no further action (i.e., no investigation), the University will inform the Complainant and will share the University's reasoning for needing to take some action. In such cases, the University will only share information with those needing to know in order to conduct the needed investigation and University's response to the report of sexual assault, sexual harassment or other sexual misconduct.

Whether a report results in an investigation or not, the University will remain ever mindful of the well-being of those involved and take ongoing steps to prevent retaliation. The University will take action to assist those involved consistent with their wishes. A variety of supportive measures are available to those involved as outlined in Appendix B. The Sexual Assault Resource Coordinator and Respondent Resource Coordinator Teams are available to assist Complainants and Respondents, respectively, in determining what measures are helpful or needed and will assist in the implementation of such supportive measures.

Finally, the University is committed to a safe environment for all students and employees and to addressing issues of sexual assault, sexual harassment or other sexual misconduct. Reports of such misconduct, provide the University with the opportunity to consider broader remedial action including increased monitoring of campus locations, additional education and prevention efforts, and climate assessments.

D. ANONYMOUS REPORTING

Although the University encourages a Complainant to talk with someone directly, the University does provide an anonymous on-line reporting option, [EthicsPoint](#), and an anonymous phone reporting option (855-236-1443). This report will prompt an investigation. However, the University's ability to respond effectively may be limited by the level of information provided and/or the anonymity of the complaint. All anonymous reports of sexual misconduct will be referred to the Title IX Coordinator.

E. MEDICAL CARE AND PRESERVING EVIDENCE

A person's physical well-being should be addressed as soon as possible, whether or not that person wishes to make a report to the University or law enforcement. A medical provider can provide emergency and/or follow-up medical services, and meet two goals: first, to diagnose and treat the full extent of any injury or physical effect and second, to properly collect and preserve evidence. Following an incident of sexual assault, evidence is best preserved for proof of a criminal offense within 96 hours of the assault. In the event of a report immediately following an incident of sexual assault, a Complainant is encouraged to seek medical attention as soon as possible, and even before any showering, bathing, douching, brushing of teeth, drinking, eating or changing of clothes. Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement. Whether or not a person has chosen how to proceed at the time of the medical examination, taking the step to gather evidence will preserve the full range of options to seek resolution through the University's complaint processes or through the pursuit of criminal investigation.

Please note that under Pennsylvania law, a medical provider is required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical provider will provide information to law enforcement, and the University encourages the Complainant to report the incident to law enforcement (it is often easier to relay the incident once to several people than repeatedly to different constituents), the Complainant may always, at any time, decline to speak with a law enforcement officer and decide on the extent of their participation in a criminal prosecution.

Contact information for medical care is as follows and more detailed information can be found in Appendix A of this Policy:

Villanova Student Health Center	610-519-4070
Bryn Mawr Hospital	484- 337-3000
Lankenau Medical Center	484-476-2000
Philadelphia Sexual Assault Response Center	215-425-1625

F. WHAT HAPPENS FOLLOWING A DISCLOSURE OR REPORT

1. In General

When an incident of sexual misconduct is reported to the University, the University will conduct an investigation. Students, faculty and staff deemed relevant to the case may be asked to participate in an investigation, and when asked, they are expected to find time to meet and share information with the investigator.

Investigations of all sexual misconduct involving a current student: The Assistant Director of Public Safety (to whom the Title IX Investigator reports) will typically oversee the administrative investigation of all sexual misconduct reports where the Respondent is a current student.

Investigations of sexual harassment (as defined in section II. A.) involving a University employee: The Sexual Harassment Complaint Officer or their designee will typically oversee the investigation of all reports of sexual harassment (as defined in Section II. A. above) involving a Respondent who is a University employee (faculty or staff). The Sexual Harassment Complaint Officer may be assisted in the investigation by the Human Resources and/or Public Safety Departments.

Investigations of other sexual misconduct (other than sexual harassment as defined in Section II. A.) involving a University employee: The Assistant Director of Public Safety (to whom the Title IX Investigator reports) will typically oversee the administrative investigation of sexual misconduct reports (other than sexual harassment as defined in Section II. A. above) where the Respondent is a University employee.

Criminal investigations: The Director of Public Safety & Chief of Police or their designee oversees the criminal investigation of all sexual misconduct reports conducted by the Department, regardless of the Respondent's affiliation with the University.

Normally, investigations will include interviewing the parties, interviewing witnesses as appropriate, and collecting relevant documentary, electronic, or other evidence. A criminal investigation may also include the collection of physical and/or forensic evidence, and that evidence may also be presented in an administrative hearing.

