



**Student Handbook  
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*\*Please note the handbook is updated annually, you should always refer to the link for the most up to date information.*

## FROM THE PRESIDENT

Welcome to PennWest! Whether you are a new or returning students, on campus or online, you are a valued member of our community. I'm delighted you're here.

We are committed to your success and to maintaining a safe, friendly environment on our campuses and in our broader communities. We stand for excellence, diversity, respect, responsibility and integrity, and we encourage you to join us in embracing and advancing these ideals.

New students will quickly realize that PennWest is an exceptional place in which to live and learn. Faculty, staff and your fellow students are dedicated to our university community, and they hold themselves and others to the highest standards. You can expect to be warmly welcomed but also challenged to share in our commitment to being the very best we can be.

The success of all PennWest students is our mission, and we pursue it with passion. Ultimately, the outcome of your time here is a shared responsibility. It is up to you to be equally passionate about the superb education, excellent support and broad array of activities that your university provides. I urge you to actively participate in your classes, get involved in campus organizations and accept leadership opportunities. Challenge by challenge, you'll discover that you can achieve more than you ever thought possible.

The start of a new semester and the beginning of your PennWest experience is an exciting time. I'm thrilled to welcome newcomers to our community and to continue working with all students to achieve excellence at PennWest.

Wishing you success,



## **PENNWEST UNIVERSITY LEADERSHIP**

### ***Founding President:***

Dr. Dale-Elizabeth Pehrsson

### ***Provost:***

Dr. Scott Miller

### ***Deans:***

Dr. Mary Paniccia Carden – Interim Dean, College of Arts & Humanities

Dr. Brenda Fredette – Dean, College of Natural Science and Engineering Technology

Dr. Philip Frese – Dean, College of Business, Communications, and Information Sciences

Dr. Gwyneth Price – Dean, College of Education

Dr. Deborah Kelly – Interim Dean for the College of Health Sciences

Dr. James Fisher – Interim Dean, College of Social Sciences and Human Services

### ***Executive Leadership Team:***

Dr. Scott Miller, Senior Vice President for Academic Affairs and Provost

Dr. Susanne Fenske, Senior Vice President for Institutional Effectiveness and Student Affairs

Jim Geiger, MHA, Senior Vice President for Advancement and Clarion Campus Administrator

Fawn Petrosky, MS, Senior Vice President for Finance

John Hynes, Senior Vice President for Strategic Initiatives and Administration

Dr. Erinn Lake, Vice President for Virtual and Global Education

Dr. Terrence Mitchell, Vice President for Diversity, Equity, and Inclusion

Kelly Moran-Repinski, MS, MHA, Chief of Staff and Executive Director for University Affairs

## **PENNWEST MISSION AND VISION**

Pennsylvania Western University empowers students to build meaningful lives through a broad array of nationally accredited undergraduate and graduate programs, a career-focused learning and an unwavering focus on student success. A regional comprehensive university, PennWest provides accessible, high value higher education on its three premier residential campuses and within western Pennsylvania and its virtual campus.

## **THE PENNWEST WAY**

We offer Education Your Way  
We are Student Ready  
We are Western PA  
We advocate for all members of our community  
We empower and invest in our people and culture

## **THREE LEGENDARY INSTITUTIONS. ONE PROMISING FUTURE.**

PennWest may be a new name, but its history spans nearly 165 years of tradition and academic excellence.

Formed by the integration of California, Clarion and Edinboro universities, PennWest is a model for future success. It's building on the strengths of each university in order to offer every student a richer experience, while holding down the cost of education.

Three brick-and-mortar campuses welcome residential as well as commuter students, and its online offering allows you to choose the academic and personal options that suit you best.

You'll have access to more courses, more faculty and more learning opportunities than ever before, including the in-person classes and hands-on learning that have always been a part of Cal, Clarion and Edinboro.

As a student, you will continue to receive the financial aid, personal attention and academic support you need to reach your educational goals and build the future you envision. Whatever campus you choose, you can also expect a vibrant experience that includes leadership and service opportunities, athletics, cultural activities, recreation, student-led clubs and more.

Our plans for the future are as bold and bright as the students we serve. To learn more or get answers to frequently asked questions, visit [passhe.edu/integrations](http://passhe.edu/integrations).

To get more information about integration on a specific campus, visit the websites of [California](#), [Clarion](#) and [Edinboro](#).

**GENERAL INFORMATION:**

Enrollment:

14,447 total  
10,561 undergraduates  
3,916 graduates

Campus Specific Information:

PennWest California  
250 University Avenue  
California, PA 15419

PennWest Clarion  
840 Wood Street  
Clarion, PA 16214

PennWest Edinboro  
219 Meadville Street  
Edinboro, PA 16444

Athletic Information:

[PennWest California](#)

[PennWest Clarion](#)

[PennWest Edinboro](#)

PennWest California: Blaze the Vulcan



PennWest Clarion: Ernie the Eagle



PennWest Edinboro: McCato the Fighting Scot



## PENNWEST IMPORTANT POLICIES AND STUDENT CODE OF CONDUCT

All students are expected to abide by University policy and the laws and regulations of the Commonwealth of Pennsylvania and the United States of America. Policies regarding alcohol and other drugs are clearly stated in the [Student Code of Conduct](#), which prohibits the unauthorized use, consumption, possession, sale, distribution or abuse of alcoholic beverages, illegal drugs, controlled substances or drug paraphernalia.

Students who violate the law may incur penalties from civil, criminal, local, state or federal authorities. Violations of University regulation will result in sanctions through the Office of Student Conduct. These can include mandatory alcohol/drug education or evaluation and other sanctions ranging from disciplinary probation to suspension or expulsion and referral for prosecution. A summary of the laws and penalties related to alcohol and other drug offenses are defined in the [Student Code of Conduct](#).

- Acceptable Use Policy  
[California](#) | [Clarion](#) | [Edinboro](#)
- [Drug-Free Schools and Communities Act Amendments](#)
- Equal Opportunity/Nondiscrimination Policy  
[California](#) | [Clarion](#) | [Edinboro](#)
- Protection of Minors Policy  
[California](#) | [Clarion](#) | [Edinboro](#)
- Sexual Harassment and Related Unprofessional Conduct Policy  
[California](#) | [Clarion](#) | [Edinboro](#)
- [Student Code of Conduct](#)
- [Title IX Information](#)

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## STUDENT SUPPORT SERVICES

For information on the services below, click on the link to the campus you are enrolled at:

- Admissions and Enrollment Services [California](#) | [Clarion](#) | [Edinboro](#)
- Bookstore [California](#) | [Clarion](#) | [Edinboro](#)
- Career & Professional Development [California](#) | [Clarion](#) | [Edinboro](#)
- Diversity, Equity, and Inclusion [California](#) | [Clarion](#) | [Edinboro](#)
- Equity and Title IX [PennWest](#)
- Financial Aid [PennWest](#)
- Global Education Office [California](#) | [Clarion](#) | [Edinboro](#)
- Information Technology Services [PennWest](#)
- Military and Veterans Success Center [California](#) | [Clarion](#) | [Edinboro](#)
- Records and Registrar [California](#) | [Clarion](#) | [Edinboro](#)
- Safety & Risk Management [California](#) | [Clarion](#) | [Edinboro](#)
- Student Accounts [California](#) | [Clarion](#) | [Edinboro](#)
- Student Employment [California](#) | [Clarion](#) | [Edinboro](#)
- University Police [California](#) | [Clarion](#) | [Edinboro](#)

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## STUDENT AFFAIRS SERVICES

For information on the services below, click on the link to the campus you are enrolled at:

- Alcohol and Other Drugs [California](#) | [Clarion](#) | [Edinboro](#)
- Campus Life [California](#) | [Clarion](#) | [Edinboro](#)
- Campus Recreation [California](#) | [Clarion](#) | [Edinboro](#)
- Conference & Event Services [California](#) | [Clarion](#) | [Edinboro](#)
- Clubs and Organizations [California](#) | [Clarion](#) | [Edinboro](#)
- Commuter Student Services [California](#) | [Clarion](#) | [Edinboro](#)
- Counseling Services [California](#) | [Clarion](#) | [Edinboro](#)
- Dining Services [California](#) | [Clarion](#) | [Edinboro](#)
- Fraternity and Sorority Life [California](#) | [Clarion](#) | [Edinboro](#)
- Identification (ID) Card [California](#) | [Clarion](#) | [Edinboro](#)
- LGBTQ+ Affairs [California](#) | [Clarion](#) | [Edinboro](#)
- New Student Orientation [California](#) | [Clarion](#) | [Edinboro](#)
- Office for Students with Disabilities (OSD) [California](#) | [Clarion](#) | [Edinboro](#)
- Parents and Families Organization [California](#) | [Clarion](#) | [Edinboro](#)
- PSECU Pennsylvania State Employee's Credit Union [PennWest](#)
- Residence Life and Housing [California](#) | [Clarion](#) | [Edinboro](#)
- Student Conduct [California](#) | [Clarion](#) | [Edinboro](#)
- Student Centers [California](#) | [Clarion](#) | [Edinboro](#)
- Student Government Association [California](#) | [Clarion](#) | [Edinboro](#)
- Student Health Services [California](#) | [Clarion](#) | [Edinboro](#)
- Student Leadership Development [California](#) | [Clarion](#) | [Edinboro](#)
- Student Misconduct Prevention and Response [California](#) | [Clarion](#) | [Edinboro](#)
- Student Support Assistance (Case Management) [California](#) | [Clarion](#) | [Edinboro](#)
- University Programming [California](#) | [Clarion](#) | [Edinboro](#)
- Volunteer Programs [California](#) | [Clarion](#) | [Edinboro](#)

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## ACADEMIC INFORMATION

For information on the services below, click on the link to the campus you are enrolled at:

- Academic Programs [PennWest](#)
- Academic Integrity [PennWest](#)
- Academic Standing (Warning, Probation, Suspension) [PennWest](#) (Undergraduate)  
[PennWest](#) (Graduate)
- Accreditations [PennWest](#)
- Adding, Dropping, and Withdrawing from Courses [PennWest](#)
- Auditing a Course [PennWest](#)
- Class Attendance Policy [PennWest](#)
- Dean's List [PennWest](#)
- Finals Week [PennWest](#)
- Grade Appeal [PennWest](#)
- Grading [PennWest](#)
- Graduation Requirements [PennWest](#)
- Honors at Graduation [PennWest](#)
- Libraries [California](#) | [Clarion](#) | [Edinboro](#)
- Major Change [PennWest](#)
- Preferred First Name [PennWest](#)
- Repeating Courses [PennWest](#)
- Satisfactory/Unsatisfactory Grading Systems [PennWest](#)
- Second Majors and Degrees [PennWest](#)
- Student Success & Outreach Offices [California](#) | [Clarion](#) | [Edinboro](#)
- Study Abroad [California](#) | [Clarion](#) | [Edinboro](#)
- Undergraduate Enrollment in Graduate Courses [PennWest](#)
- Withdrawal from all Courses [PennWest](#)

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## DEFINITIONS

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### A

#### **ACADEMIC POLICIES AND REQUIREMENTS**

A complete listing of PennWest's policies and requirements can be found online at <https://www.pennwest.edu/academics/policies>, search Academic Policies.

#### **ACADEMIC SUPPORTS**

- *WRITING CENTER* Services offered by the Writing Center include: Individual consultation with student writers; face-to-face writing consultations; online writing consultations (synchronous and asynchronous); writing workshops; assistance to ESL students; assistance to master's and doctoral degree students with their thesis and dissertation.
- *TUTORING AND TESTING* Services offered by the Tutoring and Testing Office include Individual face-to-face tutoring; individual online tutoring; study groups (SG); supplemental instruction (SI); learning skills workshops; assistance with placements and proficiency exams (such as Praxis, etc.).

#### **ADA/504**

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), PennWest of Pennsylvania provides reasonable accommodations for otherwise qualified students to ensure equal access to University programs and activities. **ADA/504 Appeal Process** If a student considers that a requested accommodation has not been granted or is inappropriate, he or she should immediately discuss the matter with the Director for the Office for Students with Disabilities (OSD). If the student is not satisfied with the result of this conference, he or she should contact the ADA Compliance Office. This office helps to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and provides an avenue of resolution for student problems/concerns regarding accommodations. If the student does not reach accord at this level, he or she may appeal to the Office of Equity and Title IX. The Office of Equity and Title IX has an established process to investigate and address any complaints of discrimination on the basis of a disability.

#### **ALCOHOL AND OTHER DRUGS**

*BASICS (Brief Alcohol Screening and Intervention for College Students) (Brief Alcohol Screening and Intervention for College Students)*

BASICS is a preventive intervention program to reduce drinking and enhance awareness about alcohol-related issues. BASICS targets students who are considered at risk because of episodic drinking behaviors. The brief intervention relies primarily on a motivational interview to provide students with the skills, knowledge, and insight into the consequences of drinking.

### *CASICS (Cannabis Screening and Intervention for College Students)*

*(Cannabis Screening and Intervention for College Students):* Like BASICS, CASICS is also a preventive intervention program. The main goals are to reduce student use of marijuana and to educate about marijuana-related issues, including tips for quitting. The format of the program is also motivational interviewing, which gives students a safe place to examine what role marijuana plays in their lives, consequences, and personal desire for change.

Participation in BASICS and/or CASICS is open to any PennWest student, while those who have been cited by the University Conduct Officer or another PennWest employee for violations of the Student Code of Conduct involving the use of alcohol and other drugs are required to participate.

Students who express and/or demonstrate greater difficulty in coping with alcohol or other drug use/abuse may be referred to the PennWest Counseling Center to consult with a counselor. Completion of mental health counseling is voluntary and confidential. Please note: we may refer a student to an outside alcohol and other drug treatment agency as PennWest does not maintain a treatment facility.

*Note: If you seek voluntary treatment for possible chemical dependency, you will not be referred to the University Conduct System and will be welcomed back to the university community after completing treatment. [See Statement of Student Rights and Responsibilities: Student Code of Conduct.](#)*

*Note: If you assist a peer in obtaining treatment in the event, he/she demonstrates a threat or potential harm to their well-being as a result of overuse of alcohol or other drugs, you will not be penalized through the University conduct system. Do not forsake a peer's well-being in any such instance. Please refer to [Act 80 of the 2018](#) and [Act 139 of 2014](#), respectively.*

### **PENNSYLVANIA MEDICAL AMNESTY LAW**

Enacted in September 2011, the Medical Amnesty Law allows underage drinkers to call 911, police or another emergency service to get immediate medical attention for someone with a life-threatening, alcohol-related condition in exchange for legal amnesty; in other words, they won't face any alcohol-related legal charges. The caller must reasonably believe he or she was the first person to call for emergency services, provide his or her name and stay with the person in trouble until help arrives.

