As such, a report to employees constitutes a report to the University and the University is obligated to respond to the report by providing access to options and protocols included in this policy to address the situation.

No Contact Mandates

While not the same as a state-mandated protection order, the University F D Q L V V X H D ³1 R &RQWDFW 0 D Q G D W H´ at the request of either the complainant or the respondent. This includes, but is not limited to, written, verbal and/or physical communication. Written communication includes all electronic means of communication; including, but not limited to, email, instant messaging, text messaging and social media. Verbal communication includes telephone calls and voicemails. $Q\ &RQWDFW can include additional restrictions and terms.

The Associate Dean of Community members, Title IX Coordinator, and the Director of Safety issues this directive. If the University receives a report that an institutional ³1R &RQWDFW´ has been violated, the University will initiate disciplinary proceedings appropriate to the status of the respondent and will impose sanctions if the respondent is found responsible for violating the ³1R &RQWDFW 0DQGDWH´ If a community member at the University is interested in receiving information or support regarding the ³1R &RQWDFW 0DQGDWH´ SURFHVV WKH FRPSODLQDQW PD\ FRQWDFW the Coordinator for Interpersonal Violence Prevention and Education, the Department of Safety, or the Dean of Students for assistance.

,I WKH SHUVRQ LQ TXHVWLRQ DQG UHTXLULQJ D ³1R &RQWDFW 0DQGDWH´ is a community member, the University will work with local police departments to pursue other measures of protection.

Access to Supportive Measures

Upon receipt of a report of interpersonal violence, gender-based harassment, hazing, sexual assault and/or stalking, Messiah University is prepared to implement measures that facilitate the complainant¶V VHQVH RI safety and WKH 8QLYHUVLW\¶V GXH SURFHVV ZKLFK LQFOXGHV HTXLWDEOH treatment of parties, including respondents and/or witnesses.

Messiah University will provide complainants and respondents with prompt supportive measures before an investigation or other formal response action is completed.

The University provides written notification to complainants and respondents about supportive measures available to them, via the Title IX Coordinator and/or designee, including measures affecting their academic, living, transportation, and working situations. The written notification will include the following information: who to contact to request the support measure, the support measures options that may be available and how to obtain assistance with requesting support measures.

University may be unable to investigate the complaint or pursue disciplinary action against the respondent.

Even so, confidential staff members will still assist community members in receiving other necessary protection and support, such as advocacy, academic support or accommodations for disability, health or mental health services, changes to living assignments and adjustments to working or course schedules.

A complainant who at first requests confidentiality may later decide to file a formal or informal complaint with the University or report the incident to local law enforcement.

Amnesty

Medical and Code of Conduct Amnesty

Complainants and/or witnesses, regardless of age, will be granted immunity from

LGBT+ Rights

Reporting an incident of discrimination, gender-based harassment or assault is never easy or simple

available through the Title IX Coordinator or the Coordinator for Interpersonal Violence Prevention and Education.

Complainant Rights to Protective Measures

Messiah University complies with Pennsylvania State law in recognizing orders of protection. Any Messiah University community member who obtains an order of protection from Pennsylvania, or any reciprocal state should provide a copy to the Department of Safety and the Title IX Coordinator. A complainant may then meet with the Department of Safety, the Title IX Coordinator, and/or the

Information for Respondents

Confidentiality and Privacy for Respondents

Messiah University acknowledges that it can be difficult to participate in proceedings that address allegations of interpersonal violence and/or sexual misconduct. The University encourages respondents to seek options that provide safety and support and engage University policy protocols with honesty.

Respondents have the right to talk with University officials about protecting their privacy and to report a violation of this policy in confidence.

Respondents have the right to access support and protective measures.

Respondents have the right under federal law (Title IX) and University policy to expect that reports of interpersonal violence, gender-based harassment, hazing, sexual assault, and/or stalking be taken seriously by the University, and that respondents are afforded due process in all proceedings. Officials of the University, such as the Residence Life staff, the Deans, Title IX Coordinator/Deputy Coordinators, or

Advisors, as defined by the Clery Act, are any individual who provides the respondent with support, guidance, or advice.

