**How to File a Complaint.** Anyone may file a report with respect to an alleged incident of sexual harassment, gender-based discrimination or harassment, sexual misconduct, sexual assault, dating violence, domestic violence, or stalking (as defined in AD-85) in person, electronically, or via phone, (“Complaint”) by contacting the University’s Title IX Coordinator. In addition, all employees designated as “Responsible Employees” are required to report such conduct to the Title IX Coordinator:

Chris Harris  
Title IX Coordinator  
328 Boucke Building  
University Park, PA 16801  
Phone: 814-863-0471  
E-mail: titleix@psu.edu  
Web: [http://titleix.psu.edu](http://titleix.psu.edu)

<table>
<thead>
<tr>
<th>Confident Reporting Locations</th>
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<tbody>
<tr>
<td>Gender Equity Center</td>
</tr>
<tr>
<td>814-863-2027</td>
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<tr>
<td>204 Boucke Building, University Park</td>
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<tr>
<td>The Center provides counseling and assistance with needs such as classroom accommodations, rescheduling exams, trauma drop from the University, and alternative housing.</td>
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<tr>
<td>Counseling and Psychological Services (CAPS)</td>
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<tr>
<td>814-863-0395</td>
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<tr>
<td>501 Student Health Center, University Park</td>
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<tr>
<td>CAPS provides counseling, support groups, and crisis intervention.</td>
</tr>
<tr>
<td>Penn State Hotline</td>
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<tr>
<td>1-800-560-1637</td>
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<tr>
<td>Contact the Penn State Hotline 24 hours a day, 7 days a week to be connected with confidential support services at your campus. Your report can be made anonymously and without fear of retaliation.</td>
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**PROCEDURES**

**I. Initial Assessment**

After receiving a report, the Title IX Coordinator or their designee (typically, the Director or staff members of the Office of Sexual Misconduct Prevention and Response (OSMPR); hereafter, “Title IX Coordinator”) will make an initial assessment of the reported information and respond to any immediate concerns raised by the report.
As part of the initial assessment, the Title IX Coordinator will assess whether the alleged misbehavior is student-related and whether it constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking, including behavior that violates Title IX, or should be addressed by another office (e.g., Office of Student Conduct, Affirmative Action Office); assess the Complainant’s safety and well-being and offer the University’s support and assistance; assess potential threats to the community; assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other individual with knowledge of the reported incident; and ascertain the ages of the Complainant and Respondent, if known, and, if either of the parties was a minor (under 18) at the time the alleged misconduct was reported, contact the appropriate child protective service agency, and may work with the Office of Student Conduct (OSC) to implement interim actions as appropriate and necessary (e.g., interim suspension from the University, prohibiting contact with the other party, restriction from activities or campus locations). The Title IX Coordinator will also assess the report for Clery reporting purposes and coordinate with University Police as appropriate. As part of this Initial Assessment process, the Title IX Coordinator will also ensure that the Complainant receives a written explanation of all available resources and options, including the following:

- encouragement to report the behavior to the appropriate law enforcement agency;
- support and assistance available through University resources (e.g., residential accommodations, academic accommodations, etc) regardless of whether the Complainant chooses to participate in the University process, a law enforcement investigation, or both;
- the Complainant’s right to seek medical treatment and information about preserving potentially key forensic and other evidence;
- the Complainant’s right to seek protective measures;
- the University’s prohibition against retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- the Complainant’s opportunity to meet with the Title IX Coordinator or their designee to discuss their resources, rights, and options.

Whenever the Title IX Coordinator decides to initiate an investigation, impose protective measures that impact the respondent (e.g., administrative directive or interim suspension), or take any other action that impacts a Respondent, the Title IX Coordinator will also ensure that the Respondent is notified and receives written information on available resources and options. The Title IX Coordinator will ensure that a Respondent is informed of the following:

- the nature of the investigation, including a concise summary of the conduct at issue and the portion(s) of the Code the behavior allegedly violates;
- support and assistance available through University resources;
- the University’s prohibition against retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- the Respondent’s opportunity to meet with the Title IX Coordinator or their designee to discuss their resources and options.

