



Frequently Asked Questions

Concerning the Arcadia University
Policy Prohibiting
Sexual Harassment and Sexual Misconduct

1. Why did Arcadia change the previous Policy Prohibiting Sexual Misconduct, Relationship Violence, and Stalking?

The U.S. Department of Education Office of Civil Rights (“OCR”) published new regulations in May 2020 with which all universities that receive federal funding are required to comply. Arcadia’s policy was changed to reflect what the new regulations require, while still continuing to prohibit all of the conduct that our former policy prohibited.

2. Why does the policy mention both “Sexual Harassment” and “Sexual Misconduct”?

OCR requires that universities address all reports of what it defines as Sexual Harassment. The conduct that falls under OCR’s definition of Sexual Harassment is narrower than the range of conduct that was prohibited in Arcadia’s former policy. Therefore, Arcadia’s new interim policy prohibits Sexual Harassment, as is required by OCR, and also prohibits Sexual Misconduct, which encompasses all of the other forms of misconduct that Arcadia’s former policy prohibited. By doing this, Arcadia has in place a comprehensive policy that addresses a wide range of conduct to promote a safe living, learning, and working environment for all students and employees, while fully complying with federal law.

3. How do I make a report of Sexual Harassment or Sexual Misconduct?

You can make a report by contacting Nora Nelle, the Director of the Office of Equity and Civil Rights¹ (OECR) and the University’s Title IX Coordinator, at:

777 Limekiln Pike, Suite 112, Room 111
Glenside PA 19038
nellen@arcadia.edu
215-517-2659

4. Can I still make an anonymous report?

Yes. Anonymous reports can also be made through the University’s [Campus Conduct Hotline Reporting System](#). Campus Conduct Hotline reports can be made online or over the phone. Please note that while reports to the Campus Conduct Hotline can be anonymous, the University cannot assure that the information disclosed will be kept confidential, and the anonymity of the report may limit the ability of the University to respond.

5. If I make a report, am I required to participate in Arcadia’s investigation and adjudication processes?

No. In cases in which an individual chooses not to file a formal complaint or otherwise requests that no formal action be taken and the circumstances allow the University to honor that request, the University will offer supportive measures to the individual and the community, but will not otherwise pursue formal

¹ The Office of Equity and Civil Rights used to be called the Title IX Office.

action. The goal is to provide the individual with as much control over the process as possible, while balancing the University's obligation to protect its community. There are certain situations where the University would proceed with a formal grievance process, such as if there was an overriding concern about the safety of the community, but in that situation, the individual would still not be required to participate if they did not want to do so.

6. How long does the investigation and disciplinary process take?

Formal complaints typically take ninety (90) business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid undue delays to the extent such delays are within its control.

7. Why would the timeframe be extended?

Timeframes may be extended to ensure the integrity and completeness of the investigation. Extra time may be needed for such reasons as to accommodate party or witness availability, to comply with requests by external law enforcement, or as a result of the complexity of the investigation and the severity or extent of reported misconduct. OECR keeps the parties informed of the progress of the investigation.

8. What supportive measures are available to me if I make a report of Sexual Harassment or Sexual Misconduct?

Regardless of whether a formal complaint is filed, if an individual makes a report of Sexual Harassment or Sexual Misconduct, supportive measures are available to them. Supportive measures are individualized services, accommodations, and other assistance that the University offers and may put in place, without fee or charge. Supportive measures are designed to restore or preserve equal access to the University's education program or activity, protect the safety of all parties and the University's educational environment, and/or deter Sexual Harassment, Sexual Misconduct, and/or retaliation, without being punitive or disciplinary in nature or unreasonably burdening the other party. Some examples of supportive measures available can be found in Section VII of the [Policy Prohibiting Sexual Harassment and Sexual Misconduct](#).

9. If I share my experience with Sexual Harassment or Sexual Misconduct with a professor, will they tell the Director of OECR/Title IX Coordinator?

Yes. All employees of the University (including student Resident Assistants), with the exception of those who are designated as confidential resources (the Counseling Center and Student Health), are "Mandated Reporters" and must promptly share with the Director of OECR/Title IX Coordinator all known details of a report made to them. There are exceptions to this requirement, such as if a disclosure is made in the course of a climate survey, a classroom discussion or writing assignment, human subjects research, or at an event such as "Take Back the Night." The University does have a list of confidential resources [here](#), and those resources will not share any information with anyone, including the Director of OECR/Title IX Coordinator, except under very specific circumstances (disclosures of child abuse, disclosure of a threat to harm oneself or others).

10. How does Arcadia define consent?

Consent is knowing, voluntary, and clear permission, by word or action, to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. Consent must be clearly provided prior to engaging in the activity, by either word or action. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied.

11. What do I do if someone retaliates against me for making a report to OECR or for participating in the OECR investigation or disciplinary process?

The University will not tolerate retaliation in any form. The University recognizes that retaliation can take many forms, that it may be committed by or against an individual or a group, and that a complainant, reporter, respondent, third party, and any employee charged with implementing University Policy and related Procedures may also be the subject of retaliation by another individual. It is a violation of University Policy to retaliate in any way against an individual because they raised allegations of Sexual Harassment or Sexual Misconduct.