\* [Student Code of Conduct](#)

### **ATTENDANCE, CLASS**

Prior to the beginning of the semester, each student is required to confirm their attendance in each course through the student self-service portal.

Students are expected to attend each class meeting in its entirety. Faculty members shall maintain a record of classroom attendance throughout the semester, and the student is responsible for verifying their attendance when arriving late to class and/or justifying early departure. [Policy.](#)

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## B

### **BANKING SERVICES**

On-campus banking/financial services are offered to students, faculty and staff through the Pennsylvania State Employees Credit Union (PSECU). There is a PSECU Financial Education Center and ATM located in Student Center on each of the PennWest campuses.

### ***B.I.T. (Behavioral Intervention Team)***

The creation of the Behavioral Intervention Team (BIT) is a proactive way to coordinate and plan an appropriate approach to deal with the complexities often involved with threats and violence and working with students to address less threatening behaviors of concern. Key objectives of this team are to identify, assess, manage, and reduce potential threats to the University community and to educate faculty, staff and students about the dangers of interpersonal violence as well as to offer resources meant to increase personal wellbeing and assist in persisting as a student. If you are concerned about the odd behavior of an individual, file a BIT report through the campus specific links below. If there is an immediate potential threat or act of violence call University Police.

[PennWest California](#)

[PennWest Clarion](#)

[PennWest Edinboro](#)

### **BOOKSTORE**

The PennWest Student Bookstores, located on each campus, offer varied services to all students, faculty, and staff. A full line of merchandise is available at the bookstore and online including textbooks, school supplies, giftware, clothing, PennWest imprinted merchandise, and a variety of other items.

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### **CAMPUS RECREATION, DEPARTMENT OF**

The mission of the Department of Campus Recreation is to provide recreational facilities, programs, and developmental opportunities for the university community. The Department of Campus Recreation includes:

- Aquatics and Wet Areas (California/Edinboro Campuses):
  - California – Herron Hall Aquatics Area – 3 lane lap pool, steam room, hot tub.
  - Edinboro – McComb Field houses the aquatics area.
  - Hours vary by location.
- Climbing Walls
  - Indoor climbing walls located in each facility with trained staff, hours vary by location.
- eSports (California Campus)
  - California – located in the Natali Student Center, access granted with student ID card. Arena with gaming and computer systems available, no reservation needed.
- Extramurals
  - Extramural sports programming provides structured tournaments, contests, and meets between participants from different institutions. The champions from intramural events are the teams or individuals competing in these programs.
- Group Fitness & Wellness
  - Group fitness classes and time vary by location.
  - Wellness is dedicated to educating, motivating, and empowering members of the PennWest community to make healthy lifestyle choices that improve their overall quality of life. Over the course of the year, members will have the option to participate in monthly wellness events as well as subscribe to our weekly newsletter.
- Informal Recreation
  - Cardio and weight rooms are provided in each facility for members to use at their own pace.
- Intramurals
  - Provide members with a flexible, yet structured, environment in which to participate in a variety of athletic-type activities. The program is operated in league format with various divisions including men's, women's, open, and co-recreational teams. Individuals and teams must register to participate through IM Leagues on each campus. The program is open to all students, faculty, and staff.
  - Opportunities range from basketball (3v3 & 5v5), board games, fantasy football, flag football, soccer, softball and MORE.
- Outdoor Recreation
  - Designed to provide opportunities for participants to explore a variety of outdoor activities in a safe and engaging environment. All activities give participants a chance to step outside their comfort zone while providing a shared experience that will bond them and their peers.
  - Activities take place both on and off campus in a number of different settings that allow participants to continue developing an active and healthy lifestyle.

- Outdoor Ropes Courses (Clarion and Edinboro campuses)
  - Both courses are located adjacent to campus.
  - Clarion – low ropes course.
  - Edinboro – high and low ropes courses, operated by CORE (Campus Outdoor Recreation Experience).
- Sports Clubs
  - Provide students the opportunity for personal growth and development through competitive sports interaction amongst intercollegiate competition.
  - Provide a well-rounded educational experience through physical, social, and leadership development.
  - The mission is to enhance each club and provide the best available resources, and to promote each participant not only as a student, but a student-athlete inside and outside the educational classroom and on the playing field.
  - It should be emphasized that the program is operated for and by the students; each club is student initiated and sustained. Each club has a University advisor, and some have coaches as available and/or required.

### **CANCELLATION/CLOSURE**

See Delays.

### **CATALOG**

The University’s Academic Catalogs include detailed descriptions of programs, course offerings, accreditations and academic policies. Both the Undergraduate and Graduate catalogs may be viewed online at <https://www.pennwest.edu/academics/academic-catalog>. Students are free to print out relevant portions of the catalog as needed using the Print/Download Page function on every catalog page.

### **CENTER FOR CAREER AND PROFESSIONAL DEVELOPMENT**

The center assists students in gaining a Professional Advantage and making connections for post-graduate success. Each student has a dedicated staff member, a Career Coach, who can help you...

- Explore majors and careers.
- Find on-campus/part-time jobs and job shadowing experiences.
- Learn internship and job search strategies.
- Develop resumes and cover letters.
- Prepare for interviews, job fairs or networking events.
- Research and apply to graduate schools.

The Center for Career and Professional Development also maintains online job and internship postings, arranges on-campus interviews and recruiting with employers, offers in-person and virtual job-fairs and networking events, and conducts workshops and presentations for classes and clubs.

### **CENTER FOR DIVERSITY, EQUITY AND INCLUSION**

Each campus offers spaces, under the direction of the Division of Diversity, Equity and Inclusion. These spaces and their employees serve as resources for several of PennWest's cultural-related student organizations (Exp. African Student Association (ASA), Black Student Union (BSU), Latino Student Organization (LSO), LGBTQA+ Program Office, and National Pan-Hellenic Council, Inc (NPHC) fraternities and sororities). Through these spaces, employees and student leaders provide programs, resources, learning and leadership opportunities that recognize and celebrate social and cultural diversity in support of the university's mission to enhance the educational, personal, cultural and social development of our students.

### **CLEP (College Level Examination Program)**

The University offers the opportunity to earn undergraduate credit through the College-Level Examination Program (CLEP).

- The CLEP Program is comprised of General and Subject Examinations. The General Examinations are a series of tests in four separate areas: English Composition, Natural Sciences, Mathematics, Humanities, and Social Sciences/History.
- The Subject Examinations comprehensively test a single subject, such as General Psychology, Microeconomics, etc. A student who passes one of these examinations is awarded credit for a comparable course at the university.
- The CLEP Program is administered by the Tutoring and Testing Office. A maximum of thirty (30) credits can be earned through CLEP. Reach out to the office for information on the fees associated with CLEP testing.

### **COMMUTER SERVICES**

A member of the student affairs staff serves as an advocate for the needs of commuter students. Their efforts focus on helping commuter students navigate campus and make connections, assisting with public transit questions and issues, and working to build a commuter student organization.

### **COMPUTER LABS**

Both PC (Windows) and Apple (mac OS) computers offering access to the Internet, e-mail accounts, and desktop publishing facilities can be found in various campus locations. Open availability cannot be guaranteed. Check your campus labs for hours of operation.

### **COOPERATIVE EDUCATION (Co-op)**

Co-op is a program where students gain paid career-related experience. Co-op is coordinated through the Center for Career & Professional Development and is open to all majors. To be eligible for Co-op, students must complete twenty-nine credits (6 credits for Master's degree students) and maintain a 2.0 G.P.A. (3.0 for Master's degree students.) Co-op students may be employed part-time or full-time and can work during the fall, spring, or summer semesters. Co-op is a non-credit-bearing program, but students receive recognition on their academic transcript. There is no fee to participate in the Co-op program. Search for co-op positions on Handshake – [www.pennwest.joinhandshake.com](http://www.pennwest.joinhandshake.com)

### **COUNCIL OF TRUSTEES**

Commonwealth legislative action requires that three (3) members of the University's Council of Trustees, one (1) representing PennWest California, one (1) representing PennWest Clarion and one (1) representing PennWest Edinboro, be chosen from the student body, as per the selection process determined by the Board of Governors. An announcement and position description are made public when the imminent graduation of the current student trustee opens the position.

### **COUNSELING CENTER**

The centers are available for students seeking confidential counseling for personal as well as interpersonal difficulties. Services are free of charge to PennWest enrolled students. The Center provides the following services to students: consultation, evaluation, brief therapy sessions, and crisis intervention. Students requiring specialized care that is not provided at the Center will be referred to appropriate professionals on and off campus. All counselors working in the Counseling Center adhere to federal and state ethical and legal standards and laws concerning confidentiality.

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## D

### ***DELAYS/CANCELLATIONS/CLOSURES***

During inclement weather events including extreme cold, wind chill, ice and snow conditions, designated campus personnel will continuously monitor local conditions, National Weather Service precipitation and temperature forecasts, and local and regional weather advisories. The University will make every effort to clear snow from the campus in order to open for dining, classes and on-campus events.

All changes to the University's operating schedule will be announced via campus emergency notification system, recorded on the campus information line, and posted on each campus home page. The University will make every effort to ensure these decisions occur in a timely manner.

Please note: Winter weather varies by campus due to their geographic locations. Please dress appropriately for the weather that you will encounter, including wearing the proper footwear and avoid slippery conditions that have not been treated.

The University will remain open, classes will be held, and services will be provided during periods of severe winter weather. Only on those rare occasions when it is impossible to reasonably accommodate students and others due to weather-related conditions on campus will consideration be given to adjusting class schedules and/or employee work shifts or authorizing a partial- or full-day closing. Check the PennWest website and local media for information pertaining to delays or cancellations.

### ***DINING SERVICES***

The goal of University Dining Services is to provide a quality, cost effective, innovative dining program for students living on and off campus. The university encourages student involvement and awareness to help provide quality, nutritious meals at a reasonable cost. Dining locations provide an important environment for student interaction and socialization. Students living in the residence hall, as well as commuters, may choose from a variety of meal plans. All students who live in a university residence hall must participate in the meal plan program.

### ***DISABILITIES: OFFICE FOR STUDENTS WITH DISABILITIES (OSD)***

Services for students with disabilities are provided through the Office for Students with Disabilities (OSD). Students must request accommodations through OSD and should make the request for accommodations as soon as possible. The decision regarding appropriateness of the requested accommodation rests with the service provider office and must be supported by the student's documentation on file with OSD.

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## E

### E-MAIL

Student e-mail accounts are generated by the PennWest ITS department for all active PennWest students. Access to your email is easily attainable through the [my.PennWest](https://my.pennwest.edu) portal. Your PennWest email is the official form of communication and needs to be checked daily. More information about your email account is available at <https://itservices.pennwest.edu/>

### EMERGENCY PROCEDURES

Please refer to your applicable campus below for a link to their emergency procedures.

- [PennWest – California](#)
- [PennWest – Clarion](#)
- [PennWest – Edinboro](#)

### EQUAL OPPORTUNITY

A copy of the policy is available from the Office of Equity and Title IX and is also available on the <https://www.pennwest.edu/title-ix>.

### EQUITY AND TITLE IX OFFICE

The Office of Equity and Title IX under the Office of Diversity, Equity and Inclusion (DEI) supports the University's goal of creating and maintaining a learning environment in which the rights of all are respected. This office encourages the entire University to become personally involved in enriching the campus through support of enhanced social justice and diversity. The Office of Equity and Title IX reaffirms the University's commitment to social justice and diversity through the promotion of understanding, tolerance and respect for others, and ensures that the University community understands and complies with federal and state laws and PennWest policies with respect to equal opportunity, ADA and Title IX.

#### *Services*

The Office of Equity and Title IX helps students and employees resolve concerns and complaints regarding harassment, discrimination and disability. The Office of Equity and Title IX strives to help any student, faculty member or employee who needs information or assistance or has a concern about Equal Opportunity, ADA, Title IX or Sexual Harassment policies.

*The Office of Equity and Title IX support services are provided in the following areas in compliance with state and federal laws:*

Equal Opportunity, Diversity, Compliance and Equity

- The Executive Director of Equity and Title IX and the Associate Director of Equity and Title IX strives to enhance diversity in the University community through working with diversity committees/groups, special projects, trainings, etc.

- Discrimination Complaints - The responsibility for investigating complaints is vested in the Office of Equity and Title IX under the direction of the Executive Director who is also the Title IX Coordinator. The Complaint Form is available [here](#). Complete information regarding policies, procedures, and the informal and formal complaint processes can be found in both the *Sexual Policy and Procedures*, the *Non-Discrimination Policy and Procedures*, and the *Harassment, Intimidation and Bullying Policy*.
- DEI and Title IX Online Training Programs Pennsylvania's State System of Higher Education mandates that all universities conduct sexual harassment awareness training with new students. Additionally, the University is committed to providing an environment free from discrimination on the basis of sex. Title IX of the Education Amendments of 1972 protects persons from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. PennWest provides many resources to administration, faculty and staff, as well as students, to address concerns relating to discrimination on the basis of sex, which includes sexual misconduct, stalking and dating/domestic violence. To this end, PennWest also offers through the Office of Equity and Title IX an online training program(s) regarding Title IX legislation. In addition to the Title IX online training program, the Office of Equity and Title IX is requiring that all personnel (administration, faculty and staff) and all students complete the DEI and Title IX required online training courses annually.
- Office of Equity and Title IX Policies can be found here: <https://www.pennwest.edu/title-ix>

### **EVALUATIONS OF FACULTY**

The APSCUF contract mandates periodic student evaluation of faculty. The college deans are responsible for this process and may be contacted for specific information.

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### **GLOBAL EDUCATION OFFICE**

PennWest welcomes international students from many countries each academic year. International students provide cultural diversity and bring a new perspective to the institution and the surrounding community. A dedicated staff works to meet the needs of enrolled students and to provide each with a sense of belonging. In addition, the Global Education Office strives to provide opportunities for the international student to experience not only American culture, but other cultures represented on campus as well.

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### HANDSHAKE

Handshake is PennWest's online career management system and can be accessed at [pennwest.joinhandshake.com](https://pennwest.joinhandshake.com). Students can use Handshake to:

- View and apply for on-campus student employment/work-study positions.
- Find and apply for internships and jobs.
- Learn about and attend events and career fairs.
- Schedule an appointment with your Career Coach.

