



## University Policy and Procedures | Title IX

### Title IX

Title IX provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Title IX has been further interpreted through implementing regulations and subsequent guidance from the Department of Education.

### University Title IX Coordinator

Marianne Price, M.S. serves as the Title IX Coordinator for Holy Family University. The Title IX Coordinator oversees the University's process in regard to review, investigation, and resolution of reports of sexual misconduct, and coordinates compliance with Title IX. You can contact the Title IX Coordinator at [titleix@holyfamily.edu](mailto:titleix@holyfamily.edu) and at 267-341-3204. The University Title IX office is located in Campus Commons Room 202.

The Title IX Coordinator is:

- responsible for oversight of the investigation and resolution of all reports of sexual misconduct;
- knowledgeable and trained in relevant state and federal laws and University policy and procedure;
- available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the University, both informally and formally;
- available to provide assistance to any University community member regarding how to respond appropriately to reports of sexual misconduct;
- responsible for education and prevention efforts for Title IX training, and skill-specific training for investigators and hearing board members;
- available to review appropriate University policy to ensure institutional compliance;
- responsible for the coordination and monitoring of the University's compliance with the Americans with Disability Act (ADA); and
- responsible for monitoring full compliance with all requirements as outlined by state, federal, and agency law.

### Deputy Title IX Coordinators

The Title IX Coordinator may delegate responsibilities under University policy to designated administrators, who are appropriately trained. The University has designated individuals to serve as Deputy Title IX Coordinators for the campus.

You can contact the Deputy Title IX Coordinators as outlined below:

Patricia Griffin, Director of the Criminal Justice Graduate Program and Assistant Professor  
Newtown Site, Room 211  
267-341-4035  
[pgriffin@holyfamily.edu](mailto:pgriffin@holyfamily.edu)

Jennifer Luling, SPHR, SHRM-SCP, Assistant Vice President for Human Resources  
Holy Family Hall, Room 209  
267-341-3479  
[jluling@holyfamily.edu](mailto:jluling@holyfamily.edu)



Robin Arnold, Associate Director of Athletics  
Campus Center, Room 132  
267-341-3675  
[rarnold1@holyfamily.edu](mailto:rarnold1@holyfamily.edu)

## **Policy Statement**

Holy Family University seeks to foster a safe and healthy environment built on mutual respect and trust. At the very basis of the University's mission is the recognition of the essential dignity and worth of each member of our community. Members of the Holy Family University community, including guests and visitors, have the right to be free from sexual misconduct, including sexual harassment, sexual violence, intimate partner violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Holy Family University believes in a zero tolerance policy for gender-based discrimination and misconduct. Consistent with these values and applicable law, including Title IX, the Clery Act, and the Violence Against Women Reauthorization Act of 2013 (VAWA), Holy Family University maintains a comprehensive policy and program designed to protect members of the university community from sexual misconduct, and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations, and to establish a mechanism for determining when those expectations have been violated.

The university encourages all members of its community to be aware of the trauma caused by sexual violence and challenges its members to work together to prevent its occurrence.

## **Definitions**

Sexual misconduct is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to, sexual harassment, sexual violence, intimate partner violence, and stalking. It is a violation of University policy as well as applicable law to commit or to attempt to commit these acts.

### *Sexual Harassment*

Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered unwelcome if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student's ability to participate in or benefit from the University's educational programs or a faculty or staff member's ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

### *Sexual Violence*

Sexual violence is a form of sexual harassment. Sexual violence is actual or attempted sexual contact with another person without that person's consent. Sexual violence includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent
- Other intentional sexual contact with another person without that person's consent
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent

- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

### *Intimate Partner Violence*

Intimate Partner Violence includes, but is not limited to, dating violence, domestic violence, and relationship violence, including any threat or act of violence against a person who is or has been involved in sexual dating, domestic or intimate relationship with another person. It may involve one act or an ongoing behavior. Behaviors include, but are not limited to, physical violence, sexual violence, emotional violence and/or economic abuse. Intimate-partner violence may also include: threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background.

### *Stalking*

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time; however, evidencing a continuity of conduct." Stalking is a crime in Pennsylvania and is subject to criminal prosecution.