Acts of alleged retaliation should be reported immediately to the Director of OECR/Title IX Coordinator and will be promptly investigated by OECR. The University is prepared to take appropriate steps to protect individuals who have been or fear that they may be subjected to retaliation. Reports of retaliation with student respondents will be adjudicated through Appendix B of the [Procedures](#). Appendix C of the [Procedures](#) will be used for adjudication of employee respondents.

12. What does the investigation and disciplinary process look like?

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The Director of OECR/Title IX Coordinator promptly appoints investigators to conduct the investigation (typically using a team of two investigators). The University may designate investigators of its choosing from inside or outside of the University. The investigators will be individuals who have specific training and experience investigating allegations Sexual Harassment, Sexual Misconduct, and retaliation.

Investigations involve interviews with all directly related parties and witnesses; obtaining available, directly related evidence; and identifying sources of expert information, as necessary.

The [Procedures for Resolution of Complaints Under the Non-Discrimination and Non-Harassment Policy and the Policy Prohibiting Sexual Harassment and Sexual Misconduct](#) are provided in the Policy Library.

13. I have read that the new regulations from OCR require cross-examination. Can you explain what that means?

Cross-examination means asking an opposing party questions. The new regulations require cross-examination to be performed differently from how Arcadia has allowed cross-examination in the past. Going forward, for hearings addressing Title IX Sexual Harassment (Appendix A hearings), all parties are required to have an Advisor to perform cross-examination of the opposing party and their witnesses. If a party does not have an Advisor, Arcadia will provide one for that party. Parties themselves are not permitted to ask questions of the opposing party or the opposing parties' witnesses.

For all other hearings addressing Sexual Misconduct (Appendix B and C hearings), Arcadia will continue to allow parties to submit cross-examination questions through the hearing officer/judicial board during the hearing.

14. Am I required to report Sexual Harassment and Sexual Misconduct to the police if I make a report to OECR?

All individuals have the option to participate in both the criminal process and the OECR process, neither process, or one of these processes. We want to provide individuals that make reports with as much autonomy as possible.

15. What happens if the respondent is not an Arcadia student or employee?

Even though the University's ability to take direct action against a person who is not affiliated may be limited, the University will take steps to provide appropriate support for the complainant and, where appropriate, the broader community. This may include offering available support services to the complainant, notifying the complainant of the right to file a complaint with the respondent's school (if the respondent is a student) or local law enforcement, and taking any other appropriate steps to protect the campus.

16. I have read that the new regulations from OCR make it possible for universities to take allegations of sexual harassment less seriously. How would you respond to that concern?

Arcadia takes allegations of sexual harassment very seriously and is committed to a reporting and response process that is prompt, impartial, and fair. While the University is committed to complying with the law, we also recognize that the new regulations set a floor and not a ceiling. For example, the new regulations do not require institutions to respond to many incidents that occur off-campus or outside the United States. Despite this, the University has chosen to continue to address allegations of prohibited conduct wherever it is said to have occurred, as we believe this is equitable, in the best interests of our community, and most consistent with our educational mission.

17. What does Arcadia do to prevent Sexual Harassment and Sexual Misconduct?

Arcadia's Office for Sexual and Gender-Based Violence Prevention and Education works to prevent incidents of sexual and gender-based violence and improve the University's response to such incidents through: streamlining efforts to prevent and respond to sexual and gender-based violence at Arcadia

University through the Coordinated Community Response Team; reviewing policies, protocols and procedures related to those efforts; and assisting campus community members in understanding and accessing the resources and services available to them if they or someone they know has experienced. In addition, this office produces several comprehensive prevention programs per year including information such as:

- Descriptions of safe and positive options for bystanders
- Information on how to recognize warning signs of sexual violence
- Risk and harm reduction techniques
- Prosocial, primary prevention techniques

All programs are based on primary prevention theory - meaning that they focus on cultivating culture shift, rather than encouraging potential victims to make changes to behavior to prevent victimization. Programming and outreach tactics are informed by research and assessed for learning outcomes that are intended to stop harmful and prohibited behavior before it occurs through the examination of the roots of harmful attitudes and beliefs and the promotion of positive and humane behaviors that foster healthy and mutually respectful relationships. Such programs seek to challenge harmful social norms and change behavior. During business hours, the Coordinator can be contacted at (267) 620-4853.

These programs are often produced with the help of the Arcadia Good Knights, the University's peer educator program focusing on issues of sexual and gender-based violence prevention, sexual health and wellness, and mental health and wellness. Peer educators are trained and certified annually through the NASPA Certified Peer Educator Training and assist in facilitating workshops, planning and leading programming and serving as student advisors on several of the Coordinated Community Response Team committees.

For more information on our comprehensive prevention programs, please see the Arcadia University Annual Security Report section titled "Programming, Training and Education to Prevent Sexual Violence (Sexual Assault, Dating Violence, Domestic Violence and Stalking)".

18. Who should I contact with additional questions or concerns about the policies and procedures that address Sexual Harassment and Sexual Misconduct?

All questions and concerns can be directed to the Director of OECR/Title IX Coordinator, Nora Nelle:

777 Limekiln Pike, Suite 112, Room 111
Glenside PA 19038
nellen@arcadia.edu
215-517-2659

Individuals may also submit questions and/or concerns to the [OECR/Title IX Suggestion Box](#) on the OECR website.