At the conclusion of investigations, reports are shared with the University authorities empowered to act on violations of University policy. The specific resolution process will be determined by the role of the Respondent, as specified in this Policy:

- Complaints of sexual assault, sexual harassment or other sexual misconduct against a student will be addressed under the Code of Student Conduct (Special Procedures) and the investigator's report will be shared with the Conduct Review Officer. These procedures are set forth in full in [the Code of Student Conduct](#) (Special Procedures), except for Law students, who have a separate

procedure set forth in the [Law School Student Handbook](#); and

- Complaints of sexual harassment (as defined in Section II. A. above) against any faculty member or other employee will be addressed under the [Sexual Harassment Complaint Procedures](#).
- Complaints of other forms of sexual misconduct (e.g. sexual assault, stalking, dating violence and domestic violence) against any faculty member or other employee will be addressed through the normal University disciplinary processes. If the Complaint alleges both sexual harassment and other forms of sexual misconduct, the University shall determine the appropriate process for addressing the Complaint.

For additional information on reporting, see the [Title IX Notice](#), also included in Appendix C.

2. Time Frame for Resolution

Generally speaking, the University will promptly complete the administrative investigation and resolution of all reports. Periodic updates as to the status of the review or investigation may be provided to both the Complainant and Respondent. Each case is unique, and the process for handling the matter will be impacted by factors such as the complexity of the investigation, the scope of the allegation, the parties' schedules and availability, the academic calendar and any concurrent criminal investigation. Although cooperation with law enforcement may require Villanova to temporarily suspend its investigation, the University will promptly resume its Title IX investigation as soon as it is notified by law enforcement that the agency has completed the evidence gathering process. Villanova will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the involved parties. In the event that the investigation and resolution require additional time, the University will notify all parties of this need and best efforts will be made to complete the process in a timely manner. In no case will these time frames delay University-provided support services, resources or other measures.

3. Timely Warning Notices – Safety Alerts

A Timely Warning or “Safety Alert” is a way for the University to provide timely notification to members of the University community about reports of serious crimes that have occurred on or within the [Clery](#) Geography of Villanova University (on campus or non-campus property or public property) where it is determined that the incident may pose a serious or ongoing threat to members of the University community. The determination of alerts for reports of sexual violence, dating violence, domestic violence, and stalking are considered on a case-by-case basis and depend several factors. These factors include: nature of the incident; continuing danger to the campus community; possible risk of compromising law enforcement efforts to investigate; when and where the incident occurred; when the incident was reported; and the amount of information known by the Department of Public Safety. Safety Alerts do not contain any identifying information about the reporting person. More information on Safety Alerts can be found on the [Safety Alert FAQ](#) page.

G. REPORTING TO LAW ENFORCEMENT

The University process and the criminal justice process are separate and independent courses of action. A Complainant who wishes to pursue a criminal complaint is encouraged to make a report to law enforcement. Incidents occurring on campus are within the jurisdiction of Villanova University Department of Public Safety. Actions occurring off campus are within the jurisdiction of one of several surrounding townships, most of which are listed above (section A “Making a Report”). If the Complainant does not know in which municipality the incident occurred, the Complainant should contact the Sexual Assault Resource Coordinator, Public Safety or 911 for assistance. Upon request, the Sexual Assault Resource Coordinator on call or a representative of the Department of Public Safety can accompany a Complainant to the police department with jurisdiction and assist a Complainant in making a criminal report. Notifying municipal law enforcement will generally result in the Complainant, and in some cases the Respondent, being contacted by a municipal police officer. The police will determine if a criminal investigation will occur and if the case will be referred for prosecution. Unless there are compelling circumstances, the University will typically not file an independent police report without the consent of the Complainant.

H. WAIVER OF VIOLATIONS OF ENVIRONMENTAL EXPECTATIONS FOR GOOD FAITH REPORTING

Consistent with the University’s Mission and belief that all members have an obligation to promote and protect the health, safety, and welfare of our community, the University strongly encourages community members to report incidents of sexual assault, sexual harassment, and other sexual misconduct so that those affected can receive support and resources. A student who reports such misconduct in good faith, either as a Complainant or a third party witness, will not be subject to disciplinary action for their own personal consumption of alcohol or other drugs in violation of the University’s Environmental Expectations as described in the Code of Student Conduct. The University may, however, initiate an educational discussion about the use of alcohol or other drugs and their impact or pursue other educational remedies.

Submission of a good faith complaint, concern, or report under this Policy will not affect a Complainant’s or third party witnesses’ employment, grades, academic standing, or work assignments. However, a person found to have made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action. A good faith complaint that is not substantiated by a disciplinary process does not constitute a false report.

I. RESOURCES FOR RESPONDENT

A University Respondent Resource Coordinator (RRC) is available to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. Members of the Respondent Resource Coordinator Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

Respondents can contact the following for information on University’s procedures, rights and responsibilities of the Complainant and Respondent, prohibition on retaliation and for assistance in obtaining University resources:

Respondent Resource Coordinator Team	(610) 519-8807	respondentresource@villanova.edu
Title IX Coordinator, Ms. Ryan Rost	(610) 519-8805	ryan.rost@villanova.edu
Dean of Students Office	(610) 519-4200	deanofstudents@villanova.edu

Members of the Respondent Resource Coordinator Team are required to share reports of sexual misconduct with the Title IX Coordinator. Respondents are encouraged to utilize confidential counseling services at the University Counseling Center. Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these people are not required to report any information to anyone without permission. Appointments are available Monday – Friday during normal business hours (9 am-5 pm) and can be scheduled by calling (610) 519-4050 or in person on the 2nd Floor of the Health Services Building. Priests acting in a pastoral capacity are also available as confidential resources.

