

Sexual Misconduct Policy

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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 (collectively 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 the 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 misconduct from our community, preventing its recurrence, and addressing its effects.

Villanova prohibits all forms of sexual misconduct, as defined in Section II of this Policy, and any person found responsible for such conduct will face disciplinary actions up to and including dismissal or expulsion from the University.

Should an incident of 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). The University has also adopted grievance procedures that may be utilized to identify, investigate, adjudicate, and address reports of sexual misconduct.

All members of the University community have an obligation to assist in preventing sexual misconduct. Responsibilities include: (1) completing required 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 sexual misconduct; (4) reporting incidents and assisting persons who experience sexual misconduct to report such incidents; (5) respecting the privacy rights and confidentiality rights of those involved; and (6) in certain cases, cooperating in University investigative and disciplinary procedures.

The University will respond promptly and equitably to all reports of sexual misconduct to ensure the safety of the reporting person and the Villanova community, and 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 misconduct is protected by law and this Policy from retaliation (see Section II.A.). The University will take prompt and 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 as outlined in Section IV below, of an act of sexual misconduct. When the reporting person is also the person who experienced the sexual misconduct, the reporting person is also referred to as a Complainant. A Respondent refers to the person reported to be the perpetrator of conduct that could constitute sexual misconduct under this policy.

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 and all applicable University policies.

Villanova University prohibits sexual misconduct, as detailed in the definitions below and as further clarified in some instances under Federal and Pennsylvania law. Some acts constitute prohibited conduct under Title IX of the Education Amendments of 1972 and other Federal and State laws. Acts of sexual assault or sexual misconduct may also be prosecuted under the Pennsylvania Criminal Code. Pennsylvania criminal law definitions can be found in Appendix E. The University reserves the right to address behavior that violates this Policy regardless of whether the conduct also violates Federal, State and/or municipal civil or criminal law.

A. PROHIBITED CONDUCT

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. All conduct outlined below is prohibited under this policy and, in some instances, may also constitute behavior prohibited under Title IX. In order to fall under the scope of Title IX, the conduct must take place during a University education program or activity in the United States which includes:

- Any on-campus premises

- Any off-campus premises over which Villanova University has substantial control.
- Any buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, Villanova University's programs and activities over which the University has substantial control.

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.

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 or physical 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 misconduct on the basis of sex that jeopardizes equal access to education and includes:

- Quid pro quo in which an employee explicitly or implicitly conditions the provision of an employment or academic aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal access to a University education program or activity

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.

RETALIATION. Retaliation includes, but is not limited to, any form of intimidation, threats, coercion, or discrimination against any individual because they have made a report or complaint, or participated or refused to participate in criminal proceedings or University processes under this policy. 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 resolution of an allegation of sexual misconduct. Retaliation could occur before, during or after an investigation, University proceedings, and/or resolution.

B. DEFINITIONS AND KEY TERMS USED IN THIS POLICY

ADVISOR OF CHOICE: Villanova will provide the parties equal access to advisors. Parties participating as a Complainant or Respondent in this process may be accompanied by an advisor of choice to any meeting to which they are eligible to

attend. Parties must be accompanied by an advisor to any hearing. If a party does not have an advisor of choice, the University will provide an advisor to that party. The advisor is not an advocate and any restrictions on advisor participation will be applied equally.

ALCOHOL and OTHER DRUGS: Sexual misconduct is never excused because a person is intoxicated or impaired by alcohol or other drugs, and the consumption of alcohol or drugs 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 misconduct. 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 misconduct as defined in this policy and/or under Title IX.

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 Federal and State laws that apply to matters of sexual misconduct, as well as University policy and procedure. The list of Deputy Title IX Coordinators can be found in the “Title IX Notice” in Appendix C.

DISCLOSURE: Disclosure occurs when a person shares that they have experienced sexual misconduct. Disclosure does not necessarily constitute the filing of a formal complaint. (See Section IV for more information).

FORMAL COMPLAINT: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting that the University investigate the allegation of sexual misconduct.

INCAPACITATION: Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically impaired due to: illness; disability; voluntary or involuntary alcohol or other drug consumption; and/or 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 an allegation of 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 sexual misconduct as defined in this policy. This person may also be the Complainant.

RESPONDENT: The person who is reported to be the perpetrator of conduct that could constitute sexual misconduct.