Students can look for on campus employment positions using Handshake in 3 easy steps.

- Go to [pennwest.joinhandshake.com](https://pennwest.joinhandshake.com) or download the Handshake Jobs & Careers app and log in with your PennWest email.
- Select "Jobs" then filter by clicking "On-Campus".
- View and apply to available jobs.

### HAZING

PennWest adheres to local, state, and federal guidelines in all hazing matters. Its position on hazing is consistent with state prohibition on hazing activities, which prohibits all forms of hazing. Any infraction of local, state, or federal guidelines reported to an advisor or to the Office of Student Affairs will be dealt with accordingly. Safe harbor reporting may provide limited immunity to protect individuals involved in hazing incidents if they seek assistance for someone in need of help due to hazing. PennWest recognizes the dignity of every individual and has expressed strong opposition to all forms of hazing.

### HEALTH INSURANCE, UNIVERSITY

Part of the mission at PennWest is to involve students in a process of self-directed, lifelong learning which will free them to think clearly and creatively. Good health and access to adequate medical care is an essential component of a student's academic success and is essential for the continuance of the lifelong learning process. Although the University Health Center offers a variety of free health care services, it is unable to offer comprehensive health care particularly pertaining to trauma and chronic or severe illnesses, as well as certain diagnostic testing or specialist services. It is recommended that all students have medical insurance while in attendance at PennWest. *Please note: Insurance coverage is MANDATORY for NCAA Student Athletes and F-1 Visa International Students.*

### HOMECOMING

Homecoming is a special time at all PennWest campuses. It is a chance for students to meet alumni and enjoy a special week of activities, events, and sharing. The Homecoming Day activities include a parade, football game, halftime crowning ceremonies for the royal court and other surprises. To keep up to date

on all campus events, including special Homecoming activities, be sure to download the Corq app).

[PennWest California](#)

[PennWest Clarion](#)

[PennWest Edinboro](#)

### ***HOUSING (ON CAMPUS)***

Students should refer to the campus of choice for all options of housing.

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[PennWest Clarion](#)

[PennWest Edinboro](#)

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### **IDENTIFICATION CARD**

The PennWest Identification Card (ID Card) is available to all PennWest students, faculty, and staff. The PennWest ID card is a convenient way to make purchases and use services on-campus. The ID Card comes ready to use, pre-programmed with the following basic services, and then enhanced based on your needs.

- *Access* - Students who reside on campus use their ID Card to access their residence halls.
- *Entertainment\**- Students receive free admission to most entertainment events.
- *Fitness Center\** - Students receive unlimited access to the Fitness Center.
- *Library* - The ID Card is used to check out materials.
- *Meal Plans\**- If a student has purchased a meal plan, the meal plan and associated dine dollars (which can be used to make purchases at any dining location on-campus) will be posted to their ID card.
- *Tickets\** - Students receive free admission to most home, regular-season intercollegiate sporting events.

*\*Availability of services dependent on associated fee payment*

### **INCIDENT REPORTING**

Immediately report incidents resulting in injury, illness, exposure, property damage, or death to Campus Police. Campus Police will collect the required information to properly document the incident and share this information with Safety & Risk Management to correct hazards, to reduce the risk of future incidents, and to gather information for property and liability claims.

Please note: The University does not insure student belongings and students are encouraged to obtain renter's insurance. Also, students are required to provide their own health insurance.

### **INFORMATION DESK**

Information Desks located within the student centers, gladly assist individuals or groups with questions about events happening in the Student Center and around campus.

### **INFORMATION TECHNOLOGY SERVICES HELP DESK**

PennWest's Information Technology Services office assists students, faculty, and staff with the University's network and other technical services. Campus personal computing network support is limited to assistance with accessing the PennWest network, login support, and virus issues. ITS cannot assist with repairs or non-University run software.

Minimum system requirements:

These are the required minimums for using campus resources. Anything below these suggestions may not work as expected.

- Wired or wireless internet card, 10 Mbps minimum speed.
- Windows 10 or MAC OS 10.15 or later. Once an operating system reaches end of life, it is no longer usable on campus.
- 8 GB of Random-Access Memory (RAM) minimum. 16GB RAM recommended.
- 256 GB of storage

### ***IT FOR LIVING ON CAMPUS***

All residence hall rooms have at least one Ethernet connection per student. Devices such as modems, switches, and routers are against the Acceptable Use Policy and will not work on campus. This service is provided at no additional cost. Students should bring an Ethernet (recommended CAT 5 or better) network cable with them if they plan to use wired connections. Ethernet is more stable than Wi-Fi and may provide a better experience.

Windows updates and approved antivirus software with up-to-date definitions are required when connecting to the network. Before coming on to campus, it is recommended that operating system updates are run.

Users are responsible for having legal copies of all software and drivers. ITS cannot provide copies of operating systems or drivers so students should have these, if they are required.

### ***Bring Your Own Device (BYOD) – Will my device work on campus?***

PennWest values the experience of our students, faculty, and staff and puts forth great effort to support devices used for academic purposes. However, there are thousands of devices, with many

being designed to work in simple home environments. Some of these devices use protocols and configurations that will not work in a corporate or college environment. Also, Security is a major factor in which devices we can support.

Supported Devices:

- PC's/Laptops running current operating systems.
- Mac Computers running current operating systems.
- Tablet/iPad
- Phones
- TV/Smart TV
- Game Consoles

As new devices are being manufactured frequently, any device deemed to be a security risk, not compatible with the network, or requiring configuration changes may be rejected.

Partially Supported Devices (depending on configuration):



- Video Streaming/Smart Personal Assistant Devices - In general, devices such as Chromecasts, Google Home, Apple Airplay, etc that are managed from a phone/app do not work in our environment. (In general, the devices work, but the control of the devices from a phone/app doesn't work.) It is recommended to use them with a remote control instead of a phone/app.
- Amazon Alexa

#### Not Supported Devices:

- Network/Wireless Printers - We recommend using a USB Cable to directly connect.
- Network Cameras/Recording Devices/Doorbell Cameras, etc.
- Smart plugs/Smart Home Devices such as lighting, thermostats, etc.
- Smart Appliances
- Servers that host content.
- VOIP Phones/Fax Machines
- 3rd party VPN services including those used for external employment
- Wireless Routers/Routers/Switches/Access points

This list is not extensive - Any devices not listed under Supported or Partially Supported should be considered Not Supported and ITS cannot assist you with configuration or troubleshooting.

#### Security of BYOD:

- You are responsible for securing your devices including patching, changing passwords, using strong passwords, running antivirus software, and following general security best practices.

#### INFORMATION SECURITY

- We care about the safety and security of our student body which is why Information Technology Services requires such tools as two factor authentication, verification of identity, and VPN usage. Accounts are secured with Multifactor/Two Factor Authentication.
- This requires a secondary device such as a smart phone or fob to ensure that it is the intended person logging in to the account. For questions about multifactor authentication, please visit <https://itservices.pennwest.edu/>.

#### SECURITY AWARENESS

- Security Awareness Training educates students about Internet and Computer safety. Many times, being able to recognize a scam or phishing attempt is the only way to stop it. Students are provided training through D2L, reminder announcements, and social media campaigns.
- Phishing Emails Phishing is a cybercrime in which a target or targets are contacted by email, telephone or text message by someone posing as a legitimate institution to lure individuals into providing sensitive data such as personally identifiable information, banking and credit card

details, and passwords. The information is then used to access important accounts and can result in identity theft and financial loss.

- Reporting Phishing -Any questions about suspicious content can be sent to ITS and an experienced technician can evaluate and respond to threats if necessary. Suspected phishing messages can be reported by attaching a copy of the original message to a new message and sending to [abuse@pennwest.edu](mailto:abuse@pennwest.edu). Phishing can also be reported in various email clients such as Outlook or Office 365 by using the Report Phishing feature. (This is the preferred method.)

## **INTERNSHIPS**

An internship is an experience where a student works for an organization in a position related to their major. The experience is intended to provide an opportunity for the student to learn more about their profession, sharpen the skills learned in the classroom, and broaden their exposure to the discipline. Internships can be for-credit or not-for-credit. For-credit internships will generally be assigned a grade and are recognized on the student's transcript with a number of credits relative to the number of hours engaged in during the experience. For more information, please contact your advisor or the Center for Career & Professional Development.

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## **LIBRARY**

Each campus has a physical library that is committed to providing the resources needed to support the research needs of PennWest students. This includes a substantial collection of peer-reviewed journals, books (including e- books), online research databases and audiovisual materials. In addition to our collections, the library provides both individual and collaborative study areas, including private rooms for group use. To help reduce the stress of studying, the library has vending machines with drinks and snacks, a collection of popular DVDs, a graphic novel collection and a selection of popular reading books.

- **Electronic Resources:** Online information retrieval has made library research more thorough and more efficient. Using the library's research databases and online catalog, students can quickly locate and access an impressive collection of scholarly journals, magazines, books, e-books, newspapers and audiovisual materials. All of the library's electronic resources are accessible from on- and off-campus locations, so students can research anywhere they have Internet access.
- **Research Services and Library Instruction:** With so many research options available, it can be daunting to know how to search effectively. Help with this process is available to students from the research librarians. Students are encouraged to contact the librarians through scheduled personal appointments, in the library or by telephone, email, chat, text or a Zoom online meeting. PennWest librarians are faculty members and work with classroom professors to provide instruction sessions to students regarding the effective use of library resources in their coursework.
- **Shared Library Resources and Interlibrary Loan:** Beyond our own collections, PennWest participates in several resource-sharing programs that offer students a wealth of additional resources. When any campus Library does not have the book a student needs, the online E-ZBorrow system allows students to request books from scores of academic libraries in Pennsylvania, West Virginia, New Jersey and New York. This system is both fast and free. If the book cannot be obtained from an E-ZBorrow library, or if a student needs an article that is not available in the library's journal resources, these can be requested from other libraries through our Interlibrary Loan Office.

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### **MEDICAL ABSENCES**

It is the student's responsibility to provide to the instructor, in advance when possible, documentation for all excused absences. Faculty will accept medical excuses for missed class as valid if from a medical or psychological professional. When in doubt, the faculty member should consult with the Office of the Provost and/or Office for Students with Disabilities.

### **MILITARY & VETERANS SUCCESS CENTER**

All Active-Duty Service-members, Veterans, Reservists, National Guard personnel and eligible dependents who are eligible for VA education benefits should contact their campus office at an early date so that the necessary VA paperwork can be processed and to assure prompt payments of educational benefits. Please refer to the Military & Veterans Success Office on your campus for location and hours of operation. Undergraduate Military & Veteran students are also advised to take advantage of the university's program to award college credits for military service schools & experience. For more information regarding this, contact your campus ROTC Office.

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**NONDISCRIMINATION STATEMENT**

PennWest prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act and ADA Amendments Act, the Equal Pay Act, and the Pennsylvania Human Relations Act.

Direct discrimination/sexual harassment, equal opportunity, and Title IX inquiries, reports, or complaints to the Office of Equity and Title IX:

<u><b>Edinboro Campus</b></u>	<u><b>Clarion Campus</b></u>	<u><b>California Campus</b></u>
Andrew Matt <a href="mailto:amatt@pennwest.edu">amatt@pennwest.edu</a> 213 Reeder Hall	Amy Salsgiver <a href="mailto:asalsgiver@pennwest.edu">asalsgiver@pennwest.edu</a> 423 Becht Hall	Sheleta Camarda-Webb <a href="mailto:camardawebb@pennwest.edu">camardawebb@pennwest.edu</a> 426 Dixon Hall

Direct ADA Inquiries regarding services or facilities or the ADA/504 Compliance Officer or Office of Student Affairs:

<u><b>Edinboro Campus</b></u>	<u><b>Clarion Campus</b></u>	<u><b>California Campus</b></u>
Crawford Center First Floor 814-732-2462	109 Becht Hall 814-393-1877	Carter Hall Room G-35 814-938-5781

Student Employees that may need a physical accommodation for their student employment assignment should contact the Human Resources Office:

<u><b>Edinboro Campus</b></u>	<u><b>Clarion Campus</b></u>	<u><b>California Campus</b></u>
Reeder Hall Second Floor	Carrier Hall B-25	Dixon Hall 408

814-732-2703	814-393-2492	814-938-4427
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### **PANTRIES, PENNWEST**

The PennWest Pantries are located on each campus. The PennWest Pantries connects students to information, services, and resources both on and off campus while providing FREE items such as food, school supplies, personal hygiene items, and more to our students.

### **PARKING**

The PennWest University Police Department manages all parking for each physical campus. All students, faculty, and staff are required to apply for parking permits. Guests are required to apply for a temporary permit at the Police Stations. Each campus will provide a map of parking by permit. Each student, faculty, staff and guest should review all parking regulations on the PennWest website.

Parking on each PennWest University campus is enforced as determined by the parking regulations for that campus. To avoid citations please follow the rules, and properly display your permit at all times while on campus. As a reminder, manipulation or using a fraudulent and / or expired permit will result in citations and the vehicle being booted and can result in parking privileges being revoked.

CITATIONS- If you receive a citation, you can pay your citation in accordance with campus procedures. If you wish to appeal your citation you may do so in accordance with campus procedures. Detailed directions on how to appeal your citation can be found on the back of the citation. Please note all citations have pictures associated with them.

### **PEER MENTORING PROGRAM**

The peer mentoring program is designed to help new on-campus undergraduate students with their transition into PennWest. The peer mentoring program assigns first semester first-year students and transfer students to upper-level volunteer peer mentors, usually in the same major. The peer mentor serves as a support and resource person who provides information, encouragement, and guidance during the student's first year at PennWest. For the 2022-2023 academic year, the Peer Mentoring program will only be offered at California. The program will expand to Clarion and Edinboro during the 2023-2024 academic year.

### **PRIOR LEARNING ASSESSMENT**

Prior Learning Assessment (PLA) allows current, scheduled students to receive academic credit for learning acquired through qualifying life experiences when they meet the goals of a particular PennWest course. Qualifying experiences may include work, military training, personal educational growth,

volunteer work and independent certifications. Credit is awarded when a student is able to demonstrate, through faculty evaluation, transferable learning or knowledge that can be applied to new or different situations. PLA submissions and evaluations will only be reviewed during the Spring and Fall semesters while faculty is on campus. Prior Learning Assessment credits are not eligible for tuition remission, and they are not covered by financial aid. Refer to your tutoring and testing office for costs associated with PLA.