Special Procedures Governing Proceedings Involving Allegations of Sexual Assault, Sexual Harassment and Other Sexual Misconduct

Special Procedures Governing Proceedings Involving Allegations of Sexual Assault, Sexual Harassment and Other Sexual Misconduct

IMPLEMENTING THE CODE OF STUDENT CONDUCT

When a report has been filed and the investigation is complete, the procedures set forth below shall constitute the University's Title IX grievance procedures for addressing alleged violations of the Policy on Sexual Assault, Sexual Harassment and Other Sexual Misconduct where the accused is a student. See "Title IX Notice" in the Student Handbook for the University's Title IX Coordinator and Deputy Coordinators for this purpose.

REPORTING SEXUAL ASSAULT, SEXUAL HARASSMENT OR OTHER SEXUAL MISCONDUCT

Any University student, faculty member or staff member or individual who has been subjected to a sexual assault, sexual harassment or other sexual misconduct and who believes that a current student has violated the University's Policy on Sexual Assault, Sexual Harassment and Sexual Misconduct, may file a report with the Dean of Students Office, the Department of Public Safety, the Office for Residence Life, the Title IX Coordinator, or a Deputy Title IX Coordinator.

Dean of Students Office - Dougherty Hall room 213, 610-519-4200

Department of Public Safety - Garey Hall, 610-519-4444

Office for Residence Life - Stanford Hall ground floor, 610-519-4150/4154

Title IX Coordinator - Tolentine Hall room 204, 610-519-8805

Deputy Title IX Coordinators - [Click Here](#) for complete list with contact information.

The individual making the report is referred to in this Code as the Reporter. The individual who is alleged to have been subjected to sexual assault, sexual harassment or other sexual misconduct is referred to as the Complainant. In addition, the University may, in its sole discretion, pursue a violation of the Code of Student Conduct as the Complainant. After a report of sexual assault, sexual harassment or other sexual misconduct is received, the Reporter and/or the Complainant, if known, will be contacted by the Title IX Investigator, Department of Public Safety designate and/or a Sexual Assault Resource Coordinator in order to provide information on the process, resources that are available for the Complainant and to determine the extent of an investigation, or notify local police after consulting with the Complainant.

After the report is made and the Department of Public Safety investigates the report, the Complainant will be consulted about pursuing a complaint with the Dean of Students Office. If the Complainant chooses to pursue the matter administratively through the Code of Student Conduct, the Dean of Students and/or his or her designate (Conduct Review Officer) will review the investigation and determine whether or not, if proven, the allegations would constitute a violation of the Code. If so, the individual Complainant will meet with the Dean of Students or the Conduct Review Officer to review the complaint and to discuss the procedures available to them. This meeting will take place promptly after a complaint is filed.

The individual complainant could:

1. Request the University to pursue action under the Code of Student Conduct (which also constitutes the University's Title IX grievance procedures); and/or
2. Make a report to the police department with jurisdiction; and/or
3. Make a statement for the record with the Dean of Students Office, Department of Public Safety, or the Office of Residence Life.

The individual Complainant will normally have three business days after this meeting to decide whether or not to request the University to pursue the complaint; however, this time frame may be relaxed in recognition of the unique and complicated dynamics that often confront an individual following an incident of sexual assault, sexual harassment or other sexual misconduct. The University will provide the individual with resources and information to assist in making an informed and supported choice as to how to proceed. In the event an individual chooses not to initiate or pursue a complaint under the Code of Student Conduct, the University will still take prompt and responsive action to address the report of sexual assault, sexual harassment or other sexual misconduct in a manner consistent with the individual's wishes to the extent possible, and the protection of both individual and broader campus safety. The University reserves the right to exercise discretion on taking disciplinary action against students.

Generally speaking, the University will complete disciplinary proceedings involving sexual assault, sexual harassment or other sexual misconduct in a prompt and timely fashion. All time periods for disciplinary proceedings may be extended by the University in its sole discretion based on the complexity of the case, the seriousness of the offense or other extenuating circumstances.

STUDENT PROCEDURAL RIGHTS

Once a Complainant has decided to pursue the complaint through the Code of Student Conduct, the Conduct Review Officer will promptly meet with the accused student (hereafter referred to as the "Respondent"). During this meeting, the Respondent is notified of the alleged violation(s) of the Code and afforded the opportunity to review the facts which form the basis for the allegation. The Conduct Review Officer will explain the rights and options available as well as describe potential sanctions for the alleged violation in question. If a student fails to respond to notice of a meeting with the Conduct Review Officer, they may find the student responsible in their absence and sanction the student accordingly, and/or place a hold on the student's records until the meeting takes place.

