

# RIGHTS AND RESOURCES

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**for Sexual and  
Gender-Based Violence**

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2025

ARCADIA  
UNIVERSITY

## INTRODUCTION

If you've tried to read the Arcadia University's procedures for addressing sexual offenses in our [Policy Prohibiting Discrimination and Harassment](#), it can be a challenge to understand some of its complexity. This guide is intended to help explain the University's responsibility under Title IX and the Violence Against Women Act (VAWA). Additionally, this guide will:

- provide you with specific resources available both on and off campus
- provide you with details on available supportive measures
- educate you on your right to an Advisor and how they can assist you throughout the process
- inform you of policy definitions that describe prohibited conduct
- inform you of possible sanctions for policy violations
- provide you with common questions and answers asked by parties (Complainants and Respondents)

## IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

If you are **off campus** or on the **Christiana campus** and experiencing an emergency, you can call local police by dialing 911.

If you are on the **Glenside campus**, you can call Public Safety at 215-572-2999 or the Cheltenham Township Police at 911.

1. **Go to a safe location** as soon as you are able.
2. **Contact** any of the following for immediate assistance if on campus in **Glenside, PA**:
  - Title IX Coordinator in the Office of Equity & Civil Rights at 215-517-2659. Someone from the Office of Equity & Civil Rights is available 24/7.
  - Public Safety, at 215-572-2999 or x2999 from a campus phone, 24 hours/7 days a week.
  - Student Health Services, at 215-572-2966. Monday-Thursday 8:30 a.m.-4:30 p.m. | Friday 8:30 a.m.-4 p.m.
  - Counseling Services, at 215-572-2967. Monday-Thursday 8:30 a.m.-4:30 p.m. | Friday 9 a.m.-4 p.m.
  - Victim Services Center of Montgomery County (sexual assault crisis) at 1-888-521-0983. Hotline is available 24/7.
  - Laurel House (Domestic Violence/Dating Violence), at 1-800-642-3150. Hotline available 24/7. Text HOPE to 85511.
3. **Contact** any of the following for immediate assistance if on campus in **Christiana, DE**:
  - Title IX Coordinator in the Office of Equity & Civil Rights at 215-517-2659. Someone from the Office of Equity & Civil Rights is available 24/7.
  - Public Safety, at 215-572-2999, 24 hours/7 days a week.
  - Delaware State Police, 911. Available 24/7.
  - Student Health Services, at 215-572-2966. Monday-Thursday 8:30 a.m.-4:30 p.m. | Friday 8:30 a.m.-4 p.m.
  - Counseling Services, at 215-572-2967. Monday-Thursday 8:30 a.m.-4:30 p.m. | Friday 9 a.m.-4 p.m.
  - YWCA Sexual Assault Response Center 800-773-8570. Available 24/7.
  - Delaware Domestic Violence Hotline 302-762-6110. Available 24/7.

- 4. Medical Attention:** Evidence collection should be completed within approximately 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed or bathed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault.

Sexual assault nurse examiners are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted infections and diseases. If you are still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the incident to the hospital in a clean paper (not plastic) bag or wrapped in a clean bedsheet. Leave sheets/towels at the scene of the incident. Police will collect them. Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

**If you are on the Glenside campus,** a representative from the Office of Equity & Civil Rights is available to accompany you should you seek medical attention, and Public Safety can assist with transportation to Jefferson Abington Hospital.

**If you are at the Christiana Campus,** Christiana Care has Forensic Nurse Examiners at 4755 Ogletown Station Road, in Newark, DE 19718 302-733-4799.

- 5. Choose how to proceed.** You have options. You can:

- do nothing until you are ready,
- pursue resolution through the process at Arcadia, and/or
- initiate criminal proceedings, and/or
- initiate a civil process against the perpetrator.

You determine which combination of options is best for you. If you pursue resolution through the Arcadia process, your options can include a formal response, informal resolution, and/or supportive measures. If you wish to have an incident investigated and resolved by the University, you should contact the Title IX Coordinator. Arcadia procedures will be explained and are summarized below. Those who wish incidents to be handled criminally should contact Public Safety or the Office of Equity & Civil Rights and have the right to be assisted by those offices in doing so.