RESPONDENT RESOURCE COORDINATOR (RRC) TEAM: The University has designated the RRC team to provide assistance to any student accused of sexual misconduct. The RRC may meet with the Respondent to assist with: obtaining emotional support through counseling; navigating the disciplinary and/or resolution processes; obtaining other supportive measures; and assisting with other questions and concerns. The RRC team also provides ongoing assistance through any University and/or criminal justice review, investigation, or resolution process. Members of the RRC can be reached by emailing respondentresource@villanova.edu or calling 610-519-8807. Members of the RRC 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 IV.B) must report any and all incidents of sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator (as outlined in the Title IX Notice contained in Appendix C), regardless of where or when the incident occurred and 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 with 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 SARC team to provide immediate assistance to any student who has experienced sexual misconduct. The 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 SARC team also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The SARC on-call can be reached at 484-343-6028 and is available 24 hours/day. [Members of the SARC do not act as legal counsel and generally are unable to serve as advisors in University disciplinary proceedings.](#)

SUPPORTIVE MEASURES: Following a report of sexual misconduct, the University will offer non-disciplinary, non-punitive individualized services as appropriate and as reasonably available to involved parties. Supportive measures are designed to protect the safety of all parties and the University's employment and educational environment and/or deter further acts of misconduct. 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 matters arising under this policy and coordinates the University's compliance with Title IX. The Title IX Coordinator is a University resource who:

- Can discuss with Complainants and Respondents the availability of supportive measures with or without the filing of a formal complaint;
- Will consider the Complainant's and Respondent's wishes with respect to available supportive measures;
- Will explain to the Complainant the process for filing a formal complaint;
- Can explain to the Respondent the process following the filing of a formal complaint.

See Appendix C for the complete Title IX Notice.

TITLE IX INVESTIGATOR: The Title IX Investigator will typically conduct administrative investigations of sexual misconduct reports falling within this policy, unless the Title IX Coordinator designates another trained investigator in light of the circumstances.

III. BYSTANDER INTERVENTION

Bystanders play a critical role in the prevention of sexual misconduct. The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of 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 misconduct. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

IV. REPORTING AN INCIDENT OF 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 misconduct involving a student, staff, or faculty member, regardless of where

and when the incident occurred. Specifically, all employees (except for confidential resources listed in Section IV.B) have been designated as “responsible employees” and must report any and all incidents to the Title IX Coordinator or a Deputy Title IX 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 the University’s Department of Public Safety as part of the University’s compliance 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. Reports to the Department of 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 that would require that the University issue a timely warning (or “Safety Alert”). Incidents reported to the Department of Public Safety are also used to compile crime statistics that are distributed to the University community annually as required by the Clery Act. 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 misconduct 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 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 the simultaneous filing of both a criminal and University formal complaint. Villanova University’s Department of Public Safety consists of both sworn and non-sworn officers, the latter of whom conduct criminal investigations for incidents occurring on-campus. Complainants can receive assistance from Villanova officials in filing a police report, either with the University’s Public Safety Department (for on-campus incidents) or with the local police department with jurisdiction. 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 any reported sexual misconduct, prevent its recurrence, and address its effects.

A. MAKING A REPORT, RESOURCES FOR COMPLAINANTS

To make a report, a person has several options:

Any person may report an incident of sexual misconduct. Complaints may be pursued through the criminal process and/or through the University grievance process consecutively or concurrently.

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 with jurisdiction. The following list includes contact information for Villanova University’s Department of Public Safety, and the police departments in proximity to the University and/or that have township student-approved housing in their respective jurisdictions:

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 non-criminal complaint under this policy (whether the alleged conduct is prohibited under Title IX, the Code of Student Conduct and/or employment policies) through the University, the person should contact the Title IX Coordinator, a Deputy Title IX Coordinator or the Department of Public Safety as follows:

Ms. Ryan Rost, Title IX Coordinator	610-519-8805
204 Tolentine Hall	ryan.rost@villanova.edu
Ms. Kim Carter, Title IX Investigator & Deputy Title IX Coordinator	484-343-6926 (24/7)
Garey Hall	kim.carter@villanova.edu
Ms. Kathy Byrnes, Associate Vice President for Student Life & Deputy Title IX Coordinator	610-519-4248
202 Dougherty Hall	kathleen.byrnes@villanova.edu
Mr. Albert Baladez, Director of Employee Relations and Compliance & Deputy Title IX Coordinator	610-519-4238
789 Lancaster Avenue	albert.baladez@villanova.edu
Ms. Lynn Tighe, Senior Associate Athletic Director for Administration & Deputy Title IX Coordinator for Athletics	610-519-4121
Field House	lynn.tighe@villanova.edu
Department of Public Safety	610-519-4444 (24/7 emergency) 610-519-5800 (24/7 non-emergency)

Note: (Reports to the Public Safety emergency number will prompt a police response by on-duty personnel)

Any person seeking information and options on how to proceed with making a report may also contact:

Sexual Assault Resource Coordinator Team 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 SARC also provides ongoing

support and assistance to students 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 that is the person's wish.** 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 do not act as legal counsel and generally are unable to serve as advisors in University hearings.