If a Respondent chooses to withdraw from the University subsequent to the filing of a report, the investigation and proceedings may continue and they may be found responsible in their absence. In these instances, the student will no longer be eligible to register or attend classes, reside on campus, use University facilities, and may not be on campus for any reason(s).

Rights of the Respondent

1. The right to choose whether or not to participate in disciplinary proceedings, with the understanding that findings and sanctions may be imposed with or without such participation;
2. The right to notice of the allegation that a violation of the Code has taken place;

3. The right to notification of disciplinary proceedings related to the complaint and of prompt time frames anticipated for major stages of the complaint process;
4. The right to notice of the factual allegations which form the basis for the complaint;
5. The right to a prompt and impartial response and resolution of complaints;
6. The right to have the University or Complainant bear the burden of proof by a preponderance of the evidence;
7. The right to present relevant statements, materials and witnesses during disciplinary proceedings;
8. The right to review all written statements and materials presented at the proceedings;
9. The right to notification of any finding of responsibility;
10. The right to have an Advisor;
11. The right to be free from retaliation for participating in the University's investigation and fact-finding process; and
12. The right of appeal consistent with the provisions of this Code.

Rights of the Complainant

The Complainant will be entitled to exercise the following procedural rights when pursuing a complaint against another student for alleged violations of the Code of Student Conduct:

1. The right to choose whether or not to participate in disciplinary proceedings;
2. The right to notification of disciplinary proceedings and of prompt time frames anticipated for major stages of the complaint process;
3. The right to notice of the factual allegations based on any response by the Respondent;
4. The right to a prompt and impartial response and resolution of the complaint;
5. The right to present relevant statements, materials and witnesses during the disciplinary proceedings;
6. The right to review all written statements and materials presented at the proceedings;
7. The right to notification of the outcome of the complaint as set forth herein;
8. The right to have an Advisor;
9. The right to be free from retaliation for filing a complaint or participating in the University's investigation and fact-finding process; and
10. The right of appeal consistent with the provisions of this Code.

VOLUNTARY RESOLUTION PROCESS

Once the University has taken appropriate steps to investigate, which may depend on the specific facts and circumstances of the matter, and the Complainant has decided to pursue the complaint, either the Complainant or the Respondent may request voluntary resolution in lieu of disciplinary resolution. All requests for voluntary resolution must be in writing. The parties are not required to attempt voluntary resolution, and voluntary resolution is not appropriate for all types of alleged conduct. The University shall determine if the matter is eligible for voluntary resolution.

If the University has determined the matter is eligible for voluntary resolution and both parties consent to the process in writing, the matter will be referred to the appropriate University official or third party engaged by the University to facilitate the process. Both parties may consult with an Advisor before and during the voluntary resolution process, and the Advisor may accompany the Complainant or Respondent to any meetings in connection with the process. Any agreed upon resolution reached by the parties is subject to the University's final approval. This includes any resolution reached by the parties without the University's active participation or involvement.

At any time, either party may elect to discontinue the voluntary resolution process by providing written notice to the designated University official. The University reserves the right to discontinue the voluntary resolution process: if information becomes available which makes the matter ineligible for voluntary resolution; if there are health or safety concerns that have not been adequately addressed; if an acceptable resolution cannot be reached between the parties; or under other appropriate circumstances.

Once the voluntary resolution reaches an agreed-upon conclusion, which must be approved by the University and acknowledged by the parties in writing, the matter will be considered resolved and not eligible for further voluntary or disciplinary resolution. The voluntary resolution is not subject to appeal. Alleged violations of the terms of the resolution, retaliation, or other violations will be considered a new and separate matter and will not reopen the original matter.

PROCEDURAL OPTIONS AND PROCESS FOR DISCIPLINARY RESOLUTION

Disciplinary resolution of alleged violations of the Sexual Assault, Sexual Harassment and Sexual Misconduct Policy will occur by administrative action, administrative review, or a Conduct Review Board as determined by the Conduct Review Officer in consultation with appropriate University officials. This determination will be based on: the seriousness of the alleged violation(s); the seriousness of potential disciplinary outcomes; the complexity of the facts of the case; and whether the Respondent has accepted responsibility. The Conduct Review Officer will endeavor to ensure fairness to all involved and issue sanctions accordingly.

All parties involved in a disciplinary proceeding are required to keep the information learned in preparation for the proceedings and at the proceedings private. Consistent with the Family Educational Rights and Privacy Act (FERPA) regulations, Conduct Review Board members may not share any copies of documents unless otherwise required by the law. All copies provided must be returned to the University at the conclusion of the proceeding and any appeals.

