



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 of the  
U.S. Education Amendments of 1972

CHATHAM UNIVERSITY

# Title IX Policy

Revised August 2019

# Chatham University

## Policy Prohibiting Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence, and Stalking

### POLICY

#### I. Title IX

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in education programs and activities operated by recipients of federal financial assistance. Under Title IX, sex discrimination includes, but is not limited to, sex and gender-based harassment, sexual violence (rape, sexual assault, sexual battery, sexual coercion), relationship and interpersonal violence, and stalking.

#### II. Policy Statement

Chatham University (“Chatham”) is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end - and in compliance with Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and applicable state and federal laws - Chatham prohibits sexual misconduct, including all forms of sexual or gender-based harassment, sexual assault, sexual violence, including relationship and interpersonal violence, and stalking (collectively, “Prohibited Conduct”). Chatham also prohibits retaliation against any individual for reporting conduct prohibited under this Policy or for participating in an investigation of an alleged violation of this Policy. These prohibited forms of conduct undermine the character, purpose and values of the Chatham community and will not be tolerated.

#### III. Scope of Policy

This Policy applies to Prohibited Conduct committed by Chatham students, faculty, employees, administrators, volunteers, independent contractors, vendors, and visitors.

This Policy also governs Prohibited Conduct directed towards Chatham community members of any sex, gender identity, gender expression, or sexual orientation.

#### IV. Prohibited Conduct Under This Policy

##### A. Sexual or Gender-Based Harassment

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise, when one or more of the following conditions exist:

1. **Quid Pro Quo (This for That) Harassment** occurs when submission to or rejection of unwelcome verbal or physical sexual conduct is explicitly or implicitly made a condition of an individual's employment or academic status or is used as the basis for an employment or academic decision resulting in a significant change in status. Examples include, but are not limited to:
  - requiring sexual favors in exchange for hiring, a promotion, a raise, or a grade.
  - disciplining, demoting or firing an employee because he or she ends a consensual relationship.
  - refusing to write recommendations for a student because the student refuses sexual advances.
  - changing work or academic assignments because an employee or student refuses invitations for a date or other private, social meetings.
  
2. **Hostile Environment Harassment** has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment because it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective and subjective standard.

**Gender-Based Harassment** includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

## B. **Sexual Violence**

**Sexual Violence** includes acts perpetrated against an individual's will or when an individual is incapable of giving consent (*e.g.*, rape). Other examples include, but are not limited to: Dating Violence, Domestic Violence, Relationship Violence, Sexual Assault, Sexual Exploitation and Stalking as defined below.

**Dating Violence** is defined as any act of violence or pattern of abusive behavior committed by a Chatham community member who has been in a social relationship of a romantic or intimate nature with the Complainant. Whether there was such a relationship will be determined by its length, type, and frequency of the interaction.

**Domestic Violence** is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

**Relationship Violence** includes **Domestic Violence** and **Dating Violence** (as those terms are defined above).

**Sexual Assault** is having or attempting to have **Sexual Contact** with another individual without Consent. **Sexual Contact** includes:

- (i) Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another individual to penetrate that individual with a body part or an object; or
- (ii) Sexual touching, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body.

**Sexual Exploitation** is defined as taking non-consensual, sexual advantage of another for one's benefit or the benefit of another party. It may involve use of one's own or another individual's nudity or sexuality. Examples of sexual exploitation include, but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person while that person is in a state of undress or engaging in a sexual act without the explicit Consent of all involved parties);
- Disseminating, streaming, or posting pictures or video of another person in a state of undress or of a sexual nature without that person's explicit Consent; and
- Exposing one's genitals to another person without their explicit Consent.

**Stalking** occurs when a person engages in a course of conduct toward another person under circumstances that would cause a person to fear bodily injury or experience substantial emotional distress. A course of conduct means two or more instances, including but not limited to unwelcome acts in 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 about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes the concept of 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 for improper purposes.

#### C. **Sexual Misconduct**

**Sexual Misconduct** includes all forms of Sexual- or Gender-Based Harassment, Sexual Assault, Sexual Violence, including Relationship and Interpersonal Violence, and Stalking (also referred to herein as "Prohibited Conduct").