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instills fear in a victim and/or threatens her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, emails, written letters, gifts, or any other communications that are undesired and place another person in fear; pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim;
- Use of online, electronic, or digital technologies, including:
- Posting of pictures or information in chat rooms or on websites;
- Sending unwanted/unsolicited email or talk requests;
- Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards;
- Installing spyware on a victim's computer;
- Using Global Positioning Systems (GPS) to monitor a victim.
- Surveillance or other types of observation, including staring or "peeping";
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, and/or co-workers;
- Threats to harm self or others;
- Defamation – lying to others about the victim.

### *Consent*

Consent is defined by the University as an action that is:

- clear, knowing and voluntary;
- active, not passive;
- words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time. Sexual activity as a result of coercion is non-consensual.

Consent cannot be given under certain conditions. These conditions include: while asleep, unconscious, physically or mentally helpless, disoriented or unable to understand what is happening for any reason, including due to alcohol or drug use, or being under the age of 17 (the legal age of consent). A person will be considered unable to give consent if he/she cannot understand the specifics of the sexual interaction, (i.e. who, what, when, where, and how). A person under the influence of alcohol or drugs is not relieved of his/her responsibility to appreciate another's inability to consent. A person who engages in sexual activity with another when that person knows, or should know, that the other person does not, or is unable to, consent has violated this policy.

#### *Complainant*

The term Complainant refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

#### *Respondent*

The term Respondent refers to the individual(s) who has been accused of prohibited conduct.

### **Reporting and Confidentiality**

Holy Family University encourages all members of the community to report any incident of sexual misconduct as promptly as possible so that the University can respond effectively. The University recognizes, however, that not every person will choose to make a formal report with the University or with local law enforcement. When consulting campus resources, community members should be aware of confidentiality and mandatory reporting in order to make informed choices. On campus, some resources can offer confidentiality, sharing options and advice without any obligation to tell anyone unless the Complainant wants them to do so. Other resources are expressly required to report incidents of sexual misconduct to the Title IX Coordinator.

#### *Confidential Resources*

For those 18 or older who are not yet prepared to make a report or pursue a complaint under this Policy, the University provides confidential professional and pastoral counseling. Complainants may use these resources to talk to someone about an incident of sexual misconduct in a confidential manner whether or not they decide to make an official report, or to participate in the University complaint resolution process or the criminal justice system. Conferring with these resources will not trigger an investigation by the University or law enforcement.

Confidential professional and pastoral counselors can:

- Explain the reporting and resolution process.
- Provide support while the University or criminal processes are ongoing and/or pending.
- Explain options for obtaining additional support from the University and off-campus resources.

- Arrange for medical care and accompany complainants, or arrange for someone to accompany complainants, to seek such care.

Should the Complainant decide to file a complaint with the University or law enforcement, these individuals will direct the complainant to the appropriate individuals to do so.

Professional counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission.

Professional counselors and confidential resources:

John Watson, MS, NCC, LPC, Director of Counseling Services  
Campus Center 213 A-D  
267-341-3232  
[jwatson2@holyfamily.edu](mailto:jwatson2@holyfamily.edu)

Sister Cordia Wilczewska, MA, MS, Counselor  
Campus Center 213 A-D  
267-341-3222  
[cwilczewska@holyfamily.edu](mailto:cwilczewska@holyfamily.edu)

A Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

Reverend James MacNew, OSFS, Director of Campus Ministry  
Campus Center, Room 224  
267-341-3261  
[jmacnew@holyfamily.edu](mailto:jmacnew@holyfamily.edu)

#### *Resources Who Can Afford Partial Confidentiality*

A Complainant can seek assistance and support from individuals who work or volunteer in the Campus Health Services. While these individuals must report that an incident occurred to the Title IX Coordinator, they are not required to reveal any personally identifying information about an incident to the University.

Following is contact information for these non-professional counselors and advocates:

Julia Scherpenberg, Director of Health Services  
Campus Center, Room G-7  
267-341-3262  
[jscherpenberg@holyfamily.edu](mailto:jscherpenberg@holyfamily.edu)

#### *Reporting to Responsible Employees*

The University defines a responsible employee to include supervisors, officials, and employees with significant responsibility for student and campus activities including, but not limited to: academics, student residences, athletics, discipline, campus life and campus safety.