The University encourages people who have experienced sexual misconduct to seek immediate medical treatment (see below) and to make a prompt report to law enforcement 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 complainant 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. 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.

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 sworn officers who will be trained as criminal investigators and who 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.

When contacting the Department of Public Safety, a Complainant may seek a criminal investigation, an 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 supportive measures. In cases involving both criminal and administrative investigations, information can be shared between investigators consistent with Federal and State law. 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. Sworn police investigators can assist in administrative investigations of off-campus conduct where the University Police does not have jurisdiction to conduct a criminal investigation.

B. CONFIDENTIALITY AND PRIVACY CONSIDERATIONS

The University is committed to protecting the privacy of all people involved in matters falling under this Policy. Privacy means that information related to a report of sexual misconduct 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, unless further disclosure is required by law or necessary due to a health and/or safety emergency. Under no circumstances will the University release the name of a Complainant to the general public without the express consent of the Complainant.

While all reports of sexual misconduct will be handled as private matters, confidentiality cannot be guaranteed unless the information is reported to a confidential resource. Confidentiality refers to the ability of identified confidential resources (listed below) to not report crimes or violations to University officials or law enforcement without permission, except in extreme situations such as health and/or safety emergencies or child abuse.

Parameters of Confidentiality and Responsible Employee Reporting Obligation

Confidential Resources: Counselors/therapists at the University Counseling Center, priests acting in a pastoral capacity, and Faculty Ombuds. Any community member may seek advice and counseling confidentially, including about sexual misconduct, by speaking to these University employees who are outside the official reporting channels. Confidentiality will be maintained by a counselor, therapist or priest acting in a pastoral capacity 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. Please note that the University also has a Faculty Ombuds who, except in certain required instances such as immediate threat of serious harm, will not report instances of sexual misconduct.

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 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.

All other University 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.

All sexual misconduct reports received by the Title IX Coordinator will be evaluated for further action as set forth in Section E. Regardless of a Complainant's involvement in an investigation, the 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.

Consistent with the Clery Act, 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 E to determine whether appropriate actions to address the situation must be taken.

C. ANONYMOUS REPORTING

Although the University encourages a Complainant to talk with someone directly, the University does provide an anonymous on-line reporting option, www.villanova.ethicspoint.com and an anonymous phone reporting option at (855-236-1443). All anonymous reports of sexual misconduct submitted through these options will be referred to the Title IX Coordinator and will prompt an initial 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.

D. 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 pursuit of a criminal investigation or the University's complaint processes.

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

E. WHAT HAPPENS FOLLOWING A REPORT

1. In General

When the Title IX Coordinator receives a report of sexual misconduct, they will contact the Complainant (if identified) to discuss the availability of supportive measures with or without the filing of a formal complaint and explain the process for filing a formal complaint. A formal complaint can be filed by the Complainant in person, mail, email or through other reporting means, but must include a signed (physical or digital signature) written description of the facts alleged and request that the University investigate the matter. As outlined in subsection (2) below, in certain circumstances where a Complainant does not wish to file a formal complaint, one may be filed by the Title IX Coordinator to address the safety of the broader educational community. If a formal complaint is filed, an investigation will commence and the parties will be provided with options for informal and formal resolution.

2. If a Complainant Chooses Not to File a Formal Complaint

If a Complainant reports an incident of sexual misconduct and chooses not to file a formal complaint, supportive measures will remain available to the Complainant. In such cases, the University must weigh the Complainant's choice against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the Complainant. Although rare, there may be times when the University cannot honor a Complainant's request and the Title IX Coordinator may determine that a formal complaint is necessary in order to provide a safe, non-discriminatory environment for all community members.

When weighing such a request by the Complainant, the Title IX Coordinator or Deputy Coordinator(s) will consider a range of factors, including but not limited to, the following:

- The risk that the Respondent will commit additional acts of sexual or other violence, such as:

- a pattern of alleged sexual misconduct by 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 Complainant’s allegations involved violence, use of weapons or similar factors;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the alleged 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.

If none of these factors is present, the Title IX Coordinator will likely respect the Complainant’s request to not file a formal complaint. In such cases, the Complainant should understand that the University’s ability to meaningfully address the incident may be limited.

However, the presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint allowing the University to investigate and, if appropriate, pursue the grievance process and/or involve the law enforcement agency with jurisdiction. In such cases, the University will inform the Complainant and will share the University’s reasoning for proceeding with a formal complaint. The Complainant may still decide whether and how much they want to be involved in any next steps. The University will only share information with those needing to know in order to conduct the investigation and facilitate the University’s response to the report of sexual misconduct.