#### D. **Retaliation**

**Retaliation** is prohibited under Title IX and this Policy and will be adjudicated under this Policy. Retaliation is defined as words or acts taken in response to making a report of

Prohibited Conduct, or to an individual's or individuals' participation in Chatham's complaint process that would discourage a reasonable person from further pursuing such activity. The protection against retaliation applies to the complaining and responding parties and to all witnesses.

## V. **Related Definitions Under This Policy**

**Advisor:** Both the Complainant and the Respondent are permitted to have an advisor/support person of choice, including an attorney, present through the Title IX process. An Advisor may not be a witness or otherwise have any conflicting role in the process. The principal role of an Advisor is to serve as a support to a Complainant or Respondent, and not as a representative or advocate in interactions with Chatham officials. An Advisor can provide assistance such as providing emotional support; helping the Complainant understand the investigation process; helping the Complainant or Respondent prepare for interviews; and attending interviews with the Complainant or Respondent. Any party who elects to have an Advisor through the process shall inform the Title IX Office of the Advisor's identity before the Advisor attends any interview, meeting, or proceeding. During an interview, meeting or proceeding, the Advisor may confer quietly with the Complainant or Respondent to provide advice or support, but the Advisor may not speak on behalf of the Complainant or Respondent, testify, address any other participant, interject or otherwise actively participate in, or in any manner disrupt, the interview, meeting or proceeding. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor and to take appropriate steps to ensure compliance with the Policy.

**Campus Security Authority:** The Clery Act defines four categories of Campus Security Authorities (CSA): (1) campus police department; (2) non-police security responsible for monitoring Chatham property; (3) people and offices designated by Chatham as those to whom criminal offenses should be reported; and (4) officials with significant responsibility for student and campus activities. The Clery Act requires universities to gather and publish crime data from CSAs.

**Coercion** is defined as verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm, or employed to compel someone to engage in sexual contact.

**Complainant** is the individual subjected to the alleged Prohibited Conduct. Chatham reserves the right to act on behalf of the Complainant in a case where an individual is unwilling or unable to pursue a report of Prohibited Conduct.

**Confidentiality:** Under Title IX, the only members of the Chatham community who are able to provide a Complainant confidentiality are those professionals who are required by law and professional ethics to maintain confidentiality. Unless a professional licensed counselor believes there is an imminent threat or danger to the involved party or a third party, mental health and counseling personnel who provide counseling to members of the

Chatham community are not permitted to report any information about an incident to the Title IX Coordinator without first obtaining the Complainant's permission.

With the exception noted above, all other employees of Chatham are deemed Responsible Employees and/or Campus Security Authorities, including Resident Assistants, Teaching Assistants, Intern Assistant Coaches and Intern Assistant Administrators, and as such are required to report incidents of Prohibited Conduct that come to their attention. When a Complainant shares information with a Responsible Employee, the Responsible Employee will inform the Complainant of the Responsible Employee's obligation to report such information to the Title IX Coordinator. If the Complainant requests confidentiality, the Responsible Employee should direct the Complainant to confidential resources, such as the Student Counseling Center or Pittsburgh Action Against Rape, and then notify the Title IX Coordinator that the student requested confidentiality.

Wherever and to the greatest extent possible, Chatham will honor requests to maintain the privacy of all Reporters and Complainants. Exceptions to this rule would occur when Chatham determines it will be unable to fulfill its obligation to maintain a non-discriminatory environment for all students, including the Reporter or Complainant.

**Consent** is defined as an informed, affirmative decision made freely and actively by all parties to engage in mutually acceptable sexual activity. Consent must be given by clear words or actions and may not be inferred from silence, passivity, or lack of resistance. Consent to one type of sexual activity does not imply consent to other types of sexual activity.

An essential element of consent is that it be freely given. Freely given consent may not be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision or authority over another.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to age, alcohol or drug consumption that meets this standard, or being asleep or unconscious. Incapacitation is defined below.

Consent may also be withdrawn at any time. When consent is withdrawn, sexual activity must immediately cease. Existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Prior consent does not imply current or future consent.

Consent cannot be obtained through the use of coercion or force, or by taking advantage of an incapacitated individual. A person's use of alcohol and/or other drugs does not eliminate that person's responsibility to obtain consent to sexual contact.

In evaluating whether adequate consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion, and whether a reasonable person

in the Respondent's position would have understood such person's words and acts as an expression of consent, and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating Incapacitation or fear.