### ***PROPERTY INSURANCE***

Student possessions are not insured by University Housing. The University cannot replace any property loss due to theft, fire, water, etc. Therefore, the student whose family does not have a homeowner's insurance policy with a student provision may wish to purchase a policy that offers this protection.

### ***PUBLIC TRANSPORTATION***

For each physical campus, please click on the links below to determine the service provider and routes available to students, faculty and staff:

- [PennWest California](#)
- [PennWest Clarion](#)
- [PennWest Edinboro](#)

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### **RECREATION CENTERS**

Recreation centers are located on each campus and are accessible to all students with their student ID card who pay the campus recreation fee (California/Clarion) and Pogue Student Center Fee (Edinboro). Memberships are available to current students, faculty, staff, alumni and Emergency First Responders. Guest passes are available for non-members if they are accompanied by a current member.

Locations:

California – Herron Hall

Clarion – Campus Recreation Center

Edinboro – Pogue Student Center

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### **SCHOLARSHIPS**

Many scholarships are available to PennWest students. It is most important to remember that each scholarship program has requirements, which must be met by all applicants. It is wise for those interested in scholarship programs to inquire within their academic department and with the Financial Aid Office to discover potential opportunities and to receive information about scholarship requirements. Students are encouraged to check announcements and their PennWest email account for potential scholarship opportunities.

**SEXUAL ASSAULT PROTOCOL** See [APPENDIX A](#).

### **SEXUAL HARASSMENT**

PennWest is committed to providing a harassment-free atmosphere for all members of the University community. The University is committed to the human rights and dignity of all individuals; therefore, it is the policy of the University to prevent and eliminate sexual harassment within the University community. In addition, it is the policy of the University that any practice or behavior that constitutes sexual harassment is unacceptable and will not be tolerated. The Office of Equity and Title IX has an established process to investigate and address any complaints of sexual harassment. See ‘policies’ section for more information.

Sexual misconduct definitions include:

#### *SEXUAL MISCONDUCT DEFINITIONS*

1. **Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

2. **Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania’s domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

3. **Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.
4. **Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:
  - A. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
  - B. **Sexual Contact Without Consent** - Knowingly touching or fondling a person’s genitals, breasts, buttocks, or anus, or knowingly touching a person with one’s own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.
  - C. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot

consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute<sup>1</sup>.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

5. **Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:
  - A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
  - B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
  - C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
  - D. Prostituting another individual;
  - E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; or
  - F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
  
6. **Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.
  
7. **Regulatory Quid Pro Quo Sexual Harassment** - An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.
  
8. **Non-Regulatory Quid Pro Quo Sexual Harassment** - An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.
  
9. **Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

10. **Non-Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.
11. **Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- A. fear for their safety or the safety of others; or
  - B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

### **SMOKING REGULATIONS**

The Pennsylvania Clean Indoor Air Act prohibits smoking in public buildings. Therefore, all campus buildings, including residence halls, are smoke-free buildings. Smoking is not permitted indoors. -Electronic smoking devices such as e-cigarettes and similar devices are also prohibited from being used in all campus buildings, including residence halls. Outdoor smoking is allowed.

### **STARFISH**

Starfish is PennWest's online software tool that provides you with a central location to connect to the people and services that can help you stay on your path to success. Access PennWest's Starfish system via the PennWest Information Portal and click the Starfish link. Starfish will automatically provide you with connections to your current instructors, advisors, and campus services. Have a question? Use the Raise Your Hand feature in Starfish and ask for help. The mobile-friendly tool can help us support you

when you need it and make it easy for you to find the right people and services to help you finish what you start.

## STUDENT ACCOUNTS

California Campus: Dixon Hall, First Floor Telephone: (724) 938-4431

Clarion Campus: Becht Hall, First Floor Telephone: (814) 393-1071

Edinboro Campus: Hamilton Hall, First Floor Telephone: (814) 732-3502

Email Address: [studentaccounts@pennwest.edu](mailto:studentaccounts@pennwest.edu)

Website: [www.pennwest.edu](http://www.pennwest.edu)

**CURRENT COSTS OF ENROLLMENT** Students should refer to the PennWest University website at: <http://www.pennwest.edu> and choose the campus you are attending for current costs of enrollment and detailed billing and payment information.

**STUDENT INVOICES** Student invoices (bills) are not mailed to students. Students can view and print their electronic invoices (bills) via the Student Accounts Portal <https://my.pennwest.edu> approximately 30 days prior to the start of the fall and spring semester. Billing for summer and winter semesters is typically 15 days prior to the start of classes. Students are billed each term (i.e. summer, fall, winter and spring) and payment is expected by the Friday before classes begin each semester.

**MONTHLY PAYMENT PLAN** During a regular semester, the monthly payment can be divided into 5, 4, or 3 payments of the total charges for the semester, minus any financial aid. A non-refundable payment plan fee of \$40 per semester will be charged to your student account. The budget amount includes tuition, fees, room and board for the current semester. If financial aid is awarded after the payment plan has been set up, you must continue to make regular payments until the aid is applied and the balance is paid in full. Your budget will adjust accordingly for payment received on your account. The payments are due by the 10th of each month. Once registered for the payment plan, installment reminders will be sent to the student's email and to authorized users monthly; no paper statements will be generated. Register for the Payment Plan online: Students- Visit the [MyPennWest Portal](#), click on Student Account Portal and then click the "Enroll in Payment Plan" button. Then select "term". You can now select the plan you would like to utilize.

**Authorized Users** - Parents and guests must first be authorized by students to use the above-mentioned online payment plan options. Students can complete this authorization online via their [MyPennWest](#) account in their Student Accounts Portal located on the Student "Quick Links" tile. Select the "Authorized Users" on the right side of the page. Complete all of the steps on the "Add Authorized User" screens. After you enter the "user's" information, the "authorized user" will receive emails with the access codes and directions for logging in to the PennWest University Authorized Payment Processor" system where they can make a payment to your student account & view account details with your discretion. Make sure you select the authorization you wish to grant the "User".

**PennWest University Book Voucher** The book voucher fund is an interest-free fund that students may utilize for educational books and supplies purchased at the University bookstore at each campus.

Students must have excess financial aid to cover the cost of the books and be enrolled in a degree seeking program at least half-time (6 credits). Students must be in good standing with the university. Voucher amount may vary but are typically restricted to no more than \$500. Book vouchers are typically available two weeks before classes begin with the exception of winter intersession, the book voucher program is not available for winter. If the student withdraws or has changes in their financial aid package, the student is responsible for paying the book voucher back to the university. If the voucher is not paid in a timely manner, a registration hold will be placed on the student's account until the balance is paid.

### **STUDENT ACTIVITY FEE**

Every Pennsylvania State System of Higher Education university charges a Student Activity Fee to support co and extra-curricular activities on campus. The administration of the Student Activity Fee resides with the Student Association, Incorporated (SAI). The SAI is a nonprofit corporation that supports the mission, goals, and objectives of the University and exists solely for the benefit of the University and its students. In conjunction with the President of the University, the student lead board of directors of the SAI annually sets the amount of the activity fee and, through the budget process, works with the Student Government Association to allocate fees to recognized clubs and organizations to fund activities, programs and operations. Students are charged a Student Activity Fee on a per credit basis each semester.

### **STUDENT AFFAIRS**

Inherent in the university's mission is a commitment to the total development of all students. Student Affairs, under the direction of the Senior Vice President for Student Affairs & Institutional Effectiveness, is administratively responsible for implementing this commitment. The central focus of the program is personalization of the university experience, with concern for personal, social, and physical development as well as individual intellectual development. Opportunities for work-study jobs, graduate assistantships, internships, and volunteer work assignments are available for qualified students. Check with the various Student Affairs offices or departments to inquire about openings.

### **STUDENT AMBASSADORS/TOUR GUIDES**

Serving as representatives for PennWest and the student body, the Ambassadors assist with marketing and recruitment efforts and are involved with outreach to prospective students and guests. Ambassadors have the opportunity to interact with the PennWest president and engage with their classmates, promoting leadership and involvement within the campus community.

### **STUDENT COMPLAINT PROCESS**

The Office of Student Affairs is available to students who need information, general assistance, or encounter difficulties with processes, procedures, or people on campus. Established means of dealing with such concerns are used and explained as part of the report filing process. The Office of Student

Affairs monitors the concern(s) and directs the reports to the appropriate office on campus to assist in resolution.

For information on how to file a report, click [here](#).

### **STUDENT CONDUCT SYSTEM**

The Office of Student Conduct is part of Student Affairs through the Dean of Students area and is responsible for taking and investigating reports of possible violations of the university code of conduct, conducting preliminary interviews with students charged with violating university regulations occurring on or off campus, determining responsibility for violations, providing remedies to victims, imposing educational sanctions, maintaining disciplinary records, and serving as a resource for faculty, staff, and students for disciplinary matters. Student Conduct also offers alternative conflict resolution options such as mediation, restorative justice practices, and conflict coaching that can be used to resolve some issues outside the normal disciplinary system.

### **STUDENT EMPLOYMENT**

Students who need help to cover university expenses may be eligible for employment through Federal, State and Institutional Work-Study programs. Student hours will range between 8 and 20 during the academic year. Students seeking employment may refer to *Handshake*.

During the summer sessions, employment opportunities are available to qualified students. Students interested in employment for the academic year/summer must complete a Free Application for Federal Student Aid (FAFSA) form online at [www.studentaid.gov](http://www.studentaid.gov). Further information may be obtained on the [PennWest Web site](#).

### **STUDENT ENGAGEMENT, OFFICE OF**

Student Engagement assists with a variety campus events and programs. The staff works with many different student organizations, including the programming boards, to bring concerts, comedy shows, novelty events, and speakers to campus. Students are encouraged to participate in these activities and to get involved with those organizations so they can have a voice in what happens on campus.

### **STUDENT GOVERNMENT ASSOCIATION (SGA)**

PennWest SGA is the official student governing body. Representing the entire student body, SGA is made up campus-based Student Senates that provide the students' voice in the governance of the institution, serve a forum for student concerns, recognize student organizations, assist in making Student Activity Fee budget decisions to help fund programs and activities that enrich campus life, and create opportunities for students to exercise and develop leadership skills.



### ***STUDENT HEALTH SERVICES***

Health Services provides the highest-quality episodic patient care paying special attention to the needs of college students. Additionally, supports and enhances education, and increases retention by modifying or removing health-related barriers to learning, and by promoting optimal wellness.

Health Services provides quality health care for students and urgent care for all members of the campus community. Healthcare professionals at the center can direct students to other healthcare providers, when necessary, work with special populations to address their specific needs, and develop and deliver health and wellness education programs.

### ***STUDENT SUCCESS AND OUTREACH OFFICE***

The Mission of the Office of Academic Success is to foster and support students in all phases of their academic endeavors by providing comprehensive programs, resources, and assistance. This is achieved through such initiatives as Placement Testing, Starfish, Peer Mentoring, Academic Support Programs, and Mid-Term Grade and Progress Reports.

### ***STUDY ABROAD/GLOBAL EDUCATION OFFICE***

PennWest invites you to consider a study, internship or volunteer abroad experience as part of YOUR PennWest education. Our students have participated in programs in locations throughout the world. Options exist for one- to two-week programs, several weeks in the summer, or a traditional full semester abroad. The International Education Services Center works with PennWest students to find the right program in terms of academics, budget and personal interests.

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**TRANSFER CREDIT POLICY**

Click [here](#).

**TUTORING AND TESTING OFFICE**

At PennWest, student success is a top priority. Ensuring that students are scheduled in classes of sufficient, but not excessive, challenge is key to academic success. First-year and some transfer students, depending on their SAT and/or ACT scores or transfer credits, are required to take placement tests at PennWest to determine their level of ability in mathematics and writing. The Tutoring and Testing Office serves to coordinate placement testing for developmental courses. Students who do not achieve predetermined scores on these tests must enroll in appropriate developmental courses. These courses are described in the University Catalog. Because these developmental courses are preparatory to a university academic experience, the credits awarded do not count toward the fulfillment of the number of credits for graduation, nor may they be used in fulfillment of General Education requirements. However, the grades achieved in these courses are used in establishing a student's grade point average, class standing, eligibility for financial aid, and eligibility for participation in co-curricular activities. Moreover, students who do well in preparatory courses also do well in college-level classes.

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### ***UNIVERSITY CONDUCT BOARD***

The board is composed of students, faculty, and staff members and provides a formal resolution means for alleged violations of university rules and regulations. The Student Conduct Office advises the board and supervises its operation and training, including acting as chair for meetings or appointing a designee if appropriate.

### ***UNIVERSITY DISCIPLINARY AUTHORITY***

PennWest has authority under Pennsylvania state law to establish, enforce and maintain rules and regulations for its students in an effort to develop an appropriate educational environment. The university has the right to address behavior that is deemed damaging, disrupting or unsafe for members of the university community, to university or affiliates' property, or which threatens the accomplishment of the university's mission. Students' behavior, whether on or off campus, is expected to support the local, state, and federal laws. University disciplinary authority focuses on enforcing university rules and regulations, providing remedies to victims and aiding students in understanding their role in creating an appropriate environment. It is separate from any civil and/or criminal proceedings and does not supersede or replace those proceedings. Students may be subject to civil and / or criminal charges as well as university conduct proceedings for incidents that violate both laws and university rules and regulations.

### ***UNIVERSITY POLICE, PENNWEST***

The PennWest University police department is a fully recognized law enforcement agency with full police authority. Students, faculty, and staff in need of law enforcement assistance should contact their campus University Police in cases of emergencies. The department is open 24 hours a day.

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### **WELLNESS SUPPORT SERVICES**

The Student Support Assistants are liaisons for students who are navigating campus supports, or who don't know where to seek support for mental and physical health stressors, academic support, relationship concerns, drug and alcohol abuse, and/or any other struggles posing as a barrier to success. The Student Support Assistants have knowledge of a variety of support services on and off campus and can help direct or can put students in touch with those resources needed for success.

### **WITHDRAWING FROM A CLASS OR THE UNIVERSITY, PROCEDURES**

1. The student may withdraw from all courses by either indicating a university withdrawal (i.e., withdrawal from all courses) through the PennWest self-service portal, or by completing the University Withdrawal Form and submitting it to the Office of the Registrar. This action must occur before the end of the tenth week of a regular semester, or by the posted date for special terms.
2. For an on-campus residential student, the student shall notify the Office of Residence Life and Housing of their withdrawal within 24 hours of taking this action. The student will have 24-48 hours to remove their items from the residence hall.