The University may consolidate formal complaints alleging sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Whether or not a report results in a full investigation, 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, to the extent possible. A variety of supportive measures are available to those involved as outlined in Appendix B. The Title IX Coordinator, 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 issue of 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.

3. Notice of Allegations

When a formal complaint is made, a written Notice of Allegations will be sent to the Complainant(s) and Respondent(s). Such notice will occur as soon as practicable after Villanova receives a formal complaint of the allegations, absent extenuating circumstances.

This written notice will include the following:

- Notice of Villanova’s Grievance Process, including the informal resolution process.
- Notice of the allegations potentially constituting violations of this policy, and sufficient details to the extent known at the time the Notice is issued, such as the identities of the parties involved in the incident, including the Complainant; the conduct allegedly constituting sexual misconduct; and the date and location of the alleged incident.

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that each party may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does and does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.

Villanova will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that were not included in the Notice of Allegations and are otherwise covered under this policy, Villanova will notify the parties whose identities are known of the additional allegations.

4. **Advisor of Choice**

Villanova will provide the parties equal access to advisors. Parties participating as a Complainant or Respondent in this process may be accompanied by an advisor of choice to any meeting or hearing to which they are required or eligible to attend. The advisor is not an advocate and any restrictions on advisor participation will be applied equally.

Villanova will not intentionally schedule meetings or hearings on dates where the advisors for all parties are not available, provided that the advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Villanova's obligations to investigate and adjudicate in a prompt timeframe applies to matters governed under this policy and the University cannot agree to extensive delays solely to accommodate the schedule of an advisor. Villanova will not delay a meeting or hearing under this policy for more than five (5) days due to the unavailability of an advisor and may offer the party the opportunity to obtain a different advisor or utilize one provided by Villanova.

5. **Investigations**

Administrative investigations of all sexual misconduct involving a current student: The Title IX Investigator or their designee will typically oversee the administrative investigation of all sexual misconduct reports where the Respondent is a current student.

Administrative investigations of sexual misconduct involving a University employee: Human Resources and/or the Title IX Investigator or their designee will typically oversee the investigation of all reports of sexual misconduct involving a Respondent who is a University employee (faculty or staff).

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.

For administrative (non-criminal) investigations, the University will provide to a party whose participation is invited or expected, written notice of the date, time, location, known participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for that party to prepare to participate.

Normally, investigations will include interviewing the parties, interviewing witnesses as appropriate, and collecting relevant documentary, electronic, or other evidence. Students, faculty and staff deemed relevant to the matter 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. A criminal investigation may also include the collection of physical and/or forensic evidence which could be shared with the administrative investigator and included in the Investigative Report as outlined below.

Prior to the conclusion of the administrative investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation, and will have the opportunity to meaningfully respond to the evidence. The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing an Investigative Report that fairly summarizes the relevant evidence. The investigator will provide the parties access to the Investigative Report at least ten (10) business days prior to any hearing for each party's review and written response. The investigator will share all evidence submitted during the investigation, the Investigative Report, and any responses, with the University authorities empowered to act on violations of University policy.

6. Special Procedures

At the conclusion of the investigation and all applicable steps described above, the matter will be referred to the specific resolution process as determined by the role of the Respondent, as outlined below:

Role of Respondent	Link to Special Procedures
Students (non-Law)	Student Special Procedures Governing Sexual Misconduct Proceedings
Law Students	Law Student Special Procedures Governing Sexual Misconduct Proceedings
Staff members	Staff Special Procedures Governing Sexual Misconduct Proceedings
Faculty members and Faculty Administrators	Faculty Special Procedures Governing Sexual Misconduct Proceedings

7. Informal Resolution

At any time after the filing of a formal complaint and prior to adjudication of the matter, either the Complainant or Respondent may request informal resolution in lieu of formal resolution. All requests for informal resolution must be made in writing to the Title IX Coordinator. The parties are not required to attempt informal resolution, and informal resolution is not appropriate for all types of alleged conduct. Informal resolution is not permitted for any complaint of sexual misconduct made by a student against an employee. In all other cases, the University shall determine if the matter is eligible for informal resolution.

If the University has determined the matter is eligible for informal 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 informal 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 informal resolution process by providing written notice to the designated University official. The University reserves the right to discontinue the informal resolution process if: information becomes available which makes the matter ineligible for informal resolution; there are health or safety concerns that have not been adequately addressed; an acceptable resolution cannot be reached between the parties; or under other appropriate circumstances. In such cases, formal resolution may begin or resume through the University's sexual misconduct grievance process.

Once the informal 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 informal or formal resolution. The informal resolution is not subject to appeal. Alleged violations of the terms of the informal resolution, retaliation, or other violations will be considered a new and separate matter and will not reopen the original matter.