If the Complainant and/or the Respondent intend to have their Advisor accompany them to any meetings with the Conduct Review Officer, they must provide the name and contact information of the Advisor to the Conduct Review Officer at least three business days prior to the meeting.

1. Administrative Action

If a Respondent admits responsibility and the facts of the case are not in dispute, the Respondent will be sanctioned accordingly by the Conduct Review Officer. The Conduct Review Officer will provide both parties notice of the sanction(s) imposed. Acceptance of responsibility may be rejected by the Conduct Review Officer. Respondents who accept responsibility do not waive their right to appeal for review of the sanction as outlined below.

2. Administrative Review

Solely to the extent permitted by applicable regulations, if a Respondent denies responsibility the matter may be adjudicated through an administrative review by the Conduct Review Officer as determined by the Conduct Review Officer in consultation with appropriate University officials. The Conduct Review Officer will meet with the Complainant and Respondent, separately, to explain the process. The investigative report is reviewed in advance and will serve as evidence in the proceedings. Both parties will have notice of the proceedings, the opportunity to review the investigative report in advance, and the opportunity to present relevant information and/or witnesses to the Conduct Review Officer. The Conduct Review Officer will follow the general procedures outlined for the University Conduct Review Board in conducting this proceeding. The role of the Advisor will follow the guidelines as outlined for the University Conduct Review Board. The Conduct Review Officer will determine responsibility and render a decision as to what sanctions, if applicable, may be implemented. The Conduct Review Officer will provide both parties notice of the sanction(s) imposed. Both parties have the right to appeal as outlined below.

The Conduct Review Officer may at any time refer the matter to a Conduct Review Board after consultation with appropriate University officials.

3. Conduct Review Board

As an institution of higher education, the University Conduct Review Board proceedings are administrative in nature and designed to determine responsibility for alleged violations. As such, the Board's procedures are governed by University policies, not by processes associated with the criminal justice system. A Conduct Review Board (Board) is generally composed of a chair of the Board, who is normally an attorney (Chair), one student and two faculty/staff members. All Boards will have student body representation on them. All members of the Board shall be impartial with no conflict of interest between the Board member and any party. All members of the Board shall receive appropriate training on the dynamics of sexual assault, sexual harassment or other sexual misconduct prior to serving on the Board of any case involving such allegations.

The Chair shall actively participate in Board proceedings, ask questions, run the proceedings, advise the Board on procedural and legal issues and draft the decision reached by a majority of the Board. The Chair may, or may not be an employee of the University and shall be a non-voting member of the Board.

The Conduct Review Officer, as assigned by the Dean of Students, will facilitate the administrative needs of the Board and be present during the proceedings to provide assistance to the Board.

Conduct Review Board Procedures

The Conduct Review Officer will inform the Complainant and Respondent of the Board's procedures and the date and time of the proceedings. The Complainant and Respondent are expected to cooperate fully with the Board. If either party fails to appear at a scheduled proceeding, the Board may proceed without them.

The Complainant and/or the Respondent may challenge the composition of the Conduct Review Board if they believe that a conflict of interest exists with a Board member. The student making this challenge must submit a written request to the Conduct Review Officer with specific and verifiable documentation. All objections must be raised within three days of receiving notification of the composition of the Conduct Review Board. The Conduct Review Officer will make the determination whether to replace the Board member. The Complainant and Respondent may not contact members of the Board, or have third parties contact the Board, prior to the convening of the Board.

All proceedings shall be held in appropriate facilities designated by the Conduct Review Officer and shall be private. The Conduct Review Officer may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the disciplinary proceedings, as determined in the sole judgment of the Conduct Review Officer to be appropriate.

A Complainant, and/or a Respondent participating in a Conduct Review Board proceeding may be accompanied by an Advisor of their choosing. The Advisor may include legal counsel. If the parties wish to be accompanied by an Advisor during Conduct Review Board proceedings, they must inform the Conduct Review Officer, in writing, a minimum of two business days in advance of the proceeding and indicate the name and contact information for the Advisor.

The Advisor's role is limited, as more fully set forth below, but may include providing support, guidance or advice to the involved student before and during the proceeding and submissions of questions in the hearing solely in compliance with the Board's procedures and the University's policies, procedures and Code of Conduct.

The Advisor is not entitled to directly address the Conduct Review Officer, the other party or parties, or the witnesses. The student and their Advisor may confer at reasonable times during the proceeding, and they are permitted to submit written questions, including, without limitation, cross-examination questions, to the Board Chair, which may be posed to other parties or witnesses during the proceeding at the Chair's discretion. The Advisor may not otherwise address specific questions, responses, or statements to individuals present at the proceedings. Violations of the guidelines will normally result in a warning being issued to the Advisor by the Chair, or the Conduct Review Officer. Disruptive, threatening, intimidating, or uncivil behavior and/or repeated violations shall result in the Advisor being asked to leave the proceedings.