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[Y](#)

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## APPENDIX A

### Sexual Misconduct Resolution Process:

#### **Formal Complaint**

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged. To file a formal complaint, click [here](#).

#### **Notice of Allegations**

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Notice of Allegations will include the following:

- A. Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.
- B. Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of the alleged incident, if known.
- C. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- D. A statement that the Parties may have an Advisor of their choice.
- E. A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- F. Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither. It is the responsibility of the Party to update the Title IX Coordinator of any email address or other changes to the means of contact.

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

### **Determining Jurisdiction and Mandatory Dismissal for Certain Allegations**

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

- A. The conduct is alleged to have occurred in the United States;
- B. The conduct is alleged to have occurred in the University's Education Program or Activity; and
- C. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of allegations categorized as Non-Regulatory or other allegations under this Policy or any other University Policy.

### **Discretionary Dismissals for All Allegations**

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- B. The Respondent is no longer enrolled in, associated with or employed by the University; or,

- C. If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the Appeals section below.

### **Allegations Potentially Falling Under Two Policies**

If a Formal Complaint against a Respondent who is a Student contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the Code of Conduct, the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Code of Conduct, the matter may be referred for further action by the University's Office of Student Conduct, as appropriate.

If a Formal Complaint against a Respondent who is an Employee contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policies and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an Official or Volunteer contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

### **Notice of Dismissal**

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the Parties through their institutional or other provided email account. It is the responsibility of Party to update the Title IX Coordinator of any email address or other changes to the means of contact.

## **Investigation**

### **A. General Rules of Investigations**

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

PennWest University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

PennWest University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

Medical records of a party (or parent, if applicable) will not be considered as part of the investigation unless the party to whom the medical records belong provides the records to the Investigator. Any relevant medical records shared with the Investigator will be attached to the Investigative Report and shared with the other party and Decision Maker(s).

### **B. Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to issuance of the Investigative Report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:



- 1) Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s) in making a determination regarding responsibility;
- 2) inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The University will make the evidence available to each Party and each Party's Advisor, if any, for inspection and review through an electronic format or a hard copy. The University will also provide a draft of the Investigative Report for review. The University is not under an obligation to use any specific process or technology to provide the evidence or report and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and review the draft Investigative Report and submit a written response by email to the Investigator that includes any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The Parties and their Advisors may not disseminate, photograph, copy or otherwise use the draft Investigative Report or use any of the evidence subject to inspection and review for any purpose unrelated to the Sexual Misconduct Resolution Process. Any violation of this confidentiality requirement may result in separate disciplinary action under the Code of Conduct or other University Policy, as appropriate.

Any evidence subject to inspection and review will be available at any hearing held, including for purposes of cross-examination.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied in the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report or after the responses to additional evidence are due; the Investigator may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

### **C. Investigative Report**

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory relevant evidence – i.e., tending to prove and disprove the allegations, respectively) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in otherwise relevant documents or evidence.

The Investigative Report will be shared with the Parties and their Advisors at least 10 days prior to any hearing for their review and written response. Any written response received after the Investigative Report is shared will be shared with the Decision-Makers(s) and the other Party and their Advisor prior to the hearing. The Title IX Coordinator or Hearing Officer may reschedule or postpone the hearing if the Title IX Coordinator or Hearing Officer determines additional time is necessary for the Parties, their Advisors, or the Decision-Maker(s) to review written responses.

### **D. Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the PennWest University Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or

other reasonable means. It is the responsibility of the Party to update the Title IX Coordinator of any email address or other changes to the means of contact.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

## **General Rules of Hearings**

### **A. Notice of Hearing**

No less than 10 days prior to the hearing, the Title IX Coordinator, Hearing Officer or other designee will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- 1) A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- 2) The time, date, and location of the hearing.
- 3) Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Title IX Coordinator, Hearing Officer or other designee of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.
- 4) Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.
- 5) A copy of the rules of decorum for all hearing participants
- 6) A list of the Decision Makers, Board Chair, and Hearing Officer who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of the Decision Maker(s) prior to the hearing. The President of the University shall serve as the Decision Maker for all cases involving a Respondent who is a faculty member. In all cases involving a Respondent who is an Employee, the President may designate a Decision-Maker.
- 7) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker.
- 8) Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Title IX Coordinator, Hearing Officer or other designee in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.

- 9) A copy of all the materials provided to the Decision Maker(s) about the matter and the opportunity to provide a written response in advance of the hearing.
- 10) Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.
- 11) For compelling reasons, the Hearing Officer or other designee may reschedule the hearing.

## B. Hearing

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

The University may still proceed with the hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.

The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio recording. That recording or a transcript, if one is available, will be made available to the Parties for inspection and review upon request.

All hearings for student Respondents will comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel. All hearings for employee Respondents will comply with applicable collective bargaining requirements and University and Board of Governors Policy and Procedure/Standard requirements.

### **C. Continuances or Granting Extensions**

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **D. Participants in the Hearing**

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- 1) The Decision Maker(s), including a designated Board chair
- 2) The Hearing Officer (non-voting)
- 3) IT personnel (as needed)
- 4) The Parties
- 5) Advisor of choice or provided by the University for each Party
- 6) Witnesses
- 7) Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

The Decision Maker(s) and Hearing Officer will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing.

Parties and Witnesses cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.

### **E. Hearing Procedures**

For all hearings conducted under this Policy, the procedure will be as follows:

- 1) Hearing Officer will open and establish rules and expectations for the hearing.

- 2) The Parties will each be given the opportunity to provide opening statements.
- 3) The Investigator will present a summary of the final Investigative Report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings or determinations. If such information is introduced, the Board Chair will direct that it be disregarded.
- 4) Board Chair and Decision Maker(s) will ask questions of the Parties and Witnesses.
- 5) Parties will be given the opportunity for cross-examination after the Decision Maker(s) conduct(s) its initial round of questioning See Cross-Examination Procedure below.
- 6) During the Parties' cross-examination, Board Chair will have the authority to pause cross-examination at any time for the purposes of asking Decision Maker(s) own follow up questions; and any time necessary in order to enforce order for the hearing or the established rules of decorum. If an Advisor does not comply with the established rules of decorum, may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.
- 7) Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s). A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s) to use statements made by the Party.

#### **F. Relevant evidence and questions**

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of any process initiated under this Policy:

- 1) Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - a) They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - b) They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- 2) Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege including attorney-client privilege; or
- 3) Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

#### **G. Cross-Examination**

- 1) Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.
- 2) Parties will not be permitted to personally cross-examine each other.
- 3) If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.
- 4) If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.
- 5) Before any cross-examination question is answered, the Board Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision Maker(s) may be deemed irrelevant if they have been asked and answered.
- 6) The Board Chair must explain to the Party proposing the question any decision to exclude a question as not relevant.
- 7) The Decision Maker(s) may not draw an inference about a determination regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.
- 8) Failure to answer questions at the hearing may impact the information the Decision Maker(s) will consider. In accordance with due process requirements applicable to Pennsylvania universities, hearings must include the opportunity to cross-examine witnesses when credibility determinations are at issue. As such, if any witness is not available for cross examination, the Decision Maker(s) must determine whether any statements or testimony from that witness are admissible for the Decision Maker's consideration.

## Decisions

### A. General Considerations for Evaluating Testimony and Evidence

- 1) While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s).
- 2) Hearsay evidence may not be used to establish a fact necessary to establish responsibility consistent with the requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.
- 3) Decision Maker(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
- 4) Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
- 5) Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.
- 6) Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and

intimidation, the Decision Maker(s) may draw an adverse inference as to that Party or Witness' credibility.

- 7) Decision Maker(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- 8) The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
- 9) The Final Rule requires the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

#### **B. Timeline for Decision**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

#### **C. Finality**

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the Appeals section below.

### **Disciplinary Sanctions Against Students**

#### **A. Possible Disciplinary Sanctions**

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination: WHAT DOES THE NEW CODE HAVE

- 1) Educational/Personal Development Sanctions, which include:
  - a) Alcohol Awareness Program: Mandatory attendance at the University's Alcohol Awareness Program. Students must attend all classes, and any missed classes will be considered a



violation of this sanction. The program has an assessment fee of up to \$100.

b) Anger Management Workshops: Mandatory participation in the University's Anger Management Workshop to improve conflict resolution skills. The workshop is facilitated by the Counseling and Psychological Services Center.

c) Community Service: An assignment to provide volunteer assistance to a University department or community agency or individual. Service hours will be assigned and monitored by the Office of Student Conduct. Hours not performed by the specified deadline will be considered a violation of this sanction.

d) Counseling: Mandatory attendance at individual or group counseling sessions. Counseling will be provided by a professional counselor from the University's Counseling and Psychological Services Center or another appropriate agency as specified by the adjudicating authority. The Counseling Center can also make outside referrals for the student. The counselor will determine the frequency and duration of the counseling sessions.

e) Drug Awareness Programs: Mandatory attendance at the University's Drug Awareness Program. Students must attend all classes, and any missed classes will be considered a violation of this sanction. The program has an assessment fee of up to \$100.

f) Mentoring: An assignment to a faculty, staff, community, or student mentor to provide support in the areas of personal and academic development. The frequency and duration of the mentoring relationship will be established by the Office of Student Conduct, but may be deferred to the assigned mentor. Any missed appointment with an assigned mentor will be considered a violation of this sanction.

g) Substance Abuse Evaluation: A professional evaluation that is to be completed by a certified substance abuse counselor who has been previously approved by the University. This sanction can be used as a condition of re-enrollment.

- 2) Disciplinary Probation: A period of official censure, whereas a further violation by a student while on disciplinary probation may result in a University suspension or expulsion. The term of the probationary status will be established by the adjudicating authority.
- 3) Disciplinary Warning: Written action taken when the individual's conduct merits an official admonition. The student is advised that further misconduct may result in more severe disciplinary action.
- 4) Career Disciplinary Probation: A period of official censure that is in effect throughout the entire duration of a student's enrollment and/or subsequent re-enrollment at the University.

Additional violations by a student may result in a University suspension or expulsion.

- 5) **Expulsion:** Involuntary and permanent separation from the University. The student is permanently banned from University property and/or University sponsored events, and is prohibited from re-enrolling at the University. As per the PennWest University Policy, refunds are not available when a student is expelled from the University for disciplinary reasons.
- 6) **Facilities Restriction:** An exclusion from a facility or area for a specified period of time. During this time period, a student may not enter or participate in any function within the confines of the specified area or facility. Any student on a facilities restriction who enters within fifty (50) feet of the portion of the campus to which they are barred without prior written permission from an authorized representative of the Office of Student Conduct, will be charged with defiant trespass and subject to arrest.
- 7) **Involuntary Housing Reassignment:** Reassignment of housing to a new location on campus. No housing refund is provided, and students are prohibited from visiting that residence hall or from entering with fifty (50) feet of the building once they have officially checked out. Students who violate this sanction may be subject to arrest for defiant trespass.
- 8) **Involuntary Residence Hall Removal:** Involuntary removal from the residence halls permanently or for a designated period of time. Students are prohibited from entering within fifty (50) feet of University housing or they will be subject to arrest for defiant trespass. Removal from campus housing requires that the student properly check out of their room in accordance with existing University procedures and within the established time frame. No housing refund is provided, and students are prohibited from re-entering University housing once they have officially checked out.
- 9) **Loss of Privileges:** Loss of privileges may include the ability to participate in intercollegiate athletics intramural sports, student organizations, and/or to represent the University in any official capacity. Loss of privileges may also include University services such as information/technology resources, including loss of University e-mail and internet access, recreational facilities, and dining services.
- 10) **Residence Hall Probation:** A period of official censure, whereas a further violation by a student may result in an involuntary residence hall removal. The term of the probationary status will be established by the adjudicating authority.
- 11) **Restitution:** A requirement to submit payment to the University or other specified person or groups for damages incurred as a result of any violation of the Code of Conduct. Restitution may include a reasonable administrative fee for processing.
- 12) **Revocation of Group Recognition:** Permanent cancellation of official University recognition and privileges of a group. Such action may include conditions for the reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.

- 13) Suspension: Involuntary separation of the student from the University for a designated period of time. The Decision Maker may establish additional requirements that must be fulfilled prior to the student's reinstatement. The student shall not participate in any University sponsored activity and will be barred from University premises during the period of suspension. For purposes of academic advisement, the academic history may include notice of disciplinary action. This notice should specify the beginning date for the suspension and the earliest date when the suspension, or the conditions which govern the term of the suspension, may be removed. However, failure of the University to include any of this information in no way invalidates any sanction. Any student under suspension who returns to the campus during the period of suspension without prior written permission from the Office of Student Conduct will be charged with defiant trespass and may be subject to expulsion. During the period of suspension, violations of local, state, and federal laws and violations of the Student Code of Conduct will be adjudicated through the University's student conduct system. As per the PennWest University Policy, refunds are not available when a student is suspended from the University for disciplinary reasons.
- 14) Suspension of Group Recognition: Temporary withdrawal of all or part of official University recognition of a group. Such action may include conditions for the reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.

## **B. Previous Disciplinary Sanctions**

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

## **C. Timing**

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

### **Appeals Where the Respondent is a Student**

- A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
  - 1) A procedural irregularity under the University policy or procedures that more likely than not affected the hearing outcome.
  - 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that more likely than not could affect the outcome of the matter.

- 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that more likely than not affected the outcome of the matter.
  - 4) The Disciplinary Sanction imposed was arbitrary or capricious or the appropriateness of the sanction.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
  - C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
  - D. If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is the Disciplinary Sanction imposed was arbitrary or capricious or inappropriate, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.
  - E. Appeals will be decided by the University President or designee who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
  - F. The role of the University President or designee is not to reweigh the evidence. The University President or designee will confine their review to the basis of appeal alleged and may modify the sanction. The University President or designee may modify the Disciplinary Sanction if an appeal on the basis of an arbitrary or capricious Disciplinary Sanction being imposed is granted. In the event a Disciplinary Sanction is modified, the other party will be notified of the modified Disciplinary Sanction.
  - G. The outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

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## APPENDIX B

### Student Code of Conduct

#### Overview

Pennsylvania Western University is an academic community whose membership includes Students, faculty, staff, and administrators. The University Community exists for the pursuit of learning, the transmission of knowledge, the development of Students as scholars and citizens, and ultimately, for the general well-being of society. Freedom of inquiry, speech, action, and expression is indispensable in the attainment of these goals. Students, as members of the University Community, are encouraged to engage in a sustained, critical, and independent search for knowledge.