## CONFIDENTIALITY, PRIVACY, AND ANONYMOUS REPORTING

To make informed choices, all parties should be aware of confidentiality and privacy considerations, as well as institutional mandatory reporting requirements. If you have not disclosed the situation to a mandated reporter (see below), anonymous reporting is an option.

**Confidential Reporting:** If a Complainant (the party who has been harmed) wishes to keep the details of an incident confidential, they should speak with Student Health Services or Counseling Services. Campus counselors are available to help students on an emergency basis. Arcadia students also may reach out to the therapists through TimelyCare, which is confidential. Their service is free of charge. Employees can access the Employee Assistance Program, Carebridge, for free counseling and confidential help. Local resources such as crisis centers are also confidential and have no duty to report disclosed information to Arcadia University.

### Confidential Resources:

- Counseling Services licensed professional counselors and staff
- Student Health Services providers and staff
- Off-campus (non-employees):
  - » Licensed professional counselors and other medical providers
  - » Local rape crisis counselors
  - » Domestic violence resources
  - » Local or state assistance agencies
  - » Clergy/Chaplains
  - » Attorneys

**Mandated Reporting:** All Arcadia employees, other than those in Student Health Services and Counseling Services, are mandated reporters. This includes RAs. This means they are required to share information that you have disclosed to them with the Title IX Coordinator, though that does not obligate you to any formal involvement. The Title IX Coordinator will simply reach out to you to offer support and the opportunity to file a formal complaint.

**Privacy:** The Office of Equity & Civil Rights strives to keep information private, but there may be times when information must be shared with others. For example, if a No Contact Directive is requested, both parties need to know the identities of those involved. Similarly, a faculty member may be advised that students have a no contact directive in the event they are in a class together, so they are not assigned to work together on projects or assignments.

**If a report is made to Public Safety before going to a Confidential Resource such as Student Health Services or Counseling, your identity would be revealed in the Public Safety report which may become part of the investigative record.** OECR takes all efforts to protect the privacy of each party.

**Anonymous Reporting:** If you have not discussed the situation with anyone, or only with a Confidential Resource, you may report anonymously. If the matter is discussed with anyone in OECR or anyone who is not a “Confidential” Resource on campus, it will not be anonymous. If an investigation is started, your name will be revealed during that process.

The University makes every effort to investigate and process anonymous complaints. **Anonymous complaints can be difficult to resolve because due process rules allow the accused party to question their accuser.** If you make an anonymous complaint, you will not be advised of the outcome of the complaint or investigation.

You can file an anonymous report via the [Campus Conduct Hotline](#) or by using this [form](#) and typing “Anonymous” in the field requesting a name.

**Officials with Authority or OWAs:** The Title IX Coordinator has been designated as an Official with Authority to institute supportive measures. Giving the OWA notice of an incident will result in the offering of supportive measures and options for formal and informal resolution. If a formal complaint is filed with the Title IX Coordinator, such incidents will be investigated and resolved in a prompt and equitable manner under Arcadia’s resolution procedures, which are discussed later within this brochure.

You may request that the Title IX Coordinator provide you with supportive measures and resources without initiating a formal resolution process. If you wish to pursue a formal resolution process, the Title IX Coordinator will be unable to honor any request for confidentiality. The Respondent must be provided sufficient information, including the identity of the Complainant, to allow them to appropriately respond.

If the University decides it is obligated to pursue formal resolution based on the notice you have given, the Title IX Coordinator can initiate a complaint. You are not obligated to participate in the resolution process as a Complaint, or you could participate as a witness, instead. Regardless of whether you participate, you will have all the rights to which a Complainant is entitled, if you want them. The ability of the University to enforce its policies may be limited if you decide not to participate at all.

Duties with respect to minors (those under age 18) may require reporting to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed.

## **SEXUAL MISCONDUCT: RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL ASSAULT**

While victim-blaming is never appropriate and Arcadia fully recognizes that only those who commit sexual offenses are responsible for their actions, the University provides the suggestions that follow to help members of the campus community reduce their risk of being victimized and their risk of committing sexual offenses.