Under the Clery Act, institutions are not permitt pee not permitt pee not permitonot permitt pee not perm

- Boundaries of confidentiality
- Compliance with due process as it pertains to their role
- Reporting options available to the complainant
- Resources available on and off campus
- Services offered by the University and specific departments
- Trauma-informed response

Programming and prevention education for community members and employees addressing the issues of interpersonal violence, gender-based harassment, hazing, sexual assault, and stalking will be addressed in multiple spaces and contexts at the University.

- Prohibited conduct, rights for community members, and reporting options for all incoming students and new employees
- Reporting obligations for employees, and specifically for Campus Security Authorities
- Ongoing primary prevention and awareness programs for students and employees, including options for bystander intervention (delegation, distraction, direct intervention, and de-escalation)
- Prevention education and trauma-informed response are addressed annually in all Residence Life staff training.
- Hazing prevention and response education is offered to groups on campus, and on rotation as mandatory education to student-athletes and athletic personnel.
- Healthy and unhealthy relationship awareness and prevention programming (such as One Love, consent workshops, groups on boundaries and self-advocacy, etc).

Title IX InvestigatorTraining² D. Stafford and Associates
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https://www.dstaffordandassociates.com/
Materialsummary

Reporting does not mean a formal complaint has been filed, nor an investigation must be launched without a request by or permission of the complainant.

The University is committed to supporting a complainant¶V U L J K W W R H [H U F L V H K L V R U K H among these services and to ensuring (as is reasonably possible) his or her confidentiality if confidential support is requested. Messiah University will provide access to supportive measures regardless of whether the complainant elects to pursue University disciplinary action or civil/criminal processes.
The options for where to make official or confidential reports are as follows:

OFFICIAL REPORTING	CONFIDENTIAL REPORTING
Report online: Interpersonal Incident Report	

If a situation is of a life-threatening nature or immediate care & response is required, please dial 911 or 9-911 if using a campus phone.

meeting will be offered and except in extraordinary circumstances, that meeting will be scheduled as soon as possible, typically within three (3) calendar days.

At this meeting, the University community member will be informed of the nature of the emergency removal, presented with available evidence, and given the opportunity to make a statement and present evidence. If the suspension remains in place following the meeting, the community member will be offered a hearing option to challenge the decision as soon as practicable, typically within ten (10) calendar days, as per the misconduct appeal process at Messiah University.

Retaliation

Retaliation is any act of harm in response to actual or perceived harm.

Retaliation in response to a report, including against someone who reports an allegation of interpersonal violence and/or sexual misconduct, or against someone who participates in the investigation of an allegation of interpersonal violence and/or sexual misconduct, is strictly prohibited by University policy and by law.

Retaliation can occur in many forms.

The following list illustrates some (not all) examples of behavior that would be considered retaliation:

1. Asking a complainant why they filed a complaint or pursued an investigation. Likewise, asking a witness why they were willing to make a statement.
2. Asking a complainant to rescind their statement. Having friends ask the complainant to rescind their statement.
3.

Once made aware of a formal complaint, Messiah University is committed to addressing the complaint

The adaptable resolution process is designed to eliminate the prohibited c

Supportive measures are made available to complainants choosing to pursue an Adaptable Resolution Process, and participating respondents.

The complainant and respondent are notified of their rights, in writing.

Grievance Review Board

Investigative resolution processes utilize a Grievance Review Board.

The Grievance Review Board is a University hearing board trained to respond to community conduct violations, grievances, and violations of the Sexual Misconduct and Interpersonal Violence Policy, including Title IX Misconduct.
This board is comprised of a minimum of 6 members, representative of University staff, faculty, and administrators. The members are convened in discrete committees, according to due process conduct hearing and appeal.

The hearing subcommittee is comprised of a minimum of 3 members, including a Chair (decision-maker)
The appeal subcommittee is comprised of a minimum of 3 members, including a Chair (decision-maker)

Grievance Review Board members do not serve simultaneously on both the hearing and appeal subcommittees during any given report but may rotate between committees on separate reports. If there is a conflict of interest for a Grievance Review Board member or a specific, viable request to withdraw from a particular case, the member in question is excused from that proceeding.