8. Time Frame for Resolution

The time frame for resolution begins with the filing of a formal complaint. Generally speaking, the University will complete the administrative investigation and resolution of all formal complaints within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the formal complaint. 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 administrative investigation, the University will promptly resume its sexual misconduct 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.

9. 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 on 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.

10. Dismissals of Formal Complaints

The Title IX Coordinator may dismiss a formal complaint brought under this policy or any specific allegation(s) raised within that formal complaint, at any time during the investigation or hearing if:

- It alleges conduct that does not fall under this policy;
- The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations raised in the formal complaint;
- The Respondent is no longer enrolled at or employed by Villanova; or
- Specific circumstances prevent Villanova from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

In such cases, the Title IX Coordinator will provide simultaneous written notification to the parties that the formal complaint is being dismissed Sexual Misconduct under this Policy and provide the basis for that decision. However, if the alleged conduct violates other University policies, information regarding those policies and procedures will be provided to the parties.

Each party may appeal dismissals by submitting a written appeal within five (5) calendar days of being notified of the decision regarding dismissal. If a party appeals, Villanova will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals of dismissals will be decided as outlined below as determined by the role of the Respondent. The individual designated to hearing the appeal will be free of conflict and bias and will not serve as the investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Role of Respondent	Appeal decided by
Students (non-Law)	Dean of Students or designee
Law Students	Vice Dean or designee
Staff members	Associate Vice President for Human Resources or designee
Faculty members and full-time administrators with faculty appointments	Provost or designee

The outcome of the appeal will be provided in writing simultaneously to both parties and include the rationale for the decision.

F. 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 (see 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.

G. AMNESTY FOR COMPLAINANTS AND WITNESSES

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 misconduct so that those affected can receive support and resources. A party who reports such misconduct in good faith, either as a Complainant or a third-party witness, will not be subject to disciplinary action for policy violations such as underage consumption of alcohol or drug use related to the incident. The University may, however, initiate an educational discussion with that individual about the use of alcohol or other drugs and their impact, or pursue other educational remedies. Amnesty does not apply to more serious allegations such as physical abuse or drug distribution.

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.

H. RESOURCES FOR RESPONDENTS

A University Respondent Resource Coordinator (RRC) is available to provide information on resources for students accused of 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 resources for information on the University’s procedures; rights and responsibilities of the Complainant and Respondent; prohibition on retaliation; and for assistance with 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 who wish to maintain confidentiality 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 made in person on the 2nd Floor of the Health Services Building. Priests acting in a pastoral capacity are also available as confidential resources. More information on confidential resources can be found in Section B of this policy.

I. DISABILITY ACCOMMODATIONS

This policy does not alter Villanova University’s obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for documented disabilities to the Title IX Coordinator, investigator(s) and decision-makers at any point before or during the grievance process that do not fundamentally alter the process. The University will not affirmatively provide disability

accommodations that have not been specifically requested by a party, even where that party may be receiving accommodations in other institutional programs and activities. Requests should be submitted in advance to allow sufficient time to review, identify and implement any reasonable accommodations.

For APPENDICES please view the full policy in the [Villanova Policy Library](#)

Special Procedures Governing Sexual Misconduct Proceedings

IMPLEMENTING THE CODE OF STUDENT CONDUCT

When a formal complaint has been filed and the investigation is complete, the procedures set forth below (“Special Procedures”) shall constitute the University’s Title IX and Sexual Misconduct grievance procedures for addressing alleged violations of the Policy on Sexual Misconduct where the accused is a student. The University’s full Sexual Misconduct policy can be found at: <https://villanova.policytech.com/docview/?docid=199&public=true9>.

DISABILITY ACCOMMODATIONS

These procedures do not alter Villanova University’s obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for documented disabilities to the Title IX Coordinator, investigator(s) and/or Conduct Review Officer at any point before or during the grievance process that have not been specifically requested by a party, or where that party may be receiving accommodations that have not been specifically requested by a party, even where that party may be receiving accommodations in other institutional programs and activities. Requests should be submitted in advance to allow sufficient time to review, identify and implement any reasonable accommodations.