*In Pennsylvania, a person under the age of 16 years old cannot consent to sexual activity with an individual who is four or more years older and a person under the age of 13 cannot consent to sexual activity regardless of the other person's age. Therefore, sexual contact with a person younger than 16 years old may be a crime as well as a violation of this Policy. In addition, certain incidents of sexual conduct involving individuals under the age of 16 will be reported to Childline at (800) 932-0313 as required by law.*

**Force** is defined as the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

**Incapacitation** is defined as an individual who lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily or permanently incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to engage in any activity.

Where alcohol or other drugs are involved, incapacity is a state of impairment or intoxication. In such cases, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs may affect a person's decision-making ability, awareness of consequences, ability to make informed, rational judgments, the capacity to appreciate the nature and quality of the activity in question, or level of consciousness. The assessment is based on objective and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Persona Non Grata** is the mechanism by which Chatham maintains a safe environment for the Chatham community by barring individuals from all or part of Chatham who have demonstrated an inability or unwillingness to conduct themselves in accord with Chatham policy or applicable laws while on campus.

**Preponderance of the Evidence:** This is the standard that Chatham will use to determine whether a Respondent has violated this Policy by engaging in Prohibited Conduct. This means that it is more likely than not that the Respondent has engaged in Prohibited Conduct.

**Reporter** is the person reporting alleged conduct prohibited by this Policy. The Reporter may be the Complainant or any other person.

**Respondent** is the person accused of conduct that may violate this Policy.

**Responsible Employee**: Under Title IX, a Responsible Employee includes any Chatham employee (i) who has the authority to take action to redress sexual violence; or (ii) who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or (iii) whom a student could reasonably believe has this authority or duty. Responsible Employees include all Chatham employees except the professional counselors in the Counseling Center or Health Services staff. Responsible Employees include Resident Assistants, Teaching Assistants, Intern Assistant Coaches and Intern Assistant Administrators. Responsible Employees have an obligation to promptly report incidents of Prohibited Conduct to the Title IX Coordinator or one of the Deputy Title IX Coordinators.

**Timely Warning**: The Clery Act requires that Chatham provide a “timely warning” to the campus community concerning the occurrence of a Clery crime that Chatham believes represents a continuing threat to the campus community.

## **VI. Jurisdiction**

Chatham has jurisdiction over Title IX-related complaints regarding Prohibited Conduct that occurs (i) on campus; (ii) during an official Chatham program or activity (regardless of location); or (iii) off campus when the conduct creates a hostile environment either on campus or in an official Chatham program or activity. Chatham’s jurisdiction does not extend to an alleged perpetrator who is not a member of the Chatham community, but in such instances Chatham will assist a Complainant with identifying and contacting resources, including the Complainant’s local law enforcement authorities, and reporting the alleged Prohibited Conduct to another University’s Title IX Coordinators, if applicable.

## **VII. Related Laws with Respect to This Policy**

**Campus SaVE Act**: The Campus Sexual Violence Elimination (SaVE) Act was enacted by the U.S. Department of Education’s Office for Civil Rights. The Act seeks to address acts of violence (including stalking, intimate partner violence, rape, and attempted rape) that students face on college campuses across the United States. The Act requires that such incidents be included in annual campus crime reports, defines minimum standards for institutional disciplinary procedures for abusers, instructs colleges and universities to provide programming that addresses such violence, and establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to outline practices for preventing and responding to such violence.

**Clery Act**: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was enacted by the U.S. Department of Education. It requires campus security departments to disclose specified information about crime on their campuses. The Clery Act requires colleges and universities to publish an annual security report, maintain a public crime log, disclose crime statistics that occur on or near (as specified in the Act) campus, issue



warnings about potential crimes that pose a threat to students, and enact policies and procedures to handle reports of missing students.

In light of amendments to the Violence Against Women Act in 2013, the Clery Act has been updated in terms of reporting incidents of dating violence, domestic violence, and sexual assault. Campuses must provide a notice of rights and all related institutional policies, advocate for victims by maintaining a transparent system of disciplinary procedures, and add gender identity and national origin to the categories of bias that serve as the basis for determining hate crimes.