### **REDUCING THE RISK OF VICTIMIZATION**

- Make any limits and/or boundaries you may have known as early as possible.
- Tell a sexual aggressor “no,” as clearly and firmly as possible.
- Remove yourself, if possible, from an aggressor’s physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. Bystanders around you may be waiting for a signal that you need help.

- Take affirmative responsibility for your alcohol and/or drug consumption, understanding that alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

## **REDUCE THE RISK OF BEING ACCUSED OF A SEX OFFENSE**

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If they say “no,” accept it and don’t push. If you want a yes, ask for it, and don’t proceed without clear permission.
- Communicate your intentions to your potential sexual partner clearly and give that person a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what’s okay in any interaction, ask.
- Avoid ambiguity. Just ask. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Their loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. They may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable and understand that everyone is entitled to change their mind.
- Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to both verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant you consent to other types of sexual behaviors. If you are unsure, stop and ask.
- If your partner indicates a need to stop, or withdraws consent, respect them. Immediately.
- If you’ve had consent with your partner previously, still check in with them. Just because something was okay with them before doesn’t mean it will be okay in the future.

## **A BRIEF SUMMARY OF TITLE IX’S RECENT HISTORY**

The 2020 Title IX regulations required all colleges to revise or rewrite their policies and procedures for addressing sex offenses, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Arcadia has worked diligently to ensure that its [policies and procedures](#) are now compliant with these regulations.

To summarize:

- Title IX protects students and employees who are impacted by sexual harassment, sexual assault, domestic violence, dating violence, and stalking. When these behaviors occur, and a formal complaint is made, the University is obligated to address and remedy the complaint to ensure that no one is denied effective access to the educational program or activities of the University.
- Colleges have jurisdiction requirements that they must follow to determine whether a complaint falls within Title IX or is to be addressed within other policies and procedures.
- Complainants are protected by the regulations in terms of supportive measures that are offered by institutions to try to address the impact of sex offenses.

- Complainants and Respondents are each entitled to an Advisor of their choice (who can be an attorney) throughout the resolution process, and Arcadia can provide an Advisor to each party, if needed. Every semester, we reach out to faculty and staff and train Advisors to reflect our student body.
- The regulations have created options for informal resolution.
- To protect Respondents' due process rights, institutions are required to use a formal grievance process for certain types of allegations. That formal process includes an investigation, a live hearing, questioning of the parties through their Advisors, a determination by an objective Decisionmaker, and an appeal.

## WHEN DOES TITLE IX APPLY?

Title IX only applies when Arcadia has jurisdiction over the complaint. This happens when:

- the Complainant is participating (or attempting to participate) in Arcadia's educational program or activities or working at Arcadia, **AND**
- the Respondent is a student or employee of the University, **AND**
- the behavior occurred within the University's control in the United States (meaning not on private property, outside the scope of the educational program, etc.).

If it is unclear whether Title IX applies to your situation, contact the Title IX Coordinator for additional assistance. If Title IX does not apply to your situation, the conduct may still be addressable under the [Policy Prohibiting Discrimination and Harassment](#). Contact the Office of Equity and Civil Rights via this reporting [form](#), emailing [oeer@arcadia.edu](mailto:oeer@arcadia.edu), or calling 215-517-2659.

## A BRIEF HISTORY OF VAWA

**The Violence Against Women Act §304.** VAWA was originally enacted in 1994 to address concerns with violent crimes and violence against women. The goals of VAWA are to prevent violent crimes, respond to the needs of crime victims, learn more about crime, and change public attitudes through a collaborative effort made by a variety of organizations and systems. In 2013, President Obama signed the Violence Against Women Reauthorization Act, which, among many provisions, amended sections of the 1990 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

To summarize, the major relevant provisions of VAWA are:

- A requirement for institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the specific definition of those terms
- Requirement for institutions to provide primary prevention programs to incoming students and new employees that must include: a statement that the institution prohibits the crimes of dating and domestic violence, sexual assault, and stalking; the definition of consent in reference to sexual activity; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs; and an obligation to describe all of these within Arcadia's [Annual Security Report](#)
- A requirement to provide ongoing prevention and awareness campaigns for students and employees and to describe these in the Annual Security Report
- A requirement to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decisionmaking process for each type of disciplinary proceeding that includes how to file a disciplinary complaint, and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking
- A requirement for institutions to describe the range of protective (supportive) measures that the institution may offer
- A requirement for institutions to provide a prompt, fair, and impartial disciplinary proceeding in which: officials are appropriately trained and do not have a conflict of interest or bias for or against any party; the Complainant and Respondent have equal opportunities to have others present, including an Advisor of their choice; the Complainant and Respondent receive simultaneous notification, in writing, of the results of the hearing and any available appeal procedures; the procedures completed in a reasonable prompt timeframe; the Complainant and Respondent are given timely notice of meetings at which one or the other or both may be present; and the Complainant and the Respondent and their Advisors are given timely and equal access to information that will be used during formal and informal disciplinary meetings and hearings

There are a lot of similarities between Title IX and VAWA compliance. Ultimately, both ensure Complainants and Respondents have a full understanding of their rights, the institution's responsibilities, and transparency with navigating the institution's process for resolving reported sex offenses.

## **POLICY TERMINOLOGY AND SEX OFFENSE DEFINITIONS**

There is certain terminology used in both the policy and procedures that is important for you to know. Additionally, members of the Title IX team will use these terms in their written and verbal communication. Below is a chart of the most common terminology used and its definition:

|                              |                                                                                                                                                                                                                                                                                                |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Complainant</b>           | An individual who is alleged to be the victim of conduct that could constitute sexual harassment                                                                                                                                                                                               |
| <b>Formal Complaint</b>      | A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegations of sexual harassment                                                                                    |
| <b>Respondent</b>            | An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment                                                                                                                                                                                   |
| <b>Supportive Measures</b>   | Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed                            |
| <b>Advisor</b>               | A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any                                                          |
| <b>Confidential Resource</b> | An employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation                                                                                                                                                                                         |
| <b>Decisionmaker</b>         | The person who hears evidence, determines relevance, and makes the final determination of whether the policy has been violated and/or assigns sanctions                                                                                                                                        |
| <b>Investigator</b>          | The person or persons designated by the University to gather facts about an alleged violation of the policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and a file of directly related evidence |
| <b>Mandated Reporter</b>     | An employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator                                                                                                            |
| <b>Notice</b>                | When an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct                                                                                                 |
| <b>Parties</b>               | The Complainant(s) and Respondent(s), collectively                                                                                                                                                                                                                                             |

Arcadia's Policy Prohibiting Discrimination and Harassment is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. You can review the full policy [here](#).

Sex offenses, including sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and/or stalking are violations of both the Student Code of Conduct and the Policy Prohibiting Discrimination and Harassment. A number of federal laws and regulations, including Title IX, VAWA, and the Clery Act, mandate how institutions of higher education must respond to sex offenses. Many types of sex offenses also constitute violations of Pennsylvania or Delaware law.

Members of the campus community, guests, and visitors have a right to be free from sexual offenses and to be protected by the University policy regardless of sex, sexual orientation, gender identity, or gender expression. All members of the campus community must conduct themselves in a way that does not infringe upon the rights of others. When individuals are found to have violated policy, the University will impose serious sanctions, as noted in the Sanctions section of this document.

**SEXUAL HARASSMENT:** Sexual Harassment, as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as:

Unwelcome conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Quid Pro Quo</b>      | An employee of the College/University conditioning the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct.<br><br>An example – an instructor says, "Have dinner with me or I'll fail you for this class."                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Sexual Harassment</b> | Unwelcome conduct determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University education program or activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Sexual Assault</b>    | Any sexual act <sup>1</sup> directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Dating Violence</b>   | Violence on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.<br><br>The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people involved in the relationship.<br><br>Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse as well as emotional abuse.<br><br>Dating violence does not include acts covered under the definition of domestic violence. |

<sup>1</sup> This includes six sub-offenses clearly defined in the [Policy](#).

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Domestic Violence</b>   | <p>Violence on the basis of sex, committed by</p> <ul style="list-style-type: none"> <li>• a current or former spouse or intimate partner of the Complainant</li> <li>• a person with whom the Complainant shares a child in common</li> <li>• a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner</li> <li>• a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of your state</li> <li>• 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 your state.</li> </ul> |
| <b>Stalking</b>            | <p>Engaging in a course of conduct on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Sexual Exploitation</b> | <p>One person taking non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses</p>                                                                                                                                                                                                                                                                                                                                                                                      |

**CONSENT:** knowing, voluntary, and clear permission by word or action to engage in sexual activity.

In all sexual encounters, it is important that you obtain consent. Each of us is responsible for obtaining consent and has a right to choose to give consent or not give consent.