1. **REPORTING SEXUAL MISCONDUCT**
2. **STUDENT PROCEDURAL RIGHTS**
 - A. **Rights of the Respondent**
 - B. **Rights of the Complainant**
3. **INFORMAL RESOLUTION PROCESS**
4. **FORMAL RESOLUTION**
 - A. **Acceptance of Responsibility**
 - B. **Conduct Review Board**
 - i. **Notice and Participation**
 - ii. **Consolidation Options**
 - iii. **Composition of the Board**
 - iv. **Hearing Procedures**
 - v. **Advisors**
 - vi. **Presentation of Evidence at the Conduct Review Board Hearing**
 - vii. **Closing Statements and Deliberations**

viii. **Determination Regarding Responsibility**

5. **SANCTIONS**

A. **Sanctions for Violations of the Code of Student Conduct**

6. **APPEALS**

A. **Grounds for Appeal**

B. **Process to Appeal**

1. REPORTING SEXUAL MISCONDUCT

Any University student, faculty member or staff member or individual who believes they have been subjected to sexual misconduct and that a current student has violated the University's Policy on Sexual Misconduct, may initiate a report through the Title IX Coordinator, Deputy Title IX Coordinator, Dean of Students Office, Department of Public Safety, Office for Residence Life, or EthicsPoint Hotline ^[1]. Such a report may be made at any time (including during non-business hours) by using the contact information below:

Title IX Coordinator – Ms. Ryan Rost, 204 Tolentine Hall, ryan.rost@villanova.edu 610-519-8805

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

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

Department of Public Safety - Garey Hall, 610-519-4444 (24/7)

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

EthicsPoint Hotline¹ – www.villanova.ethicspoint.com or 855-236-1443

The individual making the report is referred to in these Special Procedures as the Reporter. The individual who is alleged to have been subjected to sexual misconduct is referred to as the Complainant. A Respondent refers to the person reported to be the perpetrator of conduct that could constitute sexual misconduct under the University's Sexual Misconduct Policy.

When the Title IX Coordinator receives a report of sexual misconduct, they will contact the Complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and explain the process for filing a formal complaint. A formal complaint can be filed by the Complainant in person, mail, email or through other reporting means, but must include a signed (physical or digital signature) written description of the facts alleged and request that the University investigate the matter. In certain circumstances where a Complainant does not wish to file a formal complaint, one may be filed by the Title IX Coordinator to address the safety of the broader educational community. In such cases, the University will inform the Complainant and will share the University's reasoning for needing to file a Formal Complaint as outlined in Section IV.E of the Villanova University [Sexual Misconduct Policy](#). The Complainant may still decide whether and how much they want to be involved in any next steps. As in all 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

misconduct. Whether a report results in a full 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 of the [Sexual Misconduct Policy](#).

The time frame for resolution begins with the filing of a Formal Complaint. Generally speaking, the University will complete the administrative investigation and resolution of all reports within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint. Periodic updates as to the status of the review or investigation will be provided to both the Complainant and Respondent. The frequency of these updates will be discussed with the Complainant and Respondent as 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.

If a formal complaint is filed, an investigation by a trained investigator will commence and the parties will be provided with options for informal and formal resolution as outlined below. Once the investigation is complete, the Complainant, Respondent and their advisors will have the opportunity to review relevant documentation related to the investigation. After review, the matter may be referred to the Dean of Students. The Dean of Students and/or their designate (Conduct Review Officer) will review the complaint and investigation and determine whether or not, if proven, the allegations would constitute a violation of the University's Sexual Misconduct Policy. If so, the 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 the matter has been referred to the Dean of Students. If not, the procedures for University dismissal of Formal Complaints and appeals for such dismissals are outlined in Section IV E of the Sexual Misconduct Policy.

The individual Complainant will normally have five (5) business days after this meeting to decide whether or not to request the University to pursue the matter under these Special Procedures (which also constitutes the University's Title IX and Sexual Misconduct grievance procedures); 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 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 pursue resolution of a complaint under these procedures, the University will continue to provide appropriate supportive measures to the parties.

Generally speaking, the University will complete a resolution process involving alleged sexual misconduct in a prompt and timely fashion. All time periods for hearings 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.

If the Complainant and/or the Respondent intend to have their advisor (as defined below) 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 (3) business days prior to the initial meeting. If the same advisor accompanies the party to subsequent meetings, additional notification is not required.

2. STUDENT PROCEDURAL RIGHTS

Once a Complainant has decided to pursue the complaint through these Special Procedures, the Conduct Review Officer will promptly meet with the Respondent to review the rights and options available and describe potential sanctions for the alleged violation in question. If a student fails to respond to the notice of a meeting with the Conduct Review Officer, the resolution may proceed in their absence and/or a hold may be placed 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 formal complaint, the University may elect to continue with the grievance procedures in their absence and may take appropriate steps to restrict their access to campus and/or University programs.