The student conduct program supports this endeavor through policies that balance the freedom of the individual Student with the interests of the University Community as a whole, and procedures that apply these policies in an equitable and consistent manner.

As members of the University Community, all Students are expected to uphold and abide by the standards set forth in the Student Code of Conduct. These standards are reflective of the University's core values - civility, integrity, and responsibility – and the following Rights & Responsibilities:

- We have the right to safety and security;
- We have the responsibility to ensure the safety and security of others.

- We have the right to be treated with respect;
- We have the responsibility to treat others with respect.

- We have the right to expect the best;
- We have the responsibility to give our best.

- We have the right to be treated fairly;
- We have the responsibility to treat others fairly.

The student conduct process attempts to teach civic principles within the context of the academic mission. The process views Students as adults, and as such, expects them to be aware of applicable local, state, and federal laws, as well as all published University policies, procedures, and rules.

Violation of the Student Code of Conduct may subject a Student to action through the student conduct process. Where warranted, violations may also be referred for action through appropriate law enforcement agency or court. The University may initiate an investigation and

proceed with resolution within the scope of its authority, responsibility, and jurisdiction, without regard to the commencement or disposition of any civil or criminal court proceeding.

## **Jurisdiction**

Matters subject to conduct jurisdiction may be resolved through the student conduct system, regardless of any actions that may be brought in civil or criminal court systems. The University's jurisdiction over alleged conduct violations extends to actions committed by Students and Student Organizations:

- at any place of university operation, including all campuses, satellite, and remote locations;
- while attending or participating in university events, activities or programs, either in-person or otherwise;
- when otherwise off-campus and where the action:
  - significantly breaches the peace (i.e., results in initiation of a criminal action by law enforcement authorities);
  - substantially infringes upon the personal or property rights of another member of the University Community; or
  - is otherwise detrimental to the educational mission and/or a substantial interests of the University.

The University retains jurisdiction over conduct violations occurring while an individual is a Student, regardless of any withdrawal, leave of absence, or graduation.

## **Applicability**

This Code of Conduct is issued pursuant to 22 Pa. Code Chapter 505 and Board of Governors Policy 1984-13-A, and applies to all Students and Student Organizations. It is intended to be consistent with any referenced University policies and will be construed to avoid inconsistency; however, to the extent that there is an irreconcilable conflict between this Code of Conduct and any University policy, the document with the latest approval date will control.

## **Areas of Responsibility**

The Senior Vice President for Institutional Effectiveness and Student Affairs serves as the President's designee for the general oversight of Student conduct matters. Specific responsibility for the administration of conduct matters is delegated to the Dean of Students. The Dean of Students may further delegate responsibility to various Student conduct bodies and administrative staff.

The University Title IX Coordinator, with the assistance of the Deputy Title IX Coordinators, coordinates compliance with Title IX and responds to Reports of Student conduct matters involving sexual misconduct, sexual harassment and/or sexual discrimination.

Specific rules for the use of University resources or participation in University functions may be developed in addition to this Code of Conduct. These rules, most of which are included in the attached Community Standards, may be dealt with by the offices in charge of the resources or functions or referred to the Dean of Students Office as deemed appropriate by the University based on the nature of the action.

## Communication

University-issued electronic mail (email) is the official means of communication on all matters pertaining to the Student Conduct System. If a party to a Student conduct matter is no longer a Student or employee of the University, notifications will be directed via reasonable means. Students are expected to check their University email accounts on a daily basis. Further, Students are responsible for updating the Registrar of any email address or other changes to the means of contact.

## Definitions

Except as otherwise provided herein, the language contained in this document shall be construed according to ordinary common usage.

***Advisor:*** An individual who may be present to support a party throughout the conduct process. The Advisor may be a member of the University Community, an attorney, or other individual selected by the party. The Advisor may accompany the party they are supporting to any hearing or meeting that the party is required to attend. Each party is responsible for coordinating and scheduling with their choice of Advisor.

In all conduct matters except those addressed through the Sexual Misconduct Policy processes, the Advisor may communicate only with the party they are supporting and may not otherwise speak for, or on behalf of, the party. The Advisor may not be a party or witness in the matter.

In conduct matters addressed through the Sexual Misconduct Policy processes, the Advisor may not speak for the Party, except for purposes of cross-examination. If a Party does not attend the hearing, the Party's Advisor may appear and ask questions or conduct cross-examination on the Party's behalf. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of asking questions and conducting cross-examination.

**Appeals Officer:** The individual or individuals with the authority appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Advisor to any Party or a Decision Maker in the same matter.

**Confidential Resources:** University employees and off-campus organizations who are not required to Report identifiable Student information regarding an incident of sexual misconduct to the Title IX Coordinator. A comprehensive list of on-campus and off-campus confidential resources is available online at:

PennWest California: [Title IX | PennWest California \(calu.edu\)](#)

PennWest Clarion: [Title IX \(clarion.edu\)](#)

PennWest Edinboro: [Title IX | PennWest Edinboro](#)

**Consent:** (For purposes of the Prohibited Behavior Definitions relating to Sexual Misconduct) a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

**Day:** for purposes of measuring days within which an event is required under the Student Code of Conduct (e.g., scheduling a hearing, issuing a Student conduct decision, or filing an appeal), days are defined and counted as business days.

**Determination:** The adjudication of an alleged violation of the Student Code of Conduct.



**Educational Outcome:** An outcome imposed based upon a finding of responsibility for a violation of the Student Code of Conduct, including any modifications of a Student or Student Organization status or standing, and any additional assigned requirements.

**Good Disciplinary Standing:** A Student or Student Organization is considered in Good Disciplinary Standing if the Student or Student Organization is not currently under any Probation, Suspension or Expulsion. Student Organization standing will not impact an individual Student's standing.

**Hearing:** The resolution method facilitated by a University Conduct Board or a Hearing Officer involving the parties, witnesses and evidence with the Referred Party having a right to appeal.

**Hearing Officer:** A single decision-maker given the authority to review and issue a determination in a Student conduct matter other than a matter involving charges where the possible educational outcome is suspension or expulsion. Student conduct matters involving possible educational outcomes of suspension or expulsion are determined by the University Conduct Board.

**Investigator:** An individual employed or appointed by the University to conduct an investigation in Student conduct matters.

**Referral:** A written Report of alleged Student Code of Conduct violations, excluding sexual misconduct violations made by a member of the University Community against a Student or Student Organization/Group.

**Referring Party:** A member of the University Community who has submitted a Referral alleging a violation of the Student Code of Conduct. University Community members making Referrals as part of their duties will act as witnesses in the process.

**Report:** An allegation, other than a Referral, of a violation of the Student Code of Conduct made against any Student or Student Organization/Group.

**Reporter:** An individual who submits a Report to the University alleging a violation of the Student Code of Conduct. University Community members making Reports as part of their duties will act as witnesses in the process.

**Referred Party:** The Student(s) or Student Organization/Group alleged to have violated provisions of the Student Code of Conduct.

**Sexual Misconduct Investigator:** The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under the Sexual Misconduct Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against

Complainants or Respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.

**Student:** Any person:

- (1) seeking admission to the University through the formal University application process;
- (2) admitted to the University,
- (3) eligible to register or schedule for classes, or (4) living in University or University-affiliated residence halls even though they are not enrolled at the University.

The term “Student” shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.

**Student Conduct Conference:** This meeting provides the Referred Party with the opportunity to: discuss the allegations that led to the Report or Referral; review and discuss additional information about the Student conduct process, including information regarding their rights and options and, where appropriate, the availability of informal resolution; receive information regarding the range of potential Educational Outcomes for the charged violation(s), should the charges be substantiated.

**Student Organization:** Any organized group, that has complied with, or is in the process of complying with the University’s requirements for registration or recognition; receives funds from the University’s Student Association/Student Government Association; or is formed through University academic, athletic, or other departments.

**Title IX Coordinator:** The individual designated by the University, with assistance of the Deputy Title IX Coordinators, to coordinate the University’s compliance with Title IX and the Violence Against Women Act (“VAWA”) and to respond to Reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may serve as the Investigator of a Formal Complaint for Formal Complaints against Respondents who are Employees. The Title IX Coordinator may not serve as a Decision Maker or Appeals Officer.

**University:** Pennsylvania Western University (PennWest).

**University Community:** The students and employees (including faculty) of the University. For purposes of Referrals, the University Community also includes guests and visitors of the University, and employees of the University’s affiliated entities.

**University Conduct Board:** A group of trained individuals representing the University community that hear the facts of a Student conduct matter from all involved parties. Based on the facts, the board determines a decision of “responsible” or “not responsible” and determines appropriate

Educational Outcomes when required. The University Conduct Board will have a quorum of three voting members representing faculty, staff and students. University Conduct Board hearings will be run by a non-voting chair. Each campus Faculty Senate and Student Government Association will be asked to recommend board members.

In matters involving allegations of sexual misconduct, Students will not be selected to serve as panel members. In sexual misconduct matters, the University Conduct Board members are selected from a pool of members who have been trained in the University's conduct process concerning sexual misconduct.

**University Property:** All objects, items and real estate owned or controlled by the University, starting from the curbed edge inward, as well as sidewalks and building entrances.

## **Behavioral Expectations**

**Academic Integrity** – Allegations of academic misconduct are addressed under specific procedures outlined in the University's academic integrity policy, which is published at [https://assets-global.website-files.com/61d6fd0e48b8c90ff2b291b8/62b337cac6ee2f635fbf6f5b\\_Academic\\_Integrity\\_-\\_AC059.pdf](https://assets-global.website-files.com/61d6fd0e48b8c90ff2b291b8/62b337cac6ee2f635fbf6f5b_Academic_Integrity_-_AC059.pdf). Violations of that policy may include Educational Outcomes up to and including suspension or dismissal from the university.

**Alcohol** – (a) Underage use or possession (including constructive possession); (b) public intoxication; (c) distributing, selling, or furnishing of alcoholic beverages without a license or to underage individuals; (d) driving or operating a vehicle under the influence; (e) possession of open containers of alcoholic beverages; \* (f) paraphernalia used for consumption of alcohol; \* or (g) use, possession, or consumption of alcohol over 21 years of age on University property. \*

\*Violations apply except as expressly permitted by law and the University Alcohol Policy.

PLEASE NOTE: The University maintains a Medical Amnesty Policy, which provides limited exceptions to charges under this section in the interest of encouraging Students to seek help for drug- or alcohol-related medical emergencies. Please refer to the University's Medical Amnesty Policy.

**Complicity** – (a) Actively assisting in the commission of a violation; or (b) actively supporting or encouraging the violation.

**Disruptive Conduct** – Actions that are disorderly, unnecessarily disturb others, or are disruptive to the normal University activities, operations or functions.

**Drugs** – (a) Use, possession, constructive possession, sale, and/or use of controlled substances; (b) possession of drug paraphernalia; (c) possession of a significant quantity, manufacturing, distribution, or sale of any controlled substances; (d) driving or operating a vehicle under the influence; (e) administering any prescribed, controlled, or illegal substance to another person without their consent; (f) misuse of prescribed or controlled substances, except as expressly permitted by law and the University Drug Policy.

PLEASE NOTE: The University maintains a Medical Amnesty Policy, which provides limited exceptions to charges under this section in the interest of encouraging Students to seek help for drug- or alcohol-related medical emergencies.

**Failure to Comply** – (a) Failure to follow the reasonable directive(s) of University officials made in the performance of their duties, including providing identification, (b) failure to comply with an Educational Outcome or condition issued in connection with a Student conduct action.

**False Information** – (a) Making, using, or possessing any falsified document or record; (b) knowingly making a false Report or providing false information in connection with a University inquiry or investigation; (c) altering or forging any University document or record, including identification, meal or access cards, and parking permits; or (d) other intentional misrepresentation to, or deception of, a University official.

**Gambling** – Engaging in any gambling activities except as authorized by state or federal law.

**Harassment** – Engaging in conduct with the intent to harass, annoy, or alarm another person. This provision is not intended to prohibit constitutionally protected activity. The following behaviors are examples of harassing conduct when engaged in with the requisite intent: following another person in a common or public space; repeated communication during extremely inconvenient hours or after the other person objects to further communication; and otherwise engaging in a course of conduct that serves no legitimate purpose. This includes, but is not limited to, conduct in person or delivered by direct or indirect means via notes, phone calls, and/or use of social media or other electronic media.

**Hazing** – Engaging in conduct by any individual or organization that is prohibited by the Anti-Hazing Law of Pennsylvania, and/or the University's Anti-Hazing Policy.

**Information Technology Policy** – Engaging in conduct that violates the University's acceptable use policy.

**Law** – Conduct resulting in: (a) evidence of violation of local, state or federal criminal laws as substantiated through the University/College's conduct process; or (b) disposition of local, state or federal criminal charges that have resulted in a finding of guilt,

regardless of whether the finding is the result of a guilty plea, no contest (also known as nolo contendere) plea or finding of guilt at trial.

**Misuse of University Brand** – Unauthorized use of the University name, logo, insignia, trademarks or other protected marks of the University.

**Physical Harm** – Intentionally or recklessly engaging in conduct that causes physical harm or that creates a substantial risk of harm to the health or safety of another person.

**Residence Life Policy** – Engaging in conduct that violates the University’s residence life agreement, addendums and policies.

**Retaliation** – Any action, directly or through others, including but not limited to, intimidation, threats, coercion, or discrimination, which is engaged in for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or because the individual has made a Report or Referral, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing regarding an incident of alleged misconduct, including sexual misconduct. A finding of responsibility for retaliation is not dependent on a finding that the underlying misconduct occurred.

**Safety** – Engaging in conduct that violates University fire and safety regulations, policies and rules. Prohibited conduct includes:

- setting intentional or unintentional unauthorized fires;
- blocking or obstructing University walkways, roadways, and paths of ingress/egress;
- use and/or possession of prohibited incendiary or combustible materials and devices (for example, candles, torches, vaping equipment, e-cigarettes);
- unauthorized use of electrical devices or chemical agents, regardless of whether such unauthorized use results in fire or damage to University or personal property;
- failure to evacuate when directed by an official, alarm, or other reasonable means
- creating any hazardous condition that endangers the health and safety of themselves or others;
- tampering or improper use of fire safety systems and equipment;
- tampering or improper use of other safety equipment (e.g., AEDs, Emergency Phones, First-Aid kits, opioid or other medication rescue materials) or devices (e.g., safety signage, door locks, etc.)
- initiating bomb threats or false Reporting of a bomb, fire or other emergency.