Consent is easily remembered using the acronym **FRIES**:

- **F**reely given
- **R**eversible
- **I**nformed
- **E**xplicit
- **S**pecific/Sober

Consent is not something that can be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.

If consent is withdrawn, sexual activity must stop reasonably immediately. Any party can place conditions on their willingness to consent, and those conditions must be respected.

People may experience the same interactions differently; each party is responsible for making sure that their potential partner has provided ongoing, clear consent to engage in any sexual activity or contact.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

To legally give consent in Pennsylvania, individuals must be at least 16 years old. The age of consent in Delaware is generally 18, although someone 16 or 17 can engage in a relationship with someone under 30 as long as the older individual is not in a position of authority over the minor.

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Force</b>          | <p>Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me, I’ll do what you want.”).</p> <p>Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Coercion</b>       | <p>Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Incapacitation</b> | <p>This is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot sexually consent if they are unable to understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Individuals engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct.</p> <p>The fact that a Respondent was intoxicated and therefore did not realize that the Complainant was incapacitated does not excuse sexual assault.</p> <p>Arcadia has a Medical Amnesty policy. Complainants who may have been using alcohol or drugs at the time the Prohibited Conduct occurs will not face disciplinary action for drug or alcohol violations when it is revealed as part of a report or an investigation.</p> |

## SEXUAL HARASSMENT PROCEDURES

Arcadia’s full grievance process for sexual harassment defined above and in accordance with the regulations can be accessed [here](#).

The University treats Complainants and Respondents equitably by providing remedies to a Complainant when a determination of responsibility for sexual harassment has been made against the Respondent and by following a grievance process that complies with the Title IX regulations and VAWA.

Here is an overview of the major steps in the process:

### STEP ONE: INTAKE

The Title IX Coordinator may assist the Complainant with understanding the policy and procedures, their options, and accessing resources. Assuming the Complainant chooses to file a complaint and move forward with a formal or informal resolution process, the next step is an Initial Assessment.

If there is an anonymous report, third-party report, or an unidentified Complainant, the Title IX Coordinator will attempt to: (1) take appropriate action to determine who was impacted and/or involved in the reported behavior to offer them supportive measures and resources and explain their process options, and (2) take reasonable action to stop the behavior, remedy its effects on individuals and the campus community, and prevent it from recurring in the future.

All resolutions will be conducted by officials who receive annual training on issues related to sexual harassment. The Title IX Coordinator, Investigators, Decisionmakers, and any person who facilitates an informal resolution process are required to be trained on:

- the definitions of sexual harassment;
- the scope of the University's education program or activity;
- how to conduct an investigation and grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- serving impartially, including by avoiding prejudgment of the facts at issue, identifying conflicts of interest, and bias.

Additionally, Decisionmakers must receive training on any technology used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

The resolution process is private. Only the parties (and their Advisors) will learn of the outcome at the time the decision is made. Third-parties may not attend hearings. Witnesses will attend to provide their testimony and then are excused. They will not stay for the entire proceeding.

Arcadia will protect the privacy of parties throughout the resolution process, consistent with the provisions of state and federal law. Any required release of information about a resolution will be accomplished without the inclusion of identifying information about the Complainant. Information about the Respondent will only be released to the extent permitted by law, including NCAA transfer disclosures.

#### **STEP TWO: INITIAL ASSESSMENT**

An initial assessment of the allegations is made by the Title IX Coordinator to determine appropriate jurisdiction and applicable policies/procedures. Under the federal Title IX regulations, the Title IX Coordinator is required to dismiss any formal complaint if **one or more of the following is true:**

- The alleged conduct would not constitute sexual harassment as defined within the Policy Prohibiting Discrimination and Harassment, even if proved
- The alleged conduct did not occur in Arcadia's education program or activity
- The alleged conduct did not occur against a person in the United States
- The Complainant is not participating or attempting to participate in Arcadia's education program or activities at the time of filing the complaint.