**Violence Against Women Act (VAWA):** The goal of VAWA is to hold offenders accountable for their actions as well as to provide services for the victims of domestic and sexual violence. The Act provides programs and services, including community violence prevention programs, funding for victim assistance services like the rape crisis center and hotlines, programs to meet the needs of immigrant women and women of different races or ethnicities, programs and services for victims with disabilities, and legal aid for survivors of domestic violence. In 2013, VAWA was reauthorized and expanded to provide services for all victims of domestic violence, sexual assault, dating violence, and stalking, including people of all sexual orientation or gender identity, and college students and youth.

# HOW TO REPORT VIOLATIONS OF THIS POLICY

## Contacts for Filing a Title IX Complaint

If you have been the victim of Prohibited Conduct, or if you would like to report Prohibited Conduct of which you are aware that does not involve you personally, please contact the following as appropriate:

- For urgent, emergency cases (e.g., rape or sexual assault), please call the 24-hour emergency Chatham Public Safety hotline at 412-365-1111 or 911.
- To report any non-emergency instances of Prohibited Conduct under Title IX, please contact:
  - Title IX Coordinator or the Deputy Title IX Coordinator (also see Who's Who in Chatham's Title IX Office).
    - Sean Coleman 412-365-1164 or scoleman1@chatham.edu
    - Heather Black 412-365-2776 or hblack@chatham.edu
    - Frank Greco 412-365-1680 or Greco@chatham.edu
    - Leonard Trevino 412-365-1650 or ltrevino@chatham.edu
    - Mary Utter 412-365-1482 or mutter@chatham.edu
  - Email the Title IX Office through TitleIX@chatham.edu.
  - **[Submit an online Incident Report](#)** \*

*\*The online Incident Report may be submitted anonymously. If doing so, however, please bear in mind that reports which include greater specificity and facts generally are more helpful in achieving the Title IX Office's goals of stopping Prohibited Conduct, preventing it from happening again, and helping those who have experienced it.*

*Online Incident Reports are received by the Title IX Office and accessed by the Title IX Coordinator who will share them only with Deputy Coordinators as necessary.*

If you are a Responsible Employee who is required to report incidents of Prohibited Conduct of which you are aware, you must immediately contact the Title IX Coordinator or one of the Deputy Coordinators (see below).

# WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF PROHIBITED CONDUCT UNDER THIS POLICY

## Immediate Steps to Take if You or Another Individual Have Been the Victim of Sexual Violence

1. Ensure the safety of yourself and others
  - Find a safe place
  - Call Campus Safety.....412-365-1111 or 911
  - Seek assistance from a person you trust
  - If a threat to campus is imminent a Timely Warning will go out.
2. Try your best to maintain any physical evidence:
  - Try not to shower, bathe any part of your body, use medications, or brush your teeth. Stay in the clothes you were wearing or wrap them and anything else you came in contact with (bed sheets, etc.) in a clean sheet. If you choose to put these items in a bag, make sure it's a paper bag (a plastic bag may destroy evidence).
3. Seek medical care for your physical and mental health and to preserve physical evidence. An exam for sexual assault can be completed up to ten (10) days following the assault. Chatham Campus Safety can transport you to and from the hospital.
  - Magee Women's Hospital of UPMC.....412-641-4933
  - UPMC Mercy Hospital.....412-232-8111
  - Chatham Student Health Services & Counseling Center.....412-365-1282
4. Seek counseling support
5. Consider your legal options. You can ask questions of any Title IX Coordinators for clarification.
6. If you're reporting, we encourage you do so both with Campus Police and the local law enforcement authorities. Sexual assault is a violation of both this Policy and criminal law, and you have the right to pursue a criminal investigation of the sexual assault in addition to a Title IX complaint and investigation.

## Eliminating a Hostile Environment

In the event of sexual harassment or sexual violence, Chatham work with you to create a safe environment. In order to prevent the recurrence of harassment or sexual assault, students are entitled to remedies including, but not limited to:

- Adjusting class schedules to limit or avoid interaction with the accused
- Access to a Title IX Coordinator or other on-campus advocate
- "No contact" orders or blocking emails
- On-campus counseling services
- Medical services
- Academic support services (*e.g.*, tutoring)
- Arrangements to retake or withdraw from a course without penalty
- Assistance from campus staff in contacting local law enforcement at any time

Other remedies may be available for faculty and staff who have experienced sexual harassment or sexual assault. Chatham will work with faculty and staff members to provide remedial measures as needed. Faculty or staff members to contact Frank Greco, Assistant Vice President for Human Resources and Deputy Title IX Coordinator (see contact info. on p. 13), the Title IX Coordinator or any of the Deputy Coordinators (contact info. also on p. 13).