The Complainant and the Respondent, and/or their respective Advisor, may present relevant statements concerning the alleged violation(s) at appropriate times as determined by the Chair, and may present relevant witnesses. The witnesses must be identified in advance, and their statements should be included in the investigation conducted by the Department of Public Safety. The Board may consider written statements or other supporting documentation. The Respondent and the Complainant may review all written statements and materials presented to the Board at least five business days prior to the commencement of the proceedings. During the proceedings, the Respondent, the Complainant, the Advisors and the witness will direct their comments only to the Board.

Witnesses will provide information to and answer questions from the Board. Questions may be suggested in writing by the Respondent and/or Complainant, and/or their respective Advisor, to be answered by each other or by other witnesses. In such instances, those questions will be directed to the Chair rather than to the witness directly. The Chair will determine whether or not those questions are appropriate, relevant and not repetitious. This method is used to preserve the educational tone of the proceedings and to avoid creation of an adversarial environment.

Formal rules of evidence shall not apply. In the Chair's discretion, evidence, shall be permitted if it is relevant, reliable, not unduly repetitious, and it is the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs. Evidence of character will not be considered by the Board in making factual determinations.

In general, a party's prior sexual history is not relevant and will not be admitted as evidence or raised on cross-examination at a proceeding. Under limited circumstances, however, a prior consensual relationship between the parties may be deemed relevant based on the attendant facts and circumstances. In addition, evidence of pattern of similar conduct against the Respondent may also be deemed relevant based on the attendant facts and circumstances. Any party seeking admission of prior sexual history and/or evidence of similar conduct, or seeking to challenge such evidence, must do so in advance of the proceedings by advising the Conduct Review Officer in writing. The written notice shall set forth the evidence the party is seeking to introduce and the relevancy of such information. The Chair will make the determination as to the admissibility of this information or questions and will instruct all parties accordingly regarding any limit in scope or admissibility.

After all statements and materials have been presented, the Complainant and the Respondent and/or their respective Advisors may present final comments to the Board. Subsequently and in private, the Board will promptly determine by a preponderance of the evidence whether the Respondent has violated the Code of Student Conduct. The Board's determination shall be by majority vote. The Chair will provide the written findings of fact and determination to the Conduct Review Officer. The Conduct Review Officer will promptly convey the Board's decision to both the Respondent and the Complainant. This notification will occur separately and nearly simultaneously. The Conduct Review Officer will then determine the sanction and notify both parties separately and nearly simultaneously of the sanction imposed. The final results of the disciplinary process will be provided in writing to both the Complainant and the Respondent. Both parties have the right to appeal as outlined below.

In Board proceedings involving more than one Respondent, the Conduct Review Officer, in their sole discretion, may permit the proceedings concerning each student to be conducted either separately or jointly.

In situations involving multiple complaints pending against the same Respondent, the University will typically adjudicate each complaint in a separate proceeding unless the University determines the complaints involve a pattern of substantially similar behavior or conduct by the Respondent. The University also has discretion, but not the obligation, to solicit and consider the input of the parties regarding the consolidation of proceedings.

If, during the course of the proceedings, further violations of the Code of Student Conduct become apparent, the Board may recommend that such alleged violations be considered as a separate case.

Appropriate documentation will be maintained as required to allow the University to comply with applicable law.

SANCTIONS

After the finding or admission of responsibility, the Conduct Review Officer will impose sanctions after considering the following:

1. The nature of the violation and the circumstances surrounding it, including the actual or potential impact on the individuals involved and/or the community as a whole;
2. Statements made or evidence presented during disciplinary proceedings;
3. Prior disciplinary record of the student;
4. Disciplinary precedent;
5. Guidelines in the Code of Student Conduct.

The Conduct Review Officer may consult with other University officials as they deem appropriate.

Sanctions for Violations of the Code

Sanctions serve to reinforce that students are held responsible and accountable for their behavior. This is accomplished by measures to educate, to deter future misconduct and to provide consequences for one's actions.

Villanova University reserves the right to notify parent(s)/legal guardian(s) about the disciplinary status of their student, to the extent consistent with the provisions of the Family Educational Rights and Privacy Act.

The following disciplinary sanctions shall comprise the range of official actions which may be imposed for violations of regulations. Any violation of the Code of Student Conduct may result in the full range of sanctions outlined below, and one or more may be imposed in response to a given situation.

Non-Reportable Sanctions

The following sanctions provide notice to a student that a particular action or behavior is in violation of University policies, and therefore unacceptable. Continuation of similar behavior or future violations may result in more severe disciplinary action, including Reportable Sanctions. Non-Reportable Sanctions are not disclosed to external third-parties, except when required by law.

Conduct Notice

A Conduct Notice is a written notification to a student that a particular action or behavior is in violation of University policy, and that future violations may be cause for additional disciplinary action. This notification is typically delivered via University email and requires no in-person meeting with a Conduct Review Officer.