**Sexual Misconduct** – The University prohibits all Sexual Misconduct violations, as defined below, and as set forth in the University’s Title IX Sexual Misconduct Policy & Procedures available at

[Title IX | PennWest](#). This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law. Please refer to the University's Sexual Misconduct Policy for a full statement of definitions and procedures related to complaints of sexual misconduct.

*Prohibited Conduct:*

**Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

**Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

**Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. Sexual Assault may be one of the following categories:

**Sexual Penetration Without Consent** – Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.

**Sexual Contact Without Consent** – Knowingly touching or fondling a person’s genitals, breasts, buttocks, or anus, or knowingly touching a person with one’s own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

**Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute<sup>1</sup>.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

**Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s consent;
- Indecent exposure or inducing others to expose private or intimate parts of the body when consent is not present;
- Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s consent;
- Prostituting another individual;
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

**Regulatory Quid Pro Quo Sexual Harassment** – An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.

**Non-Regulatory Quid Pro Quo Sexual Harassment** – An official, volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.

**Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

**Non-Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program offered in connection with the University.

**Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to



participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

**Theft** – (a) The unauthorized possession, removal, and/or receipt of property without the express consent of the owner; or (b) the attempt to possess, remove or receive without the express consent of the owner.

**Threat of Harm** – Intentionally or recklessly engaging in physical, verbal or written conduct that creates a reasonable fear of infliction of physical pain or injury to another person or damage to property. This includes a single threat, or a course of conduct, regardless of whether such incidents are in person or conveyed through electronic means.

**Unauthorized Access** – Access, entry, presence, or use of buildings, rooms, property, and/or accounts (electronic or otherwise) without permission.

**University Policy** – Violation of any published University policy or rule.

**Vandalism** – Intentional, reckless and/or unauthorized damage, destruction or defacement of property of another, including University property.

**Weapons** – Violations include the following:

The use, possession, and/or transportation of:

- fireworks;
- a paintball, air soft, and/or BB gun;
- explosives;
- any item designed and/or used in such a way to threaten, inflict bodily harm, and/or physical damage, except those items identified in paragraph (b) below.
- The unlawful or unauthorized use, possession, or transportation of (i) a firearm and/or (ii) firearm ammunition.

## **Student Conduct Process (Non-Sexual Misconduct Matters)**

*Refer to the University's Title IX Sexual Misconduct Policy and Procedures for a statement of the processes and procedures associated with Reporting and adjudicating matters of sexual misconduct.*

### **Overview**

The University believes strongly in providing a fundamentally fair and impartial Student conduct process. To that end, the Referred Party will receive reasonably specific advanced written notice containing a description of the alleged violations of the Student Code of Conduct, including time, date, and place of occurrence and a description of the alleged prohibited conduct.

The University also believes in providing Students with multiple pathways to resolution including but not limited to alternate dispute resolution options (in appropriate cases and where mutually agreed upon).

Reports of alleged sexual misconduct, including those involving a mixture of both non-sexual misconduct and sexual misconduct charges, will follow the process outlined in the Sexual Misconduct policy.

Note regarding matters involving a mixture of both non-sexual misconduct and sexual misconduct charges: If all of the alleged sexual misconduct violations are dismissed, and the remaining underlying allegations, if true, would violate the Student Code of Conduct, the matter may be referred for further action by the University's Dean of Students Office, as appropriate.

### **Burden of Proof**

The University bears the burden of establishing any charged violation of this Code. The Referred Party does not have the burden to prove that a violation did not occur. A Referred Party may decide not to participate in the hearing or an investigation. Neither of these decisions shifts the burden of proof away from the University.

### **Standard of Proof**

The University is responsible for establishing any charged violation by a "preponderance of the evidence" standard. This means that the University must show that it is more likely than not that the Referred Party engaged in the charged violation of the Student Code of Conduct.

### **Use of Advisors**

Parties are permitted to have an Advisor accompany them to any hearing or meeting that the party is required to attend. Each party is responsible for coordinating and scheduling with their choice of Advisor. The Advisor may be a member of the University Community, an attorney (retained at the Student's own expense), or another individual selected by the party.

In all conduct matters except those addressed through the Sexual Misconduct Policy processes,<sup>2</sup> the Advisor may not speak or participate directly in any aspect of the conduct process, but rather can only consult and interact privately with their Student. The Advisor may not be a party or witness in the matter.

While the University will consider information regarding Advisor schedules and availability, the scheduling of meetings and hearings throughout the Student conduct process is at the discretion of the University.

## Submitting a Referral

While any individual may make a Report of an alleged violation of the Student Code of Conduct by a University Student or Student Organization, only a member of the University Community may submit a Referral to the Dean of Students or designee. Formal action under the student conduct process will occur only upon the submission of a Referral. In instances where a member of the University Community makes a Report of an alleged violation of the Student Code of Conduct, but elects not to submit a Referral, the Dean of Students/designee will review the Report and may, as deemed appropriate, initiate a Referral. Similarly, in instances where a Referring Party cannot be identified or wishes not to participate, the University may, at its discretion, initiate a Referral against a Referred Party. If a Referring party remains anonymous, the University will be limited in response.

All Referrals must be in writing and should be submitted as soon as possible after the events on which the Referral is based. Referrals, other than those relating to alleged sexual misconduct, must be submitted to the Office of the Dean of Students or designee. Referrals may be submitted electronically or may contact the Dean of Students Office to request alternative means. Electronic submissions of incident reports are found at the following links:

PennWest California:

[https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=50](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=50)

PennWest Clarion: [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=0](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=0)

PennWest Edinboro:

[https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=51](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=51)

PennWest Global Online:

[https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=127](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=127)

## Referral Review

The Dean of Students or designee will review Referrals to determine if sufficient information is alleged to indicate that the Referred Party has engaged in behavior constituting a violation of the Student Code of Conduct.

If the Dean of Students or designee determines that sufficient information is alleged to indicate that a violation or violations occurred, the Referral will proceed and appropriate interim measures may be imposed. Should further investigation be required, additional information and evidence will be gathered prior to a determination.

If the Dean of Students or designee determines that no violation of the Student Code of Conduct is indicated, the Referral will be dismissed. There will be no appeal of this dismissal decision.

## Evidence

Only evidence that is admitted during the Student Conduct Conference or hearing shall be considered in judging the matter.

The University is not bound by formal rules of evidence. Evidence or information that may not be admissible in a court of law may be admissible in a conduct hearing or as part of an investigation; however, hearsay evidence may not be used to establish a fact necessary to support a decision in a case. The Hearing Officer or the Chairperson of the University Conduct Board will decide what information is admissible as part of a hearing.

Court documents, including affidavits of probable cause, preliminary hearing transcripts, and other relevant court and public records, may be utilized at a Student conduct hearing given their inherent reliability, even when the person that prepared them is not available to testify or answer questions.

The Dean of Students or designee has discretion to control the methods of presentation of evidence or physical appearance of participants (e.g., remote presentation of evidence) in order to ensure orderly and efficient presentation of evidence and the integrity of the hearing process. A party wishing to request a modification relating to the hearing should do so within 48 hours of the scheduled hearing time.

### **Notice of Charges**

Where the Dean of Students or designee determines that sufficient evidence exists to support a possible finding of responsibility for a violation of the Student Code, the Dean of Students or designee will issue a Notice of Charges to the Referred Party via email. Where the Referred Party is a Student Organization, the Notice will be directed to the identified officers or representatives of the organization.

The Notice will contain a description of the alleged violations of the Student Code of Conduct, including time, date, and place of occurrence and a description of the alleged prohibited conduct. The Referred Party is requested to make an appointment with the University administrator to review the Notice of Charges and next steps in the conduct process. If a student fails to respond a second Notice will be sent providing a scheduled meeting day and time. If a student fails to respond to the second Notice, the Referral will be moved to an Administrative Hearing.

Where the alleged acts of misconduct require investigation, issuance of the Notice may be deferred by the Dean of Students or designee pending completion of the investigation.

### **Investigation**

Depending upon the complexity of the matter, the Dean of Students or designee may appoint an Investigator. The Investigator may recommend interim action to the Dean of Students or designee at any point in the investigation. All investigations will be completed promptly.

The Investigator will determine the best method and order of information gathering, which may include interviews with the Reporting Party, Referred Party, and any identified witnesses, as well as review of relevant documents or other evidence. Where a Referred Party fails or refuses to participate in the investigation process, the matter will proceed based upon evidence collected during the investigation process.

### **Student Organizations**

In matters involving a Student Organization, the Investigator may require a group meeting or a series of individual meetings. Students who fail to appear for investigative interviews or who fail to cooperate in good faith during investigative interviews may be subject to action under the Student Code. Future recognition of the Student Organization may be assessed based on the Student members' cooperation.

Students' cell phones or similar electronic communication devices may be collected and/or use may be restricted during any investigative interview in order to ensure the integrity of the investigation; however, the cell phones will not be subject to search without Student permission or warrant.

### **The Student Conduct Conference**

The Student Conduct Conference will be facilitated by a University/State System administrator designated by the Dean of Students or designee. Referred Students need to make an appointment for their Conduct Conference by an established deadline.

During the Student Conduct Conference, the Referred Party will receive additional information about the Student conduct process, including information relating to: resolution options available through the conduct process; the hearing process; and the range of potential Educational Outcomes for the charged violation(s).

The facilitating administrator will give the Referred Party the opportunity to:

- come to mutual resolution during the Conduct Conference, waiving the right to a Formal Hearing and the right to an appeal;
- request a hearing; or
- Accept responsibility for the charge(s) but request further hearing on the Educational Outcomes. In this event, the statement of responsibility will be accepted and the matter will be referred for a hearing on the Educational Outcome only. There will be no appeal of the finding of responsibility. Where a hearing is held on the Educational Outcome only, and the matter involves a possible Educational Outcome of suspension or

expulsion, the Educational Outcome hearing will be held before the University Conduct Board. All other Educational Outcome hearings will be held before a Hearing Officer.

If a Referred Party fails to attend the Student Conduct Conference, the matter will be scheduled for a hearing. A letter will be sent to the Referred Party informing them of the hearing date/time.

### **Conflict Resolution**

Where this process is available, an alleged incident may be resolved through conflict resolution. Use of conflict resolution must be agreeable to both parties and the Dean of Students or designee. The conflict resolution will be held with the identified parties and will be facilitated by a facilitator appointed by the Dean of Student's Office. Where an agreeable resolution is reached between the parties, the matter will be disposed of in lieu of further student conduct proceedings. No formal finding of responsibility or Educational Outcome will be noted on the file. However, in instances where the parties agree to certain actions or conditions to resolve the matter, those agreements will be written and submitted to the Dean of Students. Failure to abide by required actions or conditions may result in future action under the Student Code of Conduct.

### **Scheduling the Hearing**

The Dean of Students or designee will provide the parties with written notice of the hearing at least 5 days in advance of the hearing. At the discretion of the Dean of Students or designee, any matters not involving possible Educational Outcomes of suspension or expulsion may be scheduled and heard informally before a Hearing Officer. Where the matter will be heard before a Hearing Officer, the hearing may be scheduled for an earlier date if the Referred Party agrees.

In matters where the Educational Outcomes may include suspension or expulsion, or in those matters where the Dean of Students/designee exercises discretion not to schedule the matter before a Hearing Officer, the matter will be scheduled as a formal hearing before the University Conduct Board.

The hearing notice will contain a statement of:

- the date, time, and place of the hearing;
- a statement of the date, time, place and alleged acts of misconduct;
- a statement of the specific charges pending against the Referred Party; and
- an identification of the Hearing Officer or University Conduct Board Members, as appropriate

While every effort will be made to schedule the hearing at a time convenient for all parties, final scheduling authority rests with the Dean of Students or designee. When multiple Referrals involving the same Student are received, each Referral will be considered separately in

determining whether a conduct process should be initiated. Multiple charges against the same Referred Party will generally be investigated and adjudicated separately; however, at the discretion of the Dean of Students or designee, multiple charges may be investigated and adjudicated together under appropriate circumstances, which may include, but are not limited to, consent of the parties, similar or related conduct, and the administrative burden of considering the charges separately. The Dean of Students or designee also has the authority, when a matter involves more than one Referred Party, to hold a single hearing for all Referred Parties, or hold separate hearings for each Referred Party.

### **Hearing Procedures**

***If a Referred Party fails to attend the Hearing, the matter will be heard in their absence.***

At the discretion of the Dean of Students or designee, any matters not involving possible Educational Outcomes of suspension or expulsion may be scheduled and heard informally before a Hearing Officer. Procedures for hearings before Hearing Officers are less formal; however, as set forth more fully below, the following provisions apply to both informal hearings before a Hearing Officer and formal hearings before the University Conduct Board.

### **Closed Hearings**

All hearings are closed to the public. Hearings are open only to the parties identified by the University. Witnesses are not permitted to remain in the hearing room except as directed.

### **Hearing Attendance**

The Referred Party and any identified parties with knowledge of the incident, are expected to appear at a hearing. However, in the event that a key witness or affected party fails to attend a Student conduct hearing, the Dean of Students or designee reserves the right to dismiss the matter, or to proceed with the hearing. If a Referred Party fails to appear, the hearing may be conducted in their absence. In extraordinary circumstances the Dean of Students or designee has sole discretion to reschedule the hearing.

The Referred Party has the right to challenge the designation of a Hearing Officer or University Conduct Board member for: personal bias; or prior involvement with parties or circumstances surrounding the matter. A challenge to a Hearing Officer or University Conduct Board member for cause must be presented to the Dean of Students Office in writing at least 2 days before the scheduled hearing. The party making the challenge must provide all facts supporting their challenge. A ruling on the challenge will be issued in advance of any hearing.

### **Witnesses**

The Referred Party is required to notify the Dean of Students or designee of the names and contact information of their respective witnesses at least 3 days prior to the scheduled hearing time. Character witnesses are not permitted.

The Referred Party is responsible for arranging for the attendance of their witnesses at the hearing.

Witnesses are only allowed in the hearing room during their period of testimony or when called to answer questions. The Hearing Officer or University Conduct Board reserves the option of limiting the number of witnesses providing statements at a hearing.