## **Advocate Services for Victims**

If you are a victim of sexual harassment or sexual violence, many campus resources are available to you. Feel free to seek help and guidance from your coach, advisor, members of the Student Affairs or Residence Life staff, Counseling Services, and other Chatham staff members. Some of the roles these individuals can play are:

- Address issues related to sexual assault, harassment, and relationship violence
- Respond to charges of academic absence, conflict or appeal
- Help you withdraw from a class if necessary
- Make referrals to counseling services and other supportive campus and community organizations
- Educate you about medical procedures and evidence preservation
- Provide information about legal advocacy
- Meet with you in a safe place to ensure your comfort
- Help you track all of the necessary details
- Assist you with filing a report and navigating the campus conduct system
- Assist your significant other and friends to help you in the best way possible

## **Pittsburgh Action Against Rape (PAAR)**

Some members of the Chatham community may wish to seek support and advocate services from off campus. Pittsburgh Action Against Rape (PAAR) offers 24/7 free confidential helpline and can provide you with advocacy and support services. PAAR representatives are available any time and can provide counseling and legal support for victims and their families. All PAAR services are confidential. Call 1-866-363-7273 to talk with a PAAR representative or to request an advocate.

## **Campus and Community Resources**

### **Chatham On-Campus Contacts & Resources**

Public Safety.....	412-365-1230
Office of Student Affairs.....	412-365-1286
Office of Residence Life.....	412-365-1518
Counseling Services.....	412-365-1282 (Confidential)
Student Health Services.....	412-365-1714 (Confidential)
Athletic Department.....	412-365-1519

PACE Center and Disability Services.....412-365-1611

### **Abuse, Sexual Violence, Domestic Violence Contacts & Resources**

Blackburn Center (Westmoreland County).....724-837-9540

National Sexual Assault Online Hotline (RAINN)

*24-Hour Nation-Wide*.....1-800-656-4673

National Domestic Violence Hotline

*24-Hour Nation Wide*.....1-800-799-SAFE (7233)

Pennsylvania Coalition Against Domestic Violence.....800-932-4623

Pittsburgh Police.....412-323-7800

Pittsburgh Action Against Rape (PAAR).....866-END-RAPE (363-7273)

Women’s Center and Shelter of Greater Pittsburgh.....412-687-8005

### **Crisis and Suicide Resources**

Re: solve Crisis Network 24-Hour Counseling Services Hotline.....1-888-796-8226

Crisis Center North, Inc. 24-Hour Crisis hotline.....412-364-5556

PA 211, United Way Hotline.....2-1-1

### **Health and Safety**

Allegheny County Health Department.....412-687-2243

Pittsburgh AIDS Task Force (PATF).....412-345-7456

Pittsburgh AIDS Center for Treatment.....877-788-7228

### **Homelessness Services**

Allegheny County Housing Authority.....412-355-8940

Bethlehem Haven.....412-391-1348

Familylinks Downtown Outreach Center & Shelter.....412-471-6160

### **LGBTQ Resources**

Gay and Lesbian Community Center (GLCC).....412-422-0114

Gay, Lesbian, Bisexual, and Transgender Helpline.....888-843-4564

PERSAD Center.....412-441-9786

### **Pregnancy and Family Planning**

Adagio Health.....800-215-7494

Birthright of Pittsburgh.....412-621-1988

Genesis of Pittsburgh.....412-766-2693

Pittsburgh Family Planning Center (Planned Parenthood).....412-434-8971

## WHO'S WHO IN TITLE IX AT CHATHAM

The **Title IX Coordinator** is responsible for coordinating Chatham's efforts to comply with Chatham's Title IX responsibilities, overseeing reports of Title IX violations at Chatham, and identifying and addressing any pattern or systemic problems or issues. The Title IX Coordinator will work with Title IX Investigators to assign and manage complaints of Policy violations. The Title IX Coordinator will work with a team of campus partners to identify needs and provide education on Policy and resources.