Verbal Warning

A Verbal Warning is an official notice to a student that a particular action or behavior has violated the standards and expectations of the University. Future violations will likely result in additional disciplinary action.

Housing Status Advisory

A Housing Status Advisory is an official notice to a student that a particular action or behavior has put their on-campus housing status in jeopardy. Future violations of University policies may result in a disciplinary room change, restrictions on housing selection, ineligibility to participate in a housing lottery, loss of campus residency, or more severe sanctions.

Probationary Warning

Probationary Warning is an official notice to a student that a particular action or behavior has violated the standards and expectations of the University and that continued non-compliance with University policy will likely result in Disciplinary Probation or more severe sanctions.

Reportable Sanctions

The following sanctions are typically the outcome of serious or repeated violations of the Code of Student Conduct. These sanctions impact a student's disciplinary status with the University, as well as impose other restrictions and/or conditions of membership. Reportable Sanctions are disclosed to authorized external third-parties for a stated period of time, in accordance with the Disciplinary Records policy.

Disciplinary Probation

Disciplinary Probation is a defined period of time during which a student is not in good disciplinary standing and serves as an official notice that a student's continued membership at the University is in jeopardy. Additional offenses or violations of the conditions of Disciplinary Probation will result in more severe sanctions, including suspension or expulsion from the University. Eligibility for certain academic or extra-curricular organizations or programs may be restricted while a student is on Disciplinary Probation.

Disciplinary Probation with Loss of Privilege

Disciplinary Probation with Loss of Privilege is a defined period of time during which a student is not in good disciplinary standing and serves as an official notice that a student's continued membership at the University is in jeopardy. Additionally, for the defined period of time, this sanction excludes a student from all extracurricular University privileges, including, without limitation: membership in student organizations; participation and/or attendance in non-academic activities, programs, and events; representing the University in intercollegiate and athletic teams and clubs; holding any elected or appointed office in a University recognized organization; and selection for extracurricular committees or programs. Eligibility for certain academic programs may also be restricted. This sanction permits a student to pursue their academic course work and is the strongest sanction short of suspension. Additional offenses or violations of the conditions of this sanction will result in suspension or expulsion.

Suspension

Suspension is a defined period of time during which a student is excluded from class registration, class attendance, residence on campus, use of University facilities, and the award of any degree. Suspended students are not permitted on the campus without prior approval from the Dean of Students Office. Upon completion of the period of suspension, a student will be considered for readmission if:

1. The student is academically eligible for readmission; and
2. The student has complied with all conditions for readmission placed upon the student by the Dean of Students and/or their designate.

Expulsion

Expulsion is an action which permanently excludes a student from class registration, class attendance, residence on campus, use of University facilities, and the award of any degree. Expelled students are not permitted on the campus for any reason, and those who enter the campus are subject to arrest.

Other Disciplinary Measures

In conjunction with the sanctions above, students may be subject to one or more of the following. These measures are not disclosed to external third-parties except when required by law.

1. **Disciplinary Fines:** Payment by the student of reasonable monetary fines to the Bursar's Office. These monetary payments may be for punitive purposes or for purposes of restitution because of damage to persons or property, or misappropriation of property.
2. **Disciplinary Residence Hall Room Change:** An action which requires a student to vacate their current room and relocate to another room because of disciplinary reasons.
3. **Restrictions on Housing Selection:** An action which may exclude a student from participation in a particular housing lottery, or affect his or her ranking within a particular lottery, or affect eligibility to live in certain residence halls.
4. **Exclusion from University Property, University Buildings, University Events, Intramural Sports, Extracurricular and/or Residence Hall Activities** for a stated period of time.
5. **Community Service:** An action that requires a student to give a specific number of hours of uncompensated service to some task recognized as valuable to the University community. The Conduct Review Officer will make the particular assignment of duties. The person under whose direction the work is done shall certify to the Conduct Review Officer when the work has been completed. Failure to complete the service within a specific period of time will result in additional disciplinary action. The Conduct Review Officer has the discretion to assign work in the community-at-large or on-campus service.
6. **Dean of Students Hold on Records:** A hold may be placed on the academic records of any student who fails to comply with any requirements imposed following a violation of the Code of Student Conduct. A hold may prevent, among other things, class registration, the release of transcripts, and the award of a diploma. Students who are suspended or expelled from the University are subject to a hold to prevent class registration.
7. **Educational Measures:** An action that requires the student to complete an educational task as assigned by the Conduct Review Officer or the Dean of Students. Failure to complete this assignment within a specific period of time will result in additional disciplinary action. They include but are not limited to research and educational written assignments, alcohol and drug education, and anger and behavioral management classes.