A. Rights of the Complainant

1. The right to choose whether or not to participate in grievance procedures;
2. The right to notification of the grievance procedures;
3. The right to be notified of the availability of Supportive Measures as outlined in the University's Sexual Misconduct Policy;
4. The right to review all evidence and the investigative report;
5. The right to a prompt and impartial response and resolution of the complaint;
6. The right to present relevant statements, materials and witnesses during the grievance procedures;
7. The right to have an advisor of choice throughout the process or appointed by the University for a hearing;
8. The right to have available at the hearing all relevant evidence and the investigative report;
9. The right to have an advisor ask questions of any witnesses and/or the Respondent at designated times during a hearing;
10. The right to written notification of:
 1. any finding of responsibility
 2. findings of fact supporting the determination
 3. statement of and rationale for the result as to each allegation
 4. any disciplinary sanctions imposed
 5. any remedies provided
11. The right to be free from retaliation for filing a complaint or participating in the University's grievance process; and
12. The right of appeal consistent with the provisions of these Special Procedures.

B. Rights of the Respondent

1. The right to choose whether or not to participate in the grievance procedures, 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 the grievance procedures;
4. The right to be notified of the availability of Supportive Measures as outlined in the University's Sexual Misconduct Policy;
5. The right to review all evidence and the investigative report;
6. The right to a prompt and impartial response and resolution of complaints;
7. The right to be presumed not responsible until found otherwise;
8. The right to have the University bear the burden of proof by a preponderance of the evidence;
9. The right to present relevant statements, materials and witnesses during grievance procedures;
10. The right to have an advisor of choice throughout the process or appointed by the University for a hearing;
11. The right to have available at the hearing all relevant evidence and the investigative report;
12. The right to have an advisor ask questions of any witnesses and/or the Complainant at designated times during a hearing;
13. The right to written notification of:
 1. any finding of responsibility
 2. findings of fact supporting the determination
 3. statement of and rationale for the result as to each allegation
 4. any disciplinary sanctions imposed
 5. any remedies provided to the Complainant
14. The right to be free from retaliation regardless of participation in the University's grievance process; and
15. The right of appeal consistent with these Special Procedures.

3. INFORMAL RESOLUTION PROCESS

At any time after the filing of a formal complaint, either the Complainant or Respondent may request informal resolution in lieu of formal resolution. All requests for informal resolution must be in writing to

the Title IX Coordinator. The parties are not required to attempt informal resolution, and informal resolution is not appropriate for all types of alleged conduct. The University shall determine if the matter is eligible for informal resolution.

If the University has determined the matter is eligible for informal 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 informal 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 informal resolution process by providing written notice to the designated University official. The University reserves the right to discontinue the informal resolution process: if information becomes available which makes the matter ineligible for informal 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 informal 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 informal or disciplinary resolution. The informal 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.

4. FORMAL RESOLUTION

Formal resolution of alleged violations of the Sexual Misconduct Policy will occur by acceptance of responsibility or by a Conduct Review Board Hearing.

A. Acceptance of Responsibility

If the facts of the case are not in dispute, a Respondent has the option to accept responsibility. Following the acceptance of responsibility, the student will be sanctioned accordingly by the Conduct Review Officer utilizing the sanctioning considerations outlined below. Acceptance of responsibility may be rejected by the Conduct Review Officer. The Conduct Review Officer will provide all parties written notice of the sanction(s) imposed. Acceptance of responsibility does not waive the right to appeal as outlined below.

B. Conduct Review Board Hearing

Conduct Review Board hearings are designed to determine responsibility for alleged violations. As such, the Board's procedures are governed by University policies consistent with federal and state law.

i. Notice and Participation

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

ii. Consolidation Options

In Board hearings involving more than one Respondent, the Conduct Review Officer, in consultation with appropriate University officials, may permit the hearing concerning each student to be conducted either separately or jointly.

In situations involving multiple complaints pending against the same Respondent arising out of the same facts or circumstances, the University has discretion to consolidate complaints in situations that arise out of those same facts or circumstances. The University also has discretion, but not the obligation, to solicit and consider the input of the parties regarding the consolidation of hearings. If, during the course of the hearing, further violations of the Code of Student Conduct become apparent, the Board may recommend that such alleged violations be considered as a separate case.

iii. Composition of the Board

A Conduct Review Board (Board) is generally composed of a chair of the Board, who is normally an attorney (Chair) and three trained faculty/staff members. 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 prior to serving on the Board of any case involving such allegations.

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 party making this challenge must submit a written request to the Conduct Review Officer with specific and verifiable documentation. All objections must be raised within five (5) business 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.

iv. Hearing Procedures

The Chair shall actively participate in the hearing, ask questions, run the hearing, advise the Board on procedural and legal issues, and draft the determinations 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 will be present during the hearing to provide assistance to the Board.

All hearings shall be held in appropriate facilities designated by the Conduct Review Officer and shall be private. The Conduct Review Officer can provide for the hearing to occur virtually with technology that enables the parties to appear remotely from separate locations. A transcript of the hearing will be made available to the parties to inspect or review upon request.