**Title IX Coordinator:** Sean Coleman, scoleman1@chatham.edu or 412-365-1164  
Mellon Center, 2<sup>nd</sup> Floor

**Deputy Title IX Coordinators** provide resources and information on campus services and policies related to sex- and gender-based discrimination. Deputies meet with the Title IX Coordinator on a regular basis to coordinate efforts. Deputies are knowledgeable about, and will provide information on all options for complaint resolution. Deputies may also serve as advocates for students, faculty and staff seeking resources and guidance. The deputies, as part of Chatham's Title IX team, play an integral role in carrying out the College's commitment to provide a positive learning, teaching and working environment for the entire community.

### Deputy Coordinators for Students

- Heather Black, Assistant Dean of Students  
412-365-2776 or [hblack@chatham.edu](mailto:hblack@chatham.edu)  
Woodland Hall, 1<sup>st</sup> Floor, Office of Student Affairs
- Dr. Mary Utter, Assistant Dean of Students  
412-365-1482 or [mutter@chatham.edu](mailto:mutter@chatham.edu)  
Woodland Hall, 1<sup>st</sup> Floor, Office of Student Affairs

### Deputy Coordinator for Athletics

- Leonard Trevino, Director of Athletics  
412-365-1650 or [ltrevino@chatham.edu](mailto:ltrevino@chatham.edu)  
Athletics & Fitness Center, 2<sup>nd</sup> Floor

### Deputy Coordinator for Faculty and Staff

- Frank Greco, Assistant Vice President for Human Resources  
412-365-1680 or [fgreco@chatham.edu](mailto:fgreco@chatham.edu)  
Mellon Center, First Floor (across from the Office of the Dean of the School of Arts, Science and Business)

**Title IX Investigators** are responsible for conducting and managing investigations of complaints of sex discrimination, sexual violence, relationship violence, stalking and sexual misconduct including sexual harassment, and sexual assault. Investigators will provide a complete

investigation report to the Title IX Coordinator with the investigator's recommendation regarding any policy violations and possible sanctions.

Title IX Investigators:

Heather Black, Assistant Dean of Students, Office of Student Affairs

Kathleen Emory, International Student and Scholar Services, Office of Academic Affairs

Ron Giles, Director of Student Health and Wellness

Frank Greco, Assistant Vice President, Human Resources

Cindy Kerr, Director of Disability Support Services & PACE Center

Mary Utter, Assistant Dean of Students, Office of Student Affairs

Betsy Warren, Head Coach, Women's Soccer

Zauyah Waite, Vice President of Student Affairs

The Title IX Office provides and ensures mandatory training for those implementing the grievance procedures (Title IX Coordinator, Deputy Title IX Coordinators, Investigators), including training on the handling of complaints of sexual harassment, Chatham's Title IX Policy and Grievance Procedures, as well as applicable confidentiality requirements.

# **INVESTIGATING COMPLAINTS OR REPORTS OF PROHIBITED CONDUCT UNDER THIS POLICY**

## **I. Receipt of Complaint or Report**

### **A. Initial Intake**

Once a complaint or a report has been received, the Title IX Coordinator, consulting with one or more of the Deputy Coordinators, will determine next steps. In certain cases, they may ask the Complainant to file a formal complaint which should include details of the incident or incidents, names of the individuals involved, and names of any witnesses. In some cases, they may determine that a preliminary investigation is warranted to determine next steps.

Even if a written complaint is not filed, if Chatham has received notice – either direct or indirect – of a possible incident of Prohibited Conduct, it will take immediate and appropriate steps to evaluate what occurred and determine if further action is required to prevent any further recurrence.

If the Complainant requests confidentiality, this request will be evaluated by the Title IX Coordinator receiving the complaint. The Coordinator cannot guarantee confidentiality, but can ensure that information will only be shared on a need-to-know basis.

A Complainant may determine after filing a complaint that the Complainant does not wish to pursue resolution of the complaint through Chatham’s Title IX process. Chatham takes such requests seriously, but will evaluate the request in the context of Chatham’s commitment to provide a reasonably safe and non-discriminatory campus environment. Chatham reserves the right to investigate reported incidents even if the Complainant chooses not to participate in the investigation process.