Additionally, the Title IX Coordinator may dismiss any formal complaint if one or more of the following is true:

- At any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations therein
- The Respondent is no longer enrolled or employed by the University
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

Upon a dismissal required or permitted under the federal Title IX regulations, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale to the parties simultaneously. The parties (meaning the Complainant and Respondent) will have an opportunity to appeal this decision by following the appeal procedures in the Policy.

If a dismissal occurs, the Title IX Coordinator may refer or reinstate the allegations for resolution under an alternative campus process, if appropriate.

Arcadia recognizes that incidents which fall outside of the narrow scope of the Title IX regulations also may negatively impact access to the institution's education programs and activities and are counter to our Lived Values. Therefore, the University also has provisions within the Policy Prohibiting Discrimination and Harassment and additional procedures to address other sex offenses that may fall outside the protections of Title IX. Sex offenses which are based upon sexual orientation, gender identity, or gender expression are included in the definitions of Hostile Environment II and all

categories of Sexual Assault under the Policy. For example, if a student experiences conduct which would fall within the Title IX definitions of prohibited conduct but it occurs as part of a study abroad experience, there are procedures within the Policy Prohibiting Discrimination and Harassment which would allow that matter to be handled by the Office of Equity & Civil Rights.

### **STEP THREE: CHOOSE AN ADVISOR (if you have not already)**

The parties each are entitled to an Advisor of their choice to accompany them to any and all meetings pertaining to the complaint. An Advisor can be anyone, including but not limited to an attorney, friend, roommate, or parent. Advisors can be extremely helpful in assisting parties with navigating the Title IX resolution process, especially when it comes to the hearing. The University is required to have a live hearing as part of its formal grievance process.<sup>2</sup> At the live hearing, the Decisionmaker must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a party does not have an Advisor, the University will provide an Advisor, without fee or charge, from a pool of trained Advisors. The Title IX Coordinator can speak with you about available Advisors on campus.

### **STEP FOUR: INVESTIGATION**

Trained campus (or in some instances, external) Investigators will conduct an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview the parties and witnesses and prepare a report. Your Advisor can accompany you to all interviews. As part of the investigation, parties and their Advisors will be provided access to all relevant and directly related evidence collected and will be given an opportunity to review and comment upon it along with the investigative report, which will include summaries of all the interviews.

After the comment period has concluded, the final investigative report will be given to the Title IX Coordinator who will determine if the matter will proceed to adjudication or hearing or dismiss the Formal Complaint and advise all of the Parties of their decision in writing. For example, the Title IX Coordinator may dismiss the Formal Complaint at this point if there is not a violation of the policy based upon the final investigative report and evidence.

### **STEP FIVE: HEARING**

The University resolution process provides for a neutral and independent Decisionmaker. The Decisionmaker will meet with the parties and their Advisors prior to the hearing to explain the hearing process and the rules of decorum. The Decisionmaker will have the opportunity to question investigators, parties, and witnesses during a hearing. Hearings generally take place through videoconference. The parties may make opening and closing statements. During the hearing, the Advisors will have the opportunity to question the other party and witnesses after the Decisionmaker has completed their questioning. Parties or witnesses are not required to attend and participate in the hearing. In such a case, the Decisionmaker will rely on the materials provided in the final investigative report and evidence.

**Standard of Evidence:** The University uses a preponderance of evidence standard of evidence. This means that the Decisionmaker considers whether, given the available relevant, credible evidence, it is more likely than not that a violation occurred.

**Past History:** Questions and evidence about the Complainant's sexual predisposition cannot be asked. Questions about a Complainant's prior sexual behavior cannot be asked unless:

- Such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, OR
- The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **STEP SIX: FINAL DETERMINATION**

- The parties will be informed of the outcome in writing, without significant delay between the notifications to each party. This notice will include the final determination, any sanctions imposed, a rationale for the final determination and any sanctions, the institution's procedures for the parties to appeal, any change to the results that occurs prior to the time that such results become final, and when the University considers those results to be final.

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<sup>2</sup> The Parties may agree to have the investigator adjudicate the matter without a hearing based upon the information in the final investigative report.