University Investigative Resolution Process

The goal of the University investigative process is to provide complainants with a process that is reparative, fair and facilitates a sense of safety and personal justice. Where appropriate, the process should also support a behavioral change in the respondent. Once the University receives a formal complaint of a violation of this policy and a request for an Investigative Resolution Process, the University will investigate.

The University reserves the right to employ the services of an independent Title IX investigator where and when deemed necessary and appropriate.

During this process, both the complainant and the respondent may request to have an advisor present.

The complainant always has the right to decline to participate in an investigation. However, should

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guaranteed due to the necessity for investigation and fact-finding. Beyond that, any individual who

a. Determination of responsibility will be made based on a preponderance of the credible evidence (defined as whether it is more likely than not that the respondent is responsible for the alleged violation.) The credibility of the evidence (firsthand knowledge, corroborating witnesses, consistency, etc.) will be considered seriously in the review of the investigation.

b. The Chair of the

If the report meets the standards of Title IX jurisdiction, the response proceedings follow the University Investigative Resolution Process with the addition of the following components specific to a Title IX live hearing:

a. During this process, the investigators will inform the complainant and respondent that if they choose to have advisors of choice in the hearing, the advisors will be included for the intention of providing cross-examination via the Chair (decision-maker) in the hearing

The Title IX Coordinator has the discretion to dismiss a formal Title IX Resolution Process (or any allegations therein) in response to a complaint if, at any time during the investigation or hearing, it is determined that:

A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or

The respondent is no longer enrolled in or employed by the recipient (Messiah University); or

Specific circumstances prevent the recipient (Messiah University) from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon initiating either mandatory or discretionary dismissal, for any reason, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so. This notice letter will be sent simultaneously to the complainant and respondent parties.

This dismissal decision is appealable by either the complainant or the respondent party under the procedures for grievance appeal listed below. The decision not to dismiss is also appealable by either the complainant or the respondent party claiming that a dismissal is appropriate.

If a complainant or respondent party would like to appeal, they must submit a request for appeal in writing to the Title IX Coordinator within ten (10) days of the decision to dismiss (or the decision not to dismiss). If they do not submit their request for appeal within the ten (10) days, they will lose their right to appeal.

The request for appeal will be reviewed by the appeal subcommittee of the

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given. Although absence from class and chapel is not excused, individual professors may take the initiative to permit students to make up work missed. For suspensions where the student is not permitted to complete the semester, any refunds are issued in accordance with the withdrawal policy. For more information, please refer to the following web address: http://www.messiah.edu/offices/business/student_accounts/index.html#refund

13. Withholding degree: The University may withhold awarding a degree otherwise earned until completion of the process set forth in the disciplinary procedures, including the completion of sanctions imposed.

14. Expulsion: Permanent separation of the student(s) from the University. A permanent record will be kept in University disciplinary and academic files.

15. Termination: Permanent separation of the employee(s) from the University. A permanent record will be kept in University disciplinary and employment files.

Grievance Appeal Process

The Grievance Process includes an option to appeal the determination set forth by the Grievance Review Board. The following procedures to appeal are provided in writing simultaneously to both the complainant and the respondent parties.

One or more of the following appeal criteria must be cited in order for the appeal to be considered:

1. A procedural error or irregularity materially affected the outcome(s).
2. Previously unavailable evidence is produced that could impact the outcome(s) and/or
3. The investigators or Title IX personnel had a conflict of interest or bias that impacted the outcome(s).

If either the complainant or the respondent party has the ability to produce new evidence, believes a procedural error has occurred or believes the outcomes were impacted by a conflict of interest or bias, they may prepare a written summary of appeal and request a Grievance R

Appendix A Definitions of Terms

Advisor:
Advisors, as defined by the Clery Act, are any individual who provides the complainant or respondent support, guidance, or advice.

Under the Clery Act, institutions are not permitted to limit the choice of the advisor or their presence in any meeting or institutional disciplinary proceeding; however, institutions are permitted to establish restrictions regarding the extent to which an advisor may participate in the proceedings as long as the restrictions apply equally to both parties.