II. University Action Following Initial Assessment
Upon completion of an Initial Assessment, the Title IX Coordinator will determine the course of action, which may include:

• Formal resolution: includes (a) an investigation completed by a trained and impartial investigator; (b) a review of the investigation by a case manager in the Office of Student Conduct to determine if, based on the information presented in the investigative packet, it is reasonable to believe that a violation occurred; (c) if necessary, a hearing before a specially trained University hearing authority (i.e., University Conduct Board or Administrative Hearing Officer, hereafter “hearing authority) to determine, by a preponderance of the evidence, whether a violation or violations of the Code occurred; (d) the imposition of sanctions and other appropriate remedies if there has been a finding of a Code violation; and (e) the opportunity to challenge the outcome of the investigation or any sanction through an appeal, on specified grounds;

• Informal resolution: does not include an investigation or conduct action against a Respondent, but may include imposing appropriate and reasonable remedies, including counseling, education and/or training, as agreed to by the parties. Informal action may also be appropriate as an additional measure during sanctioning (i.e., after a formal process), or after a sanction has been completed and a Respondent is returning to the University community; or

• Additional remedies: may include, but are not limited to, training and other educational measures for members of the University community, as appropriate.

The Title IX Coordinator’s course of action following an Initial Assessment will be guided by: (1) whether the Complainant wishes to pursue formal resolution or requests anonymity, requests that an investigation not be pursued, and/or requests that no conduct action be taken; (2) the availability of information or evidence suggesting that a Code violation may have occurred; and (3) any obligation on the part of the University to investigate or otherwise determine what happened and take corrective action as appropriate to eliminate, prevent, and address the effects of the reported misconduct.

A. WHERE THE COMPLAINANT WISHES TO PURSUE FORMAL RESOLUTION
After an initial assessment, when the Complainant files a Complaint and requests an investigation and the University has conduct authority over the alleged Respondent, the Title IX Coordinator will initiate formal resolution. If the reports of misconduct are against a third party (i.e., not a member of the University community), the University’s actions will be limited. Even though the University’s ability to take direct action against a particular third party may be limited, the University will still take steps to provide the Complainant appropriate immediate support and assistance available through University resources and resources available from entities outside the University.

B. WHERE THE COMPLAINANT REQUESTS THE MATTER BE RESOLVED THROUGH INFORMAL RESOLUTION
A Complainant may request to the Title IX Coordinator that the reported matter be resolved through an informal resolution process. In these instances, the Title IX Coordinator will review
the matter to determine its appropriateness for such a process and to determine whether any additional action needs to be taken by the University. If the matter is determined in the Title IX Coordinator’s sole discretion to be appropriate for informal resolution, the matter will transition to an informal resolution process.

C. WHERE THE COMPLAINANT DOES NOT RESPOND TO OUTREACH BY the Title IX Coordinator OR REQUESTS ONE OR MORE OF THE FOLLOWING: ANONYMITY; THAT AN INVESTIGATION NOT BE PURSUED; AND/OR THAT NO CONDUCT ACTION BE TAKEN
There may be cases in which a Complainant does not respond to outreach attempts by the Title IX Coordinator. In these instances, before taking any further investigative steps, the University will forward all available information about the report gathered during the initial assessment to a Review Panel for a recommendation on how to proceed, as further described below in Section III.

Also, a Complainant may request that their name or other personally-identifiable information not be shared with a Respondent, that no investigation be pursued, and/or that no action be taken. These matters will also be forwarded to the Panel for review, along with the Complainant’s requests.

III. Review Panel
The Review Panel is convened by the Title IX Coordinator and is comprised of trained faculty or staff members as determined by the Title IX Coordinator. The Review Panel will consider a Complainant’s request for anonymity, that an investigation not be pursued, and/or that no action be taken. It will also consider cases in which a Complainant has not responded to contacts by the Title IX Coordinator. The Review Panel will balance any Complainant’s request or lack of responsiveness against the following factors to determine appropriate next steps:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the role of drugs and/or alcohol in the incident;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other misconduct or other verified misconduct by the Respondent;
- whether the report reveals a pattern of related misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant’s reasons for not wanting to pursue an investigation or conduct action, and the impact that nonetheless moving forward with such actions could have on the Complainant;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University’s obligation to provide a safe and non-discriminatory environment; and
• any other available and relevant information.

The Review Panel will provide information and advice to the Title IX Coordinator such as:

• their individual and collective perspectives on whether, how, and to what extent, the University should further investigate the Complaint or pursue conduct action;
• what steps may be possible or appropriate when a Respondent or Complainant is unknown or the Complainant requests anonymity or is not participating; and
• what other measures or remedies might be considered to address any effects of the reported behavior on the campus community, if no formal action is pursued.