## STEP SEVEN: APPEAL

- All parties involved may appeal a decision within five (5) days of the delivery of the final determination on the following grounds:
- A procedural regularity that affects the outcome of the matter
- New evidence that was not reasonably available at the time of the investigation
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias against one of the parties
- The severity of the sanction was not appropriate for the violation of Policy for which the Respondent was found responsible.

## TIMELINES FOR RESOLUTION

- Arcadia is committed to resolving complaints within a reasonably prompt timeframe. The University's policy and procedures detail this timeline more specifically. Arcadia's process allows for the temporary delay of the grievance process or limited extensions of time frames for good cause with written notice to the Complainant and the Respondent. This notification will include specifics of the delay or extension with a detailed reason for the action. Contact the Title IX Coordinator if you need a delay in the process, or an extension for an aspect of the process.
- Generally, we strive to complete the investigation within 90 days of the case being sent to the Investigator. In some cases, that may take longer due to the number of parties and witnesses involved, availability of the parties, or other issues. If timelines need to be extended, the Title IX Coordinator will advise all of the parties in writing. A "day" is counted as a business day during which the university is open.

## INFORMAL RESOLUTION PROCESS

- To initiate an informal resolution process for a Title IX offense, a Complainant must submit a formal complaint first.<sup>3</sup> After submission of the formal complaint, the Title IX Coordinator will provide additional information if an informal resolution is an option. Parties who wish to initiate an informal resolution process should contact the Title IX Coordinator.
- All parties must agree, in writing, to initiate an informal resolution process. For more information about the informal resolution process, speak to the Title IX Coordinator. Information or evidence which is obtained solely through the informal resolution process will not be used in the Formal Grievance process.
- It is not necessary to pursue informal resolution first to pursue a formal grievance process, and any party participating in informal resolution can stop the process at any time and begin or resume the formal grievance process. The parties may choose an Informal Resolution at any time until a hearing is held.

## Respondent Accepts Responsibility for Alleged Violations

- The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.
- If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the Arcadia are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Arcadia policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.
- This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.
- When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

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<sup>3</sup> If the conduct falls outside Title IX, a formal complaint is not necessary for informal resolution. The Title IX Coordinator can explain this in detail.

## RIGHTS OF COMPLAINANTS AND RESPONDENTS

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to Arcadia officials
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations
- The right to be informed in advance of any public release of information by the University regarding the allegation(s) or underlying incident(s), whenever possible
- The right not to have any personally identifiable information released by the University to the public without consent provided, except to the extent permitted by law
- The right to be treated with respect
- The right to have policy and procedures followed without material deviation
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence
- The right not to be discouraged by officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities
- The right to be informed by officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by law enforcement and/or other officials
- The right to be informed of available supportive measures, such as:
  - » counseling;
  - » health care;
  - » student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community
- The right to a no-contact directive or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such supportive measures may include, but are not limited to:
  - » Academic accommodations (such as a change in class schedule, modified deadlines, or a leave of absence);
  - » Workplace accommodations (such as a change in work location or schedule);
  - » Housing accommodations (such as a change in residence hall assignment or access to temporary emergency housing);
  - » Referrals for mental or physical healthcare, spiritual and religious resources, and/or training and education programs related to Sex-Based Harassment on- and off-campus;
  - » Safety-related resources (such as walking escorts, assigned parking, or increased security and monitoring of certain areas of campus); and/or
  - » No contact directives or agreements, which may be mutual (affecting both Parties), or non-mutual (affecting only one Party), and which may include restrictions on communication in-person, electronically, and via third parties, as well as restrictions on access to Arcadia facilities or activities.