This advisor can be anyone of the complainant or respondent's choosing, including a parent, a roommate, an advocate, or an attorney.

Amnesty:
Amnesty refers to an exemption from institutional disciplinary or state legal proceedings in a violation of the commun T Q q on of the

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the complainant in the resolution process. This includes instances where the University may choose to pursue a resolution process under this policy without a participating complainant.

Consent:

Effective consent (as understood and applied by Messiah University) is informed, freely, and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent may never be given by minors (in PA, those not yet sixteen are considered minors), mentally disabled persons, and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.

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The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Gender-Based Harassment

Policies, behaviors, attitudes,

Sexual/Gender-Based Harassment

Any type of sexually oriented conduct, whether intentional or not, that is unwelcome and has the purpose or effect of creating an employment or academic environment that is hostile, offensive, or coercive to a reasonable woman or man. Includes any unwelcome sexual advances or threats, deliberate or careless use of offensive or demeaning terms that have sexual connotations or are gender-based, repeated and unwelcome requests for sexual favors or a romantic relationship, repeated and unwelcome letters, phone calls, or e-mails of a sexual or romantic nature, sexually motivated physical contact, or other verbal, electronic, or physical conduct or communication of a sexual nature.

Under Title IX Misconduct, Sexual/Gender-based harassment is defined as any instance of quid pro quo gender-based harassment by an employee of the University; or when a community member, employee, or third party engages in unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to a University program or activity; or any instance of sexual assault, dating violence, domestic violence, or stalking.

Reported sexual/gender-based harassment that meets this standard will have access to a Title IX resolution process (see below, under Title IX Misconduct).

Sexual Intercourse:

In addition to its ordinary meaning, includes intercourse per mouth [oral] or per anus, with some penetration however slight; emission is not required. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue or finger or oral copulation by mouth to genital contact or genital to mouth contact.

Sexual Misconduct:

The following lists behaviors that constitute sexual misconduct:

1. Any intentional indecent contact, however slight, with any object without effective consent. Indecent Contact includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
2. $ Q \ X Q Z D Q W H G L Q D S S U R S U L D W H G L V U R E L Q J R I D Q R W K H U S H D Q R W K H U Z L W K R X W R Q H ¶ V F R Q V H Q W
3. Any attempt to force any other person to engage in sexual activity of any kind without his or her consent

Sexually Inappropriate Behavior:

Includes behavior that violates the Messiah University Code of Conduct which may not rise to the level of a Title IX offense, or any of the above definitions but is still sexual in nature and causes alarm, concern, and is inappropriate in nature and that violates the sanctity of the human body and spirit.

Stalking (Federal Clery Act Definition):

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

i.) H D U I R U W K H S H U V R Q ¶ V V D I H W \ R U W K H V D I H W \ R I R W K H
ii. Suffer substantial emotional distress.

For the purposes of this definition—

A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device,

or means follows, monitors, observes, surveils, threatens, or communicates to or D E R X W D S H U V R Q R U L Q W H U I H U H V Z L W K D S H U V R Q ¶ V

B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant

C)

· A Student, Employee, or Third Party engages in: Sex or Gender-Based Stalking (Stalking

Appendix B Complainant

Any community member who alleges discrimination, including any type of interpersonal violence, gender-based harassment, hazing, sexual assault or stalking, is offered certain rights under Title IX and VAWA.

Right to Choose:

1. You have the right to choose when and where you report a violation of the Interpersonal Violence and Sexual Misconduct Policy.
2. You have the right to information about services designed to assist you in the reporting and recovery process
3. You have the right to speak confidentially to an advocate, counselor, and/or pastor.
4. You have the right to seek or have sought on your behalf counseling and medical attention at the Engle Center or elsewhere as needed, including at the nearest hospital emergency room
5. You have the right to an advisor of your choice to accompany you to all hearings and interviews
6. You have the right to request that an advocate join you in

Appendix C Respondent

Any

10. You have the right to receive notification of your rights and all University processes in writing.