After receiving feedback from the Review Panel, the Title IX Coordinator will make a determination regarding the appropriate manner of resolution. The University will seek resolution consistent with the Complainant’s request, if it is possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties involved and the University community.

A. DETERMINATION TO NOT PROCEED WITH AN INFORMAL OR FORMAL PROCESS

Where the Review Panel recommends and the Title IX Coordinator agrees, that an informal or formal process not be initiated, either after a Complainant’s request or if Complainant is nonresponsive, the University may nevertheless take other appropriate steps to eliminate the reported misconduct, prevent its recurrence, and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Complainant may at any time change their mind and decide they may wish to pursue informal or formal resolution. The Title IX Coordinator also may request that a report be re-opened and pursued if any new or additional information becomes available.

B. DETERMINATION THAT A COMPLAINANT'S REQUEST(S) CANNOT BE HONORED

In those instances when the Title IX Coordinator determines that the University must proceed with an informal or formal process despite the Complainant’s request that it not occur, the Title IX Coordinator will notify the Complainant that the University intends to do so, but that the Complainant is not required to participate.

The University’s ability to fully investigate and respond to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. The University will, however, pursue other steps, if available, to limit the effects of the alleged misconduct and prevent its recurrence. Those steps may be taken as part of an informal resolution.

While the input from the Review Panel is valuable, in all cases, the final decision on whether, how, and to what extent the University will conduct an investigation, and whether other
measures will be taken in connection with any allegation of misconduct, rests solely with the Title IX Coordinator.

IV. Formal Resolution

If a determination is made to pursue a formal resolution, the University will initiate a prompt, thorough, fair, and impartial investigation and resolution process. Complaints will be investigated and managed by internal or external investigators who have been trained on issues related to sexual harassment, gender-based discrimination or harassment, sexual misconduct, sexual assault, dating violence, domestic violence, stalking, and victimization, and on how to conduct an investigation and decision-making process that affords both the Complainant and Respondent a full and fair opportunity to be heard, to submit information and other evidence, and to identify witnesses.

A formal resolution typically begins when:

- a Complaint has been filed and the Complainant requests, at any time, an investigation of the concern; or
- after receiving a Complaint, the Title IX Coordinator, in consultation with the Review Panel, has determined, based on the totality of the circumstances and the information available, that a formal resolution process is appropriate. While the Title IX Coordinator will identify the most effective means to formally move forward in response to a Complaint, in most instances, the review will involve an investigation.

A. INVESTIGATION

An investigation will afford both the Complainant and Respondent a full and fair opportunity to be heard, to submit information and other evidence, and to identify witnesses. During an investigation, the investigator typically will meet separately with the Complainant, Respondent and pertinent witnesses; offer the parties the opportunity to submit and/or identify related and relevant information or evidence; and gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person) and other records as appropriate and to the extent possible, understanding that the investigator does not have the power of subpoena.

Following each interview, the interviewed person will be provided with a draft summary of their interview so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. Corrections and revisions will be made as appropriate.

In addition, the Complainant or Respondent may provide the investigator other supporting materials relevant to the matter at any time during the investigation. The investigator may impose time and page limits on written documents and information presented by either person as part of the investigation. The University’s review will be thorough, reliable and impartial.
1. Role of Investigator. Whenever a formal resolution process is initiated, the Title IX Coordinator will designate an investigator. The investigator will typically be a member of the Office of Sexual Misconduct Prevention and Response (OSMPR), although the investigator may be any appropriately trained individual from inside or outside the University, as designated by the Title IX Coordinator. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. The Title IX Coordinator’s determination in that regard is final.

A Complainant or Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.), may report those concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different investigator should be assigned to the matter.

Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify campus support and other resources for Complainants and Respondents and refer them to other offices such as the Gender Equity Center, Counseling and Psychological Services, or Student Care and Advocacy, to coordinate services for students upon request.

2. Notice of the Investigation. Before any interview of the Respondent by an investigator, the Respondent will be informed in writing of the initiation of the investigation. The Complainant will similarly be notified, in writing, unless the Complainant has requested that the University not contact them. The written information will include the identities of the parties, if known, a concise summary of the alleged misconduct at issue, the date and location of the alleged misconduct, if known, and the section(s) of the Code potentially violated. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional prohibited conduct under the Code.