### **B. Intermediate Remedies**

A Complainant will be able to request and receive any remedial changes that are reasonably available to help ameliorate the situation. These may include a change of residence, change of academic schedule, transfer of position, or other changes deemed appropriate by the Title IX Coordinator in consultation with the Deputy Coordinators.

## **II. Resolution of the Complaint**

### **A. Informal Resolution**

In complaints or reports that do not involve sexual assault or sexual violence, Complainants may choose to pursue the matter through an informal resolution process. Sexual Violence complaints cannot be mediated under Title IX.



- The informal process is designed to resolve complaints quickly, efficiently, and to the mutual satisfaction of all parties involved.
- Informal resolution may include inquiries into the facts, but does not typically rise to the level of a formal investigation unless required by applicable law.
- Informal resolution may include, but is not limited to, options such as meeting informally and separately with the complainant and the respondent with the intent of bringing about resolution, meeting privately with the parties, acting as intercessor, separation of the parties, referral of the parties to counseling programs, conducting educational and/or training programs, or other appropriate remedial measures.
- Both the complainant and the respondent have the right to bypass or end the informal complaint process at any time in order to initiate the formal complaint proceedings.

## **B. Formal Investigation**

In situations involving allegations of Sexual Assault or Sexual Violence, or in other situations in which a Complainant wishes to pursue a formal investigation, the following process shall apply.

### **Notice**

The Title IX Office will provide both the Complainant and Respondent with a written notice of the commencement of an investigation. Both parties will receive sufficient details, including the names of the Investigators assigned to the investigation, as well as sufficient time to prepare a response before any initial or subsequent interview. The Respondent will also be notified of the specific section(s) of the Policy allegedly violated; the precise conduct allegedly constituting the potential violation(s), and the date and location of the alleged incident.

### **Investigators**

In most cases, Title IX investigations of alleged Prohibited Conduct will be reviewed and investigated by a team of two trained Title IX Investigators.

If either of the parties believe that either of the assigned Title IX Investigators is incapable of conducting an impartial investigation of the complaint because of bias or conflict of interest, the party shall so notify the Title IX Coordinator within two (2) business days of being informed of the identity of the Investigator(s). The objecting party shall provide as much information as necessary to support the claim of bias or conflict of interest. Within two (2) business days of receiving the objection, the Title IX Coordinator, copying all parties, will either confirm the original assignment or, where potential bias or conflict of interest is found to exist, assign an alternate Investigator.

## **Complainant's and Respondent's Rights: Investigation**

Both the Complainant and the Respondent shall have equal rights throughout the investigation process, including the right to:

- an adequate, reliable, and impartial investigation of complaints
- have an equal opportunity to present witnesses and other evidence
- be informed of and have access to campus resources for medical, counseling, and advisory services.
- have an Advisor of choice present through the Title IX process. The role of an Advisor is described further in Section V of the Policy.
- not be restricted from discussing and sharing information relating to their Complaint with others that may support them or assist them in presenting their case.
- the presumption that evidence of the Complainant's past relationships with anyone other than the Respondent are inadmissible.
- be notified of the timeline of the process (see Timeline below).

### **Timeline**

Both the Complainant and the Respondent will be informed of the following timelines: (a) the proposed time in which Chatham will conduct a full investigation of the Complaint; (b) the estimated time in which both parties will be notified of the outcome of the Complaint; (c) the time in which either party may file an appeal. The time necessary to conduct an investigation will vary based on complexity and other factors, but will generally be completed within sixty (60) days of receipt of the Complaint. If an investigation cannot be completed within sixty (60) days of starting the investigation, then the Complainant and the Respondent will be notified of that decision and will be provided a timeframe for completing the investigation.

### **Interim Measures**

Per the Complainant's wishes or at the discretion of Chatham, during the investigation Chatham may provide interim measures, as deemed necessary, to protect the safety and well-being of any students and/or employees involved. Chatham may change a Complainant's or a Respondent's academic or living situation due to the alleged Prohibited Conduct. Either party may also request a change in academic or living situation and Chatham may allow such a change at its discretion if the requested change can be reasonably accommodated.

### **Amnesty**

Assisting students who report Prohibited Conduct is Chatham's primary interest. In order to encourage and facilitate reporting, Chatham may choose not to charge students who report Prohibited Conduct and any material witnesses with conduct that

would otherwise be considered violations of the Student Honor Code (*e.g.*, consuming alcohol underage or consuming illegal drugs).