When a Complainant tells a responsible employee about an incident of sexual violence, the Complainant has the right to expect Holy Family University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the Complainant. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report.

#### *Reporting to Law Enforcement*

The Complainant has the absolute right to decide whether an incident of sexual violence, intimate partner violence, or stalking is reported to Law Enforcement. If the complainant decides to report the incident to law enforcement, the University, through Public Safety, is committing to assisting the complainant.

#### *Reports to a Non-Confidential Resource – Request for Confidentiality*

Title IX requires Holy Family University to balance the needs of an individual who has reported an incident of sexual misconduct to a responsible employee that has requested confidentiality or that no action be taken with its obligation to end the harassment and ensure the well-being of the community at large.

The University has designated the Title IX Coordinator to evaluate these requests.

In such cases, the Title IX Coordinator will weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

The University handles complaints of sexual misconduct with due regard for the parties' concern for confidentiality. However, if occurrences of sexual misconduct pose a general threat to the University community, Holy Family will take affirmative steps to notify students, faculty, and staff of the potential danger.

If you are concerned about confidentiality, discuss this issue first with the University's confidential counselors, who will be able to explain various options you may take, and the implications for each option, and direct you to other on- or off-campus resources as appropriate.

#### **Investigation/Adjudication Process**

The University also offers resources for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report of Sexual Misconduct.

#### *Investigation/Adjudication Procedures*

The procedures for student disciplinary proceedings in cases of alleged sexual misconduct, intimate partner violence, or stalking are fully described in the University Student Judicial Policy and Sexual Misconduct, located at pages 80-84 of the 2017-2018 Student Handbook.

The Title IX Coordinator and his/her designees are responsible for the enforcement of the University's policies and regulations. Any member of the University community may file a complaint against another member of the University community alleging violations of the Sexual Misconduct Policy.

#### *Reporting*

An incident report should be completed by a University Official (e.g., Public Safety or Residence Life) and directed to Title IX Coordinator to process. A complaint shall be submitted as soon as possible after the incident occurred, preferably within one week; however, the timeliness of the complaint shall be determined by the Title IX Coordinator based on facts and circumstances presented.

#### *Initial Meeting*

The Title IX Coordinator will meet with the Complainant, and any third party witnesses, if necessary, to determine how best to proceed. Reporting options, interim measures, resources, and referrals for support services will all be reviewed. The Title IX Coordinator will determine if a formal investigation will need to be conducted.

#### *Interim Measures/Accommodations*

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety.

Holy Family University is committed to supporting victims of the various forms of violence by providing the necessary safety and support services. Student, faculty and staff victims of sexual misconduct are entitled to reasonable and appropriate measures to protect the Complainant and the Complainant's access to Holy Family's employment or education programs and activities, which may include protective measures before the final outcome of an investigation. Such protective measures and accommodations, which may be temporary or permanent, may include:

- no-contact order;
- services of a victim advocate;
- change in an academic schedule;
- transportation modification;
- work modification;
- provision of alternative housing opportunities;
- the imposition of an interim suspension on the accused;
- provision of resources for medical and/or psychological support.

A Complainant may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator in some circumstances. A Complainant may also seek restriction of access to Holy Family University by non-students or non-employees in certain circumstances.

For assistance obtaining these safety accommodations, please contact the Director of Public Safety. If safety is an immediate concern, the complainant is encouraged to contact law enforcement (Philadelphia Police Department) for assistance as well.

#### *Determination to Move Forward*

If the Title IX Coordinator, or his/her designee, determines there is enough information to move forward, a formal investigation will begin. Both the Complainant and Respondent will be notified in writing of rights under Title IX, and will receive all university policies and processes related to sexual misconduct.

#### *Determination Not to Move Forward*

A Complainant may request not to proceed with formal charges. Additionally, the Title IX Coordinator, or his/her designee, may determine not to move forward with an investigation, due to lack of information. An initial report does

not constitute an official investigation or proceedings. Should it be determined that the information provided does not constitute a Title IX-related violation, the Title IX Coordinator will not move forward. If necessary, the University will take remedial actions to provide a safe, non-discriminatory environment for the entire campus community.