8. Loss of Campus Residency: An action which excludes a student from residence on campus, either on a temporary or permanent basis.
9. No Contact Directive: This is an official notice to a student that they may not communicate or interact with another individual. This directive may prohibit contact of any kind including, but not limited to, in-person, by phone, text message, social media, or any other electronic means. This also includes contact through third-parties.
10. Withholding a Degree – The University may withhold awarding a degree otherwise earned for a stated period or until the completion of the Conduct Review Process set forth in this Code, including the completion of any sanction imposed.
11. Other Administrative Measures, as appropriate.

APPEALS

The Dean of Students or their designate (hereafter referred to as the “Dean of Students”) will review appeals for new disciplinary proceedings or a review of sanction. The Dean of Students may consult with other University officials as they deem appropriate. All decisions made by the Dean of Students are final, including whether or not an appeal is procedurally permitted.

During the appeal process students may be subject to certain restrictions, impacting such things as: class attendance; on-campus housing; participation and/or membership in organizations, athletic events/teams/clubs, and/or extracurricular activities; attendance at University events/functions; and access to University buildings.

Grounds for Appeal

The Respondent and the Complainant may request an appeal based only on one or more of the following grounds:

Appeal for New Disciplinary Proceedings

1. Procedural Defect.

A material procedural defect in the original disciplinary proceeding;

2. New Evidence.

New material evidence that was not available, through no fault of the appealing party, at the time of the original disciplinary proceeding; or

Appeal for Review of Sanction

3. Review of Sanction.

The Respondent may appeal that sanctions imposed were disproportionate to the violation. The Complainant may appeal the sanction on grounds that it does not restore or preserve the Complainant’s access to the University’s programs or activities.

Process to Appeal

The Respondent and the Complainant may request an appeal within three (3) business days from the time of notification of the decision and/or sanction, whichever is later, by the Conduct Review Officer.

Appeals must be from the Complainant and/or Respondent, in writing, signed by the Complainant and/or Respondent and submitted to the Dean of Students. The appeal shall consist of a concise and complete statement setting forth the grounds for appeal. If the Appeal is not based on appropriate grounds, it will be denied. If the appeal is based on appropriate grounds, the Dean of Students will notify both parties of the filing of the appeal. Each party will be given the opportunity to review and respond, in writing, to the other party's Appeal. This response must be submitted within two (2) business days of the filing of an Appeal.

1. If the Appeal is determined to be based on appropriate grounds and alleges a Procedural Defect or New Evidence, this appeal will be resolved prior to addressing Appeals for Review of Sanction. The Dean of Students will review the appeal promptly and notify the parties of the outcome.
2. Subsequent to resolution of Appeals for Procedural Defect and New Evidence (if submitted), if the appeal is determined to be based on appropriate grounds for review of sanction, the Dean of Students will accept as final and binding the previous decision that the Respondent has violated the Code of Student Conduct. Each party will be given the opportunity to separately meet and discuss their appeal and/or their response to the other party's appeal with the Dean of Students. Each party may be accompanied by their Advisor. Parents and guardians are permitted to participate in this discussion. The voluntary meeting will normally be scheduled within eight (8) business days of the original appeal being filed.

The Dean of Students will normally advise the parties of the final results of the disciplinary process within five (5) business days of the last voluntary meeting.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Informal Procedures for Resolution of Complaints Against Non-Students

Except for instances of sexual assault, University community members may choose to attempt informal resolution of other complaints of sexual harassment, but are not required to do so. The University has many offices and individuals who may be able to provide counseling, support or advice for a person who believes that he or she is the victim of sexual harassment. For more information on available confidential and non-confidential campus and community resources and how to make contact with each, see the Sexual Assault, Sexual Harassment and Sexual Misconduct Policy.

Formal Procedure for Resolution of Complaints Against Non-Students

The following procedures may be invoked for the formal examination of the allegation.

In such a case, a formal, written complaint, utilizing the University's standard form, shall be submitted to the University Sexual Harassment Complaint Officer. The purpose of the complaint form is to assist the complainant in formulating a concise statement of their concern and to assist the Complaint Officer to see the basic facts of the allegation, along with the complainant's requested action.

The complete Sexual Harassment Complaint Procedures can be found at <https://www1.villanova.edu/villanova/hr/policies/university/complaints.html>

In cases involving alleged harassment by one student against another student, the Complaint Officer will refer the matter to the Dean of Students Office for disposition under the Code of Student Conduct.

Sexual Harassment Complaint Officer

Kathleen Byrnes

Associate Vice President for Student Life Villanova University 202 Dougherty Hall

800 Lancaster Avenue

Villanova, PA 19085

Phone: 610-519-4550

Email: kathleen.byrnes@villanova.edu

Complaints of sexual assault are not governed by these procedures and instances of sexual assault shall be promptly reported to a Sexual Assault Resource Coordinator, the Public Safety Office, local law enforcement and/or the Title IX Coordinator. Please see the [Sexual Assault, Sexual Harassment and Sexual Misconduct Policy](#).