- » Any other actions deemed appropriate by the Title IX Coordinator
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair Arcadia's ability to provide the supportive measures
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible
- The right to have the Investigator(s), Advisors, and/or Decisionmaker identify and question relevant available witnesses, including expert witnesses
- The right to provide the Investigator(s)/Decisionmaker with a list of questions that, if deemed relevant, may be asked of any party or witness
- The right to have inadmissible prior sexual predisposition/history or irrelevant character evidence excluded by the Decisionmaker
- The right to know the relevant and directly related evidence obtained and to respond to that evidence
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record
- The right to receive a copy of all relevant and directly related evidence obtained by the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) day period to review and comment on the evidence
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) days to review and comment on the report prior to the hearing
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant
- The right to regular updates on the status of the investigation and/or resolution
- The right to have complaints addressed by Investigator(s), Title IX Coordinator(s), and Decisionmaker(s) who have received relevant annual training
- The right to preservation of confidentiality/privacy, as permitted by law
- The right to meetings, interviews, and/or hearings that are closed to the public
- The right to petition that any Arcadia representative in the process be recused on the basis of disqualifying bias and/or conflict of interest
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process
- The right to the use of the appropriate standard of evidence to make a finding after an objective evaluation of all relevant evidence
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process (if any) and a detailed rationale of the decision including an explanation of how credibility was assessed, delivered simultaneously (without undue delay) to the parties
- The right to be informed in writing of when a decision by the institution is considered final and any changes to the final determination or sanction(s) that occur post Notification of Outcome
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal
- The right to a fundamentally fair resolution as defined in these procedures

## **SANCTIONS AND REMEDIES**

There are several factors considered when determining a sanction. Sanctions are imposed and enforced when the Respondent has been found in violation of the University Policy Prohibiting Discrimination and Harassment. Some considerations for sanctioning include:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions to prevent future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decisionmaker

Sanctions are typically implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. Sanctions for faculty are governed by the Faculty Handbook.

### **Examples of student sanctions are:**

- Educational projects/services,
- online training,
- verbal or written warning,
- suspension or expulsion from residence halls and/or dining facilities,
- suspension or exclusion from extracurricular or co-curricular activities,
- community service,
- probation, or suspension, or dismissal from Arcadia.

### **Examples of staff sanctions are:**

- online training,
- coaching/counseling,
- educational sessions,
- verbal or written warning,
- salary freeze,
- change of duties,
- probation,
- suspension,
- persona non grata status,
- demotion, or termination from employment.

### **Long-term Remedies/Other actions**

- Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

## **PREVENTION AND AWARENESS PROGRAMS**

**Bystander Intervention:** Arcadia offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

**VAWA Training:** Incoming students and new employees are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act.

**Ongoing Campaigns:** Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

## **FREQUENTLY ASKED QUESTIONS (FAQ)**

### **Can an attorney be my Advisor?**

Yes. You have the right to an Advisor of your choice, which can include an attorney.

### **Will my parents/guardians find out about this incident?**

It depends. If you are a minor, members of the Title IX team have certain mandatory reporting obligations, which may include notifying your parents/guardians of the incident.

If you are not a minor, this incident is a part of your education record, which is protected under the Family Educational Rights and Privacy Act (FERPA). This means that your education record cannot be shared with anyone with whom you have not given Arcadia permission to share.

### **Do I have to resolve this through a formal grievance process?**

No. You have options. If you are a Complainant and wish to resolve informally, you must first make a formal complaint. Upon receipt of this formal complaint, the Title IX Coordinator will provide you with additional information. Any party who wishes to resolve the matter informally should contact the Title IX Coordinator. All parties must agree, in writing, to informally resolve for this to be an option.

### **Is there a time limit on when I can report?**

There is no statute of limitations on when a complaint can be filed, however there are certain jurisdictional requirements that must be met to pursue a formal grievance process under Title IX. Keep in mind that the remedies may be limited if the Respondent is no longer part of the Arcadia community.

### **Will I get in more trouble if I was drinking underage during the incident?**

The University maintains a policy of offering parties and witnesses amnesty from policy violations such as underage consumption of alcohol or the use of illicit drugs related to the incident.

### **What happens if the Respondent fails to comply with the sanctions?**

Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decisionmaker. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination.

### **What happens if the Respondent transfers, leaves, or resigns prior to the conclusion of the formal resolution process?**

If a Respondent permanently withdraws or resigns, the resolution process ends with a dismissal, as the University no longer has disciplinary jurisdiction over the withdrawn student or former employee. However, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

### **What if law enforcement is involved?**

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. The University may undertake a short delay in its investigation if circumstances require. Communication will be sent to the parties explaining the reason(s) for the delay and the anticipated duration of the delay.

# OFFICE OF EQUITY AND CIVIL RIGHTS PROCESS