3. Assumption of Good Faith Reporting. The University presumes that Complaints are filed in good faith. A finding that the behavior at issue does not constitute a violation of the Code or that there is insufficient evidence to conclude that the incident occurred as reported, does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates the Code to report the matter so that it may be addressed, without fear of consequences from the University even if their good faith report cannot be substantiated or the behavior does not constitute a violation of the Code. Bad faith reports, however, may subject the reporting party and any other individuals who may be complicit in the bad faith report to conduct action.

4. Presumption of Non-Responsibility and Standard of Proof. The investigation is a neutral, fact-gathering process. The Respondent is presumed to be not responsible. This presumption may be overcome only where the result of a University hearing is a conclusion that there is a sufficient basis, by a preponderance of the evidence, to support a finding that the Respondent violated the Code. A preponderance of the evidence means
that it is more likely than not, based upon the totality of all the relevant evidence and reasonable inferences from the evidence, that the Respondent violated the Code.

5. Active Participation by the Parties and Witnesses Is Voluntary. Complainants, Respondents, or witnesses may choose to participate or decline to participate in the formal resolution process. However, even if a Complainant or Respondent declines to participate, the University, at its discretion, may continue to investigate the report and issue findings based on available information. Further, the University may mandate a meeting with the parties, although the party may choose to not share any information or respond to questions.

6. Expectation of Complainant, Respondent, and Witnesses in an Investigation. The Complainant, Respondent, witnesses and others sharing information with the investigator are expected to provide truthful information in any investigative or conduct proceeding. Failure to provide truthful information to a school official can be, in and of itself, a violation of the Code.

7. Acceptance of Responsibility. The Respondent may, at any time, elect to resolve the formal resolution process by accepting responsibility for the violations alleged, in which case the matter will be referred to the Office of Student Conduct, which will determine appropriate sanctions through its normal, non-hearing process. The Respondent may not later contest their acceptance of responsibility.

8. Advisors. Throughout the process, a Complainant, Respondent or witness may have an advisor of their choice. A party shall not select an advisor with the actual or effective purpose of disrupting or attempting to disrupt the proceedings or causing emotional distress to the other party or parties. The advisor, upon a party’s request may (1) accompany the party in any meeting/proceeding, (2) advise the party in the preparation and presentation of sharing of information, and (3) advise the party in the preparation of any appeals or sanction reviews. The advisor shall not perform any function in the process other than advising the party as described, and may not make a presentation or represent the party during any interview or other process. The parties must ask and respond to questions on their own behalf, without interruptions or presentations by their advisor. The advisee may consult with their advisor quietly or in writing during a session, or outside during breaks, but the advisor may not speak on behalf of the advisee or directly participate otherwise in the proceeding. Delays in the process will not normally be allowed due to scheduling conflicts with advisors. If, at any point in the process, an advisor becomes disruptive or fails to follow the rules for participation as set forth in this document, the University reserves the absolute and non-appealable right to remove the advisor from the proceeding, and, if appropriate, any future meetings/proceedings.

9. Evidence. The investigator, along with assistance from the Complainant, Respondent, and witnesses, is responsible for gathering relevant evidence to the extent reasonably possible. To this end, the parties will be asked to identify witnesses and provide other relevant information, such as documents, communications, text messages, social media postings, photographs, and other evidence. Both persons are encouraged to provide all
relevant information as promptly as possible to facilitate a timely resolution. If appropriate, the parties are encouraged to provide necessary releases to allow the investigator to gather additional, relevant, information.

In general, a person’s medical and counseling records are confidential and not accessible to the investigator unless that person voluntarily chooses to share those records with the investigator.

The investigator will review all information identified or provided by the parties and will, in their sole discretion, assess the appropriateness, relevance, and probative value of the information developed or received during the investigation.

In addition to the investigative report, either party will be able to present any evidence not included in the packet to the OSC case manager or hearing authority for their review, should a hearing be convened.

The investigator may, in their sole discretion, consult experts who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand. The investigator is not obligated to consult any expert at the request of a party.

10. Prior or Subsequent Behavior of the Respondent or Complainant. Prior or subsequent behavior of either party will never be used to prove character, but may be considered for other purposes, such as determining pattern, knowledge, intent, or reasons for taking an action. For example, evidence of a pattern of related behaviors by the Respondent, either before or after the incident in question may be deemed relevant and included in the investigative packet. Prior bad faith reports made by the Complainant may also be deemed to be relevant.