### **Relationship Between Chatham’s Title IX Investigation and Local Law Enforcement Agency’s Investigation**

The Complainant shall have the right to proceed with a Title IX Investigation and a criminal investigation simultaneously when the alleged Prohibited Conduct is a criminal offense (*e.g.*, rape).

It is important to note that a Title IX investigation is not a criminal investigation. A Title IX investigation differs from criminal investigations in a number of respects: it applies a different standard of proof (“preponderance of the evidence” vs. “beyond a reasonable doubt”), it cannot avail itself of many of the investigative tools that law enforcement agencies and prosecutors have at their disposal (*e.g.*, subpoenas, depositions under oath, forensic tools), and it cannot result in the imposition of a jail sentence.

If the Complainant files a criminal complaint with a local law enforcement agency, Chatham will comply with the law enforcement agency’s requests for cooperation. Such cooperation may require Chatham to temporarily suspend the fact-finding aspect of the Title IX investigation while the local law enforcement agency gathers evidence. In such cases, any interim measures provided will remain in effect, and the parties will be notified if the timeline of the investigation will need to be amended accordingly. However, Chatham will resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

### **C. Determination/Report**

The preponderance of the evidence standard will apply to Title IX investigations, meaning Chatham will evaluate whether it is more likely than not that the alleged Prohibited Conduct occurred.

At the conclusion of the investigation, the Title IX Investigators will issue a report to the Title IX Coordinator. The report will include the Investigators’ findings, including their recommendation as to whether the alleged Prohibited Conduct occurred, and their recommendations as to any sanctions, if appropriate.

It is within the Title IX Coordinator’s responsibility and discretion to accept or reject the Investigators’ findings and recommendations based on the Coordinator’s careful review of the report, and any related material pertinent to the investigation (*e.g.*, text messages, videos).

If the Title IX Coordinator determines that Prohibited Conduct has occurred, Chatham will take immediate, appropriate corrective action to eliminate the

Prohibited Conduct, prevent recurrence of Prohibited Conduct and to address and correct any discriminatory effects on the Complainant and others, if appropriate.

Possible sanctions for those deemed to have committed Prohibited Conduct include, but are not limited to: suspension, expulsion, transfer of residence, removal of residence privileges, suspension without pay, or termination of employment. Remedies may include services separate from or in addition to interim measures offered.

#### **D. Appeal**

Either party has the right to appeal the Title IX Coordinator's determination. Appeals must be filed in writing to the Title IX Coordinator within five (5) business days of receiving the written outcome of the investigation. The Title IX Coordinator will confirm receipt of the appeal in writing, at which point the non-appealing party will have the option of responding to the other party's appeal. Such responses must be received in writing within three (3) business days of receipt of the appeal.

Appeals will be considered by a Deputy Title IX Coordinator who was not involved in the original investigation. The only grounds for overturning the original determination are: (1) a material procedural error, (2) where previously unavailable relevant evidence could significantly impact the outcome of the case, or (3) where a sanction is substantially disproportionate to the findings. If on appeal the Deputy Title IX Coordinator determines that any of the three grounds exist, the Deputy Title IX Coordinator shall direct the Title IX Coordinator to have the original Title IX Investigators re-consider the case. This is not meant to be a reinvestigation of the original case, but instead a consideration of the nature of the appeal and any pertinent appeal documentation. In considering such requests, the original Title IX Investigators shall complete their reconsideration within seven (7) days of the request. If the Deputy Title IX Coordinator finds no grounds for overturning the original decision, the appeal is final, and the Title IX Coordinator shall so notify both parties.

#### **E. Complainant's and Respondent's Rights: Determination/Report and Appeal**

Both the Complainant and the Respondent will have equal rights throughout the Determination/Report and Appeal process, including the right to:

- be notified, in writing, of the outcome of the Complaint. Even though federal privacy laws limit disclosure of certain information, higher education institutions must disclose to Complainants when sanctions directly relate to them (*e.g.*, the existence of a protective order, the fact that a harasser has been transferred from a class or to a new residence hall). A Complainant will not be required to abide by a non-disclosure agreement, in writing or otherwise, that would prevent disclosure of the outcome.
- the same appeal processes.

- review the final report of the Investigators (although in some cases names of witnesses may be redacted for privacy).