In matters of Student Organization/Group misconduct, individuals who provide information as part of an investigation may remain confidential throughout the conduct process, provided their identities are known to the University and the investigator serves as a witness.

### **Hearing Outcomes**

If a decision of “not responsible” is reached, the matter is closed with no right of appeal.

If a decision of “responsible” is reached, the Hearing Officer or University Conduct Board will make a decision regarding Educational Outcomes. Past violations of the Student Code of Conduct will be factored into the determination of the Educational Outcomes after a decision of responsibility has been reached. Previous conduct will not be considered in establishing whether a Referred Party is “responsible” or “not responsible” of the current charges.

A written decision will be issued, setting forth the findings on the charge(s) and the Educational Outcomes imposed. Absent extenuating circumstances, the written decision will be issued as expeditiously as possible but in no event later than thirty (30) days after conclusion of the hearing. The determination letter will include factual findings and rationale for the decision, and present a complete description of the educational outcomes, if any. Appeal criteria and procedures will be outlined as well.

All hearings before the University Conduct Board are recorded. Hearings before the Hearing Officer may be recorded at the discretion of the Hearing Officer. Where audio or video recording is not made, a written summary of the hearing will be made. Any additional video, audio, stenographic, or photographic recording of any hearing is prohibited.

### **Educational Outcomes**

Educational Outcomes are utilized to help Students and Student Organizations develop more productive patterns of behavior, to support the integrity of the academic mission, and to protect the members of the University Community.

Stipulations may be attached to all Educational Outcomes as deemed appropriate in the interest of supporting the principles outlined above. The Dean of Students or designee has final authority in determining completion of assigned stipulations. Registration holds may be placed pending receipt of required evidence of completion of assigned stipulations.



## **Individual Student Educational Outcomes**

**Disciplinary Warning:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. Students receiving a Disciplinary Warning remain in good disciplinary standing.

**Disciplinary Probation:** Official notification of a specified period of review and monitoring. Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a Student. Students on Disciplinary Probation are not in good disciplinary standing.

**Final Disciplinary Probation:** Final Disciplinary Probation is imposed only in very serious cases or in response to progressive discipline stipulating that a Student, in lieu of University suspension, is being allowed to remain at the University provided that the Student adheres to certain conditions, as set by the Board or Hearing Officer. A Student on Final Disciplinary Probation is denied the privilege to represent the University in any organized capacity including intercollegiate varsity, non-varsity or club events or to hold office in any Student Organization. Students on Final Disciplinary Probation are not in good disciplinary standing.

**Suspension:** Official notification involving a disciplinary separation from the University for a specified period generally not less than one semester and generally not exceeding two years. Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. A Student may not attend classes or be enrolled in online or distance education, take exams, earn grades, attending University activities or be on University property except for University business during the suspension period. University business must be approved in advance by the Dean of Students or designee.

Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a Student. Students on Suspension are not in good disciplinary standing. All stipulated conditions shall be completed before reenrollment.

**Expulsion:** Official notification of permanent separation and termination of the Referred Party's status as a Student, and exclusion from University property, privileges, and activities. Students on Expulsion are not in good disciplinary standing.

**Restitution:** Reimbursement for damage to, or destruction of, University property.

**Housing Reassignment:** Movement from a current residential assignment to another location in campus housing. Housing rates may be impacted.

**Housing Removal:** Removal from campus housing for a specified period of time. Access to campus housing including visitation is prohibited. Should circumstances warrant, housing removal could be permanent. In accordance with Residence Life policy, in such instances there will be no refund of housing fees.

**Alcohol/Other Drug Education:** Completion of an assigned substance education program as directed.

**Restriction of Privileges:** Exclusion from, or limits on, participation in specified services and activities or specified campus facilities. Prohibition of participation in campus co-curricular activities or use of campus services, e.g., intramural participation, room reservation privileges, leadership

**Educational Activities:** Completion of a specified activity, service project, educational program, event, assignment, papers, meetings or other educational and/or restorative assignment.

**No Contact Directive:** Official written expectations issued by a University administrator restricting or prohibiting contact between individuals, and may also include other restrictions.

### **Student Organization Educational Outcomes**

**Organization Disciplinary Warning:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. It is intended to communicate or remind the organization of its responsibility to the University Community.

**Organization Disciplinary Probation:** Organization Disciplinary Probation is a period of time during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the Educational Outcome. During this time, the organization may be required to complete an educational component or service project. A Student Organization will remain on probation through the date indicated or until the date all assigned Educational Outcomes have been completed, whichever occurs later. Educational outcomes that restrict privileges may also be imposed.

**Organization Final Disciplinary Probation:** A final probation status means that any violation of the Code of Conduct by the group, during this time, may result in the group's immediate suspension. A Student Organization will remain on Final Probation at least through the date indicated or until the date all assigned educational outcomes have been completed, whichever occurs later.

**Organization Disciplinary Suspension:** A suspended Student Organization loses all rights and privileges associated with being a recognized Student Organization, must cease any organizational activity or function, and is prohibited from engaging in any organizational activity or function until the suspension is completed.

**Disciplinary Organization Disestablishment:** The organization loses its formal campus recognition and is permanently prohibited from conducting any and all group activity on- or off-campus. All events must be canceled immediately.

**Educational Activity:** The required participation by the organization in specified group activity, service projects, educational programs, or other assignments.

**Restriction of Privileges or Activities:** The loss of the use of services or privileges as a Student Organization or the loss of the privilege to participate in an activity or event for a specified period of time.

*Note: Examples of privileges that can be lost include, but are not limited to: recruitment freeze, suspension of the Student Organization's funds, suspension of access to the organization's web space, suspension of the ability to reserve rooms on campus, suspension of the ability to apply for Student activity fee funding, suspension of fund-raising activities, suspension of access to office space, and others.*

**Membership Review:** The organization is required to review and affirm each person's commitment to the expectations of organization membership. This may involve one-on-one interviews with each member and a member of the national or international staff, and/or a University Advisor or administrator.

**Member Intake and Recruitment Review:** The organization is required to submit a plan on how it will emphasize values during the intake process. The plan should include details of the expected date and time of activities, goals, participant learning outcomes, and the event assessments.

**Organization Restitution:** reimbursement for actual damage to or destruction of property, including that of the University.

## Interim Measures

Interim measures are temporary steps taken by the University through the Dean of Students Office in an effort to maintain the safety of the campus community and an environment conducive for academic success. Interim measures do not replace the regular conduct process, which shall proceed on the normal schedule. Once a final decision has been made on a Student conduct matter, the interim measure will be lifted. Interim measures may include, but are not limited to, administrative directives, a loss of privilege/s, a residence hall room reassignment, or restriction from parts of campus. The Dean of Students or designee, as designated by the University President, may approve or institute the following interim actions without a prior hearing:

**Interim No Contact Order**

A written directive issued by a University administrator restricting or prohibiting contact between individuals, and may also include other restrictions. An Interim No Contact Order is not an indication of responsibility for a violation of University policy; rather, it is intended to protect any Student or other individual in the University Community. The Interim No Contact Order remains in effect until a determined date, or pending the outcome of the student conduct process.

**Interim Removal from University Housing**

A Student who is notified of an interim removal from University housing must immediately relocate from on-campus housing to an off-campus location. The Student is prohibited from entering/visiting any campus residence hall or apartment during the interim removal period. The Student may attend classes and University activities.

**Interim Student Organization Restriction/s**

The group is prohibited from conducting any activities, events, meetings or social functions. Participation in university organizations or holding office in organizations or other privileges can also be included under this Educational Outcome as deemed appropriate by the hearing officer or board based on the incident.

**Interim Student Organization Suspension**

A written directive issued to recognized Student groups/organizations directing the group to cease all operations. The group/organization may not conduct business, hold meetings, host events, attend events as a group, or continue with any philanthropic activities until further notice. Any requests for exceptions must be communicated to the Dean of Students Office. A letter from the group or organization's National Headquarters, if the group is associated, must also accompany the request for exception.

**Interim Suspension**

This measure is taken if it is determined the Student's continued presence constitutes an immediate threat of harm or safety to other Students, university personnel or university property.

### **Interim Suspension from the University**

A Student who is notified of an interim suspension must immediately leave University property. The Student may not return to campus or participate in any university programs or activities, including classes, during the interim suspension period.

### **Interim Suspension Review Process**

A Student issued an interim suspension will be afforded a hearing on the interim suspension within 14 days. If extenuating circumstances warrant an extension of the review, it will be communicated to the Student.

The purpose of the hearing is to review the interim suspension only. The University Conduct Board will determine if Student's continued presence constitutes an immediate threat of harm to other Students, University personnel or to University property. If it is determined that continuation of the interim suspension is not warranted, the Student will be reinstated immediately. The reversal of an interim suspension shall not be construed as finding a Student "not responsible" of underlying alleged violations of the Code of Conduct. The hearing on the interim actions will not address the underlying misconduct. A hearing will be scheduled to address the violations.

### **Appeals**

*In matters reviewed under the Sexual Misconduct Policy, please refer to the processes and procedures set forth in that Policy for appeals.*

All appeals must be submitted in writing no later than five (5) days after the date noted on the outcome letter. Appeals must be submitted via the Dean of Students Outcome Appeal Form. The original Educational Outcome will be stayed pending a decision on the appeal. However, the designated Appeals Officer may, under extenuating circumstances, continue the Educational Outcomes imposed while an appeal is in process.

In cases of Organization Disciplinary Suspension or Organization Disciplinary Expulsion, the appeals by groups who are affiliated with a national or international organization must be accompanied by a letter of support for the appeal.

An appeal may be sought on the following grounds:

- 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing that could affect the outcome of the matter.
- 3) The University Conduct Board Member/Hearing Officer(s) had a conflict of interest or bias for or against an individual party that affected the outcome of the matter.

- 4) The Disciplinary Educational Outcome imposed was grossly disproportionate based on the charged violation and past conduct record.

The appealing party must set forth the grounds for the appeal, and include any supporting documentation. If the grounds for an appeal asserts a procedural irregularity, existence of new evidence, or conflict of interest/bias, the appealing party bears the burden of establishing by a preponderance of evidence that the outcome of the matter was affected.

The University allows one level of appeal review. No further appeals are permitted.

Appeals of hearing decisions will be submitted to the Dean of Students or designee. The appeal will be forwarded in a timely manner to the appropriate Appeals Officer for review.

The appeal will be reviewed to determine if the merits of the stated basis for appeal are met. If the appeal grounds have been met, all related documentation and evidence will be reviewed within the scope of the appeal.

The role of the Appeals Officer is not to reweigh the evidence. The Appeals Officer will confine their review to the basis of appeal alleged and may modify the Educational Outcome or in the event of new information, remand back to the original hearing officer or board to reweigh the new evidence. The Appeals Officer may modify the Educational Outcome if an appeal on the basis of the severity of the Educational Outcome is grossly disproportionate to the violation(s) if an appeal is granted.

After review, the Appeals Officer shall inform the appealing party in writing of one of the following determinations:

- Uphold the original decision;
- Affirm or modify the imposed Educational Outcome;
- Overrule the original decision and modify the outcome or dismiss the case based solely on the submissions of the appeal; or
- Overrule the original decision and remand the case back to the board or hearing officer of original jurisdiction for rehearing to correct a procedural or factual defect.

Decisions on the appeal will be issued within thirty (30) days, absent extenuating circumstances.

## **Disclosure of Discipline Records & Records Retention**

### **Disclosure of Disciplinary Records**

All Students' disciplinary records are kept in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 (the "Buckley Amendment"), 20 U.S.C. 1232g. In accordance with these provisions, all disciplinary files are confidential and may only be disclosed:

- To the Student;
- To a person or agency possessing a signed consent from the Student authorizing the release to the designated person/agency. Signed consents must meet the requirements of FERPA. Consent forms are available on the University's website at the following links:
  - PennWest California: [ferpa-release-academic-records.pdf \(calu.edu\)](#)
  - PennWest Clarion: [release-of-information.pdf \(clarion.edu\)](#)
  - PennWest Edinboro: [FERPA Consent to Release Information \(edinboro.edu\)](#)
- Records may also be disclosed to the following individuals without consent of the Student:
  - To the parents of a dependent Student (as defined by the Internal Revenue Service);
  - To the parents or guardians of a Student under the age of 21 who has been found responsible, or accepted responsibility for an alcohol or drug violation. In such instances, the parents/guardians may be notified of the violation(s).
  - To a court official, agency, or other designated individual in order to comply with a subpoena or court order served upon the University. When served with a subpoena or court order, the University will notify the Student in writing that it is complying with the court order.
  - To a requesting individual where the Student has been found responsible, or accepted responsibility, under the Student Code of Conduct for a violation relating to a crime of violence or a non-forcible sex offense, as provided in FERPA (34 C.F.R. § 99.39).<sup>3</sup> In such instances, only the final results (the name of the Student, the violation committed, the Educational Outcome imposed, date of decision and duration of Educational Outcome) will be disclosed. The names of other Students, including any Reporting or complaining Student and witnesses, will not be disclosed without the consent of the Referred Party Student.
  - To the victim of a Referred Party alleged to have committed a crime of violence or non-forcible sex offense. In such instances, a finding of responsibility is not required; however, the University will disclose only the final results (the name of the Student, the violation committed, the Educational Outcome imposed, date of decision and duration of Educational Outcome) of the disciplinary proceeding.
  - To others within the University with a legitimate need to know and for compliance with other University policies and Reports.

Consistent with the Title IX Sexual Misconduct Policy and Procedures, the University will disclose the outcome of a disciplinary proceeding alleging sexual misconduct to both the Complainant and the Respondent. The University may also disclose the results of a disciplinary proceeding brought against the alleged perpetrator to the alleged complainant of any crime of violence, as that term is defined in 18 U.S.C. 16.

The release of records relating to the Student Organization Discipline Process will be managed by the Dean of Students or designee in consultation with appropriate staff within Student Affairs and the University. There may be times when it is appropriate or necessary to release the interim status or outcome of a particular conduct meeting/hearing to those both within and outside of the University. Those types of decisions will be made on a case-by-case basis. FERPA requires the confidentiality of individual Student records.

### **Records Retention**

The Dean of Students Office maintains disciplinary records of Students. These records are maintained separately from the Student's official academic records. Records regarding academic integrity violations are held separately by the Provost's Office. All records related to Student Organization conduct will be kept in the Student Organization's official file indefinitely and the organization outcomes may be shared or published at the University's discretion. Records involving expulsions are kept indefinitely.

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