11. Prior Sexual Contact Between Complainant and Respondent. Prior sexual contact between a Complainant and a Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history between the parties is generally not relevant to the determination of a violation and will be considered only in limited circumstances. For example, if the question being determined is whether consent was given through mutually understandable actions (rather than words), information about prior sexual contact, in the totality of the evidence considered, may help the investigator, Title IX Coordinator, and/or hearing authority understand the manner and nature of sexual communication between the two persons. This information may, therefore, be relevant in determining whether consent was sought and given during the incident in question.

However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act. Consent on one occasion does not, by itself, constitute consent on a subsequent occasion.
12. **Pertinent witnesses.** Pertinent witnesses must have observed the acts in question or have information relevant to the Complaint and cannot be participating solely to speak about an individual’s character.

Witnesses will have the opportunity to discuss the investigation process and participate in an interview. Following the interview, a witness will be provided with a draft summary of their interview so that they have the opportunity to comment on the summary and ensure its accuracy and completeness.

Where witnesses are interviewed as part of the investigation, the investigator will, as part of the Preliminary Report, allow the Complainant and the Respondent to review and provide comment to a written summary of the witness’ interviews. This summary will identify the witness by name and relationship to either/both parties and the University.

13. **Coordination with Law Enforcement.** Where the University is made aware that there is a concurrent criminal investigation, the investigator will inform any law enforcement agency that is conducting its own investigation that a University investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

At the request of law enforcement, the University may agree to temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The investigator will communicate with the parties, consistent with the law enforcement request and the University’s obligations, about resources and support, procedural options, anticipated timing, and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for criminal investigations are different than the standards for a violation of the Code, and therefore, the University will not base its decisions solely on law enforcement reports and/or actions. Similarly, if the University determines a violation has occurred, the University will take appropriate action in accordance with applicable policies and procedures, regardless of external proceedings that may also be pending.

14. **Time Frame for Completion of Investigation.** The investigation shall proceed as expeditiously as possible, with a goal of being completed in 120 days.

An investigation may be extended or delayed as necessary for good cause and to ensure the integrity and completeness of the investigation. Reasons for the delay may include concurrent law enforcement activity; to accommodate the availability of witnesses; to account for University breaks, official holidays and closures, illness, or scheduled absences of University personnel involved in the process; to account for case complexities including the number of witnesses and volume of information provided by the parties; to accommodate disabilities; the need for language assistance; or for other legitimate reasons.
The investigator will notify the Complainant and Respondent on a regular basis about the status of the investigation. In cases where the time frame will be extended, the investigator will provide written notice of the delay to both the complainant and respondent, and such notice will explain the reason for the delay.

15. Preliminary Investigation Report. After each party has had the opportunity to comment on their own interview summaries and to identify witnesses and other potential information, and the investigator has completed witness interviews and the gathering of evidence, the investigator will prepare a preliminary report. The preliminary report will include, as applicable, the summaries of the Complainant’s interview, Respondent’s interview, the summaries of each witness’ interview, and either a copy or written summary of any other information that the investigator, in their sole discretion, determines to be relevant to the report. The preliminary report will not contain any findings. However, it will articulate the sections of the Code allegedly violated, the alleged behaviors, and the information gathered that relates to the same.

The Complainant and Respondent shall be given the opportunity to review the preliminary report and provide feedback in response. The Complainant and Respondent must submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator within five (5) business days of the date of review. The parties may also submit questions to the investigator that they wish to be asked of the other party(ies) or witnesses.

The investigator will review any request for additional investigation after the parties review the preliminary report and may conduct such additional investigative steps as the investigator, in their sole discretion, determines are reasonable and appropriate. The investigator will review any questions submitted by the parties and will pose the questions to the intended parties, excepting any questions that are duplicative or irrelevant. The investigator will document any questions that were not asked, with accompanying rationale. The parties reserve the right to submit any questions not asked by the investigator to the University hearing authority for their review, should a hearing be convened.

In the event that new information is discovered through questioning or provided or identified by one of the parties, and is determined by the investigator to be relevant, the information will be incorporated into a new draft of the preliminary report and the parties will be provided an opportunity to review and provide feedback, specifically regarding the new information, to the investigator, before the investigator proceeds with the final report. After receiving any comments submitted by either party, or after the five (5) business day comment period has lapsed without comment, a final report will then be created, and each party will have the opportunity to review.

16. Final Investigation Report. The final report will be forwarded to the Office of Student Conduct.