Disruptive, threatening, intimidating, or uncivil behavior will not be tolerated. Violations will normally result in a warning being issued by the Chair, or the Conduct Review Officer. Repeated violations may result in the offending party being asked to leave the hearing.

v. Advisors

A Complainant, and/or a Respondent participating in a Conduct Review Board hearing must be accompanied by an advisor. This can be an advisor of their choosing or, if needed, a University-appointed advisor. The advisor may include legal counsel. If the party's advisor of choice is different from the advisor attending previous meetings with the Conduct Review Officer, the party must inform the Conduct Review Officer. This notification must be in writing, a minimum of five (5) business days in advance of the hearing and include the name and contact information for the advisor.

The advisor may provide support, guidance, or advice to the involved student before and during the proceeding. The advisor will not offer testimonial evidence or answer questions on behalf of their advisee; the advisor may not question their advisee; and the advisor may not present opening or closing remarks. At designated times during the hearing, the advisor may only ask questions of the other party and witnesses in compliance with the Board's procedures and the University's policies and procedures. If a witness who is called to appear at a hearing refuses to submit to cross examination, the Board will not rely on any statement of that witness in reaching a determination regarding responsibility.

vi. Presentation of Evidence at the Conduct Review Board Hearing

The Complainant and the Respondent, may present:

- opening and closing statements concerning the alleged violation(s);
- relevant documentation gathered during the investigatory process;
- relevant witnesses identified during the investigatory process.

The Board may consider written statements obtained during the investigatory process provided that the witness submits to questioning during the hearing. The Respondent and the Complainant and their advisors may review all evidence and the investigative report provided to the Board prior to the commencement of the hearing and have all evidence and the investigative report available to them during the hearing.

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.

During the hearing, the parties and witnesses will provide information to and answer questions from the Board. Except for questioning by the advisor, the Respondent, the Complainant, the advisors, and the witnesses will direct their comments and/or questions only to the Board. Before any questions are answered, the Chair will determine if the question is relevant. Questions that are determined to be irrelevant and/or duplicative of those already asked may be disallowed.

In general, the following types of evidence and questions are not relevant:

- Evidence and questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
 - Such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - The questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

In addition, evidence of pattern of similar conduct by 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 writing: by advising the investigator during the investigatory process; and/or by advising the Conduct Review Officer in advance of the hearing. 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.

vii. Closing Statements and Deliberations

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.

viii. Determination Regarding Responsibility

The Conduct Review Officer will simultaneously provide the written Determination Regarding Responsibility to all parties. The Determination will include:

1. Alleged violations of the Code of Student Conduct;
2. A description of the procedural steps taken from the filing of the formal complaint;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section(s) of the Code of Student Conduct, if any, the Respondent has or has not violated;
5. For each alleged violation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions imposed on the Respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to Villanova’s education program or activity will be provided by the University to the Complainant; and
6. Procedures and the permitted reasons for the parties to appeal as outlined below

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

5. 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 in the investigative report and/or hearing;
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.

A. Sanctions for Violations of the Code of Student Conduct

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.

Disciplinary sanctions comprise the range of official actions which may be imposed for violations of the Code of Student Conduct. Any violation of the Code of Student Conduct may result in the full range of sanctions outlined in the [Sanctioning](#) section of the Student Handbook, and one or more may be imposed in response to a given situation.

6. 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.

A. Grounds for Appeal

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

Appeal for a New Hearing:

1. Procedural Irregularity - A material procedural defect in the original hearing that affected the outcome;
2. New Evidence - New material evidence that was not available, through no fault of the appealing party, at the time of the original hearing that could have affected the outcome; or
3. Conflict of Interest or Bias - The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome.

Appeal for Review of Sanction:

The parties may appeal that that sanction imposed were disproportionate to the violation.

B. Process to Appeal

The Respondent and the Complainant may request an appeal within five (5) business days from the time of notification of determination.

Appeals must be submitted to the Dean of Students in writing and:

- Be from and signed by the Complainant and/or Respondent;
- Consist of a concise and complete statement no more than eight (8) single spaced pages (including attachments) utilizing 12 point font;
- Set 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 five (5) business days of the filing of an appeal.

1. If the appeal is determined to be based on appropriate grounds and alleges a Procedural Irregularity 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 Irregularity 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 ten (10) business days of the original appeal being filed.

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

SEXUAL MISCONDUCT COMPLAINT PROCEDURES FOR COMPLAINTS AGAINST FACULTY OR STAFF

Complaints of sexual misconduct against faculty or staff governed by special procedures outlined in section IV E of the University's [Sexual Misconduct Policy](#).

[1] Although the University encourages a Complainant to talk with someone directly, the University does provide an anonymous on-line reporting option, www.villanova.ethicspoint.com 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.