### *Meeting of Rights*

Meetings will be scheduled to review rights of all parties and related university processes. A Deputy Title IX Coordinator and Investigator will be assigned to the review process.

### *Investigations*

Upon receipt of a complaint of sexual misconduct, the Title IX Coordinator will institute an investigation, which may be conducted by a member of the University administration, a non-University individual appointed by the University, or a combination. The composition of the investigator(s) will be within the sole discretion of the University.

Both the Complainant and the Respondent have certain rights and responsibilities during the investigation, including:

- To be notified of the allegation made against him or her;
- To be interviewed;
- To proceed with the investigation even if a party chooses not to participate;
- To review any initial reports, investigation reports, and witness reports, as deemed necessary; and
- To be provided an opportunity to provide a list of witnesses and to identify potential physical evidence.

At the completion of the investigation, the Investigator will prepare a report of findings, which will be provided to the Title IX Coordinator, who will determine if charges are warranted.

### *Determination of Actions*

The Title IX Coordinator will review the report of findings, and will determine if charges of policy violation are warranted. If charges are warranted, all parties will be notified in writing of policy violations and the forthcoming adjudication process will be outlined. Should charges not be warranted, all parties will be notified in writing, and the Investigation process will be closed. An official report will be filed. Appeals processes for both parties will be provided, as necessary.

### *Sexual Misconduct Hearing Board*

When it has been determined that an alleged violation may have occurred, the appropriate moderator shall notify the parties via a charge letter sent by University email. The process of the hearing will be outlined in the notice. The Complainant and Respondent will be provided a list of the witnesses, a summary of witness' statements, and a description of relevant physical evidence and documents. While the Complainant and Respondent will not be permitted to ask direct questions during the hearing, they will have an opportunity to provide a list of questions to be asked at the hearing. The University has discretion as to which questions will be asked. It is an expectation that students attend their hearings.

The adjudication process is designed to encourage open discussion among the participants that promotes understanding of the facts, the individuals involved, the circumstances under which the incident occurred, and the nature of the student's conduct. Both the Complainant and Respondent may be accompanied by an advisor or choice. The judicial process is not criminal or civil proceedings, but rather, internal administrative determinations of violations of institutional policy. The final determination shall be based upon the facts of the conduct alleged, applying a

“preponderance of the evidence” standard (whether it is more likely than not that the student is responsible for the alleged violation(s)).

It is the expectation of Holy Family University that all Hearing Board Members are properly trained to understand, process, and hear cases involving sexual misconduct and gender-based discrimination.

The Hearing Board will make a determination of Responsible or Not Responsible.

*Responsible.* The Hearing Board has found that the student is in violation of one or more policies as outlined by Holy Family University. Sanctions will be determined.

*Not Responsible.* The Hearing Board has found that there is not enough information to find the student in violation of Holy Family University policies.

### *Sanctions*

When an allegation of misconduct is brought to an appropriate administration's attention, and a Respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. Sanctions for students may include, but not limited to, reprimand, suspension, and expulsion.

A complete listing of university sanctions for violation of the university Sexual Misconduct Policy can be found on page 82 of the 2017-2018 Student Handbook. These include:

- Warning
- Program Attendance or Facilitation
- Writing Assignment
- Discretionary Sanctions
- Loss of Privileges
- Counseling Assessment and Meetings
- Community Meetings
- Fines
- Restitution
- Administrative relocation in Housing
- Disciplinary Probation
- Removal from University residence
- Suspension
- Expulsion

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the Complainant and the Respondent.

### *Appeals Process*

All parties have a right to appeal final university determinations. Appeal requests must be submitted to the Associate Vice President for Student Life within 5 business days of written notification of final determination and sanctioning.



An appellate meeting will occur with the Associate Vice President for Student Life, and a final case determination will be made. All parties involved will be notified in writing of the final determination. If applicable, sanctions will be enforced. Regardless of outcome, the University will make every effort to remedy behavior(s).