

SAINT VINCENT COLLEGE
SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY
2020-21

August 14, 2020

Saint Vincent College (“Saint Vincent” or “College”) is deeply committed to its strong tradition of respecting, preserving, protecting, and enhancing the dignity of every member of its community and all whom we welcome as guests. This tradition embraces the notion that no member of the College community is, or should be, excluded from participation in, denied the benefits of, or subjected to discrimination in, any College program or activity on the basis of sex, sexual orientation, or gender identity. This also includes having an environment free from sexual harassment and sexual misconduct (“Prohibited Conduct”). The College will take prompt and equitable action to eliminate sexual harassment and sexual misconduct, prevent its recurrence, and remedy its effects.

To foster a climate of respect and security on campus as it relates to preventing and responding to acts of Prohibited Conduct, this policy has been created and serves to demonstrate the College’s commitment to:

- Identifying the forms of Prohibited Conduct that violate this policy;
- Disseminating clear policies and procedures for responding to Prohibited Conduct reported to the College;
- Delivering prevention and awareness programs and ongoing training and education campaigns to students and employees so they may identify what behavior constitutes Prohibited Conduct; understand how to report Prohibited Conduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual harassment and sexual misconduct against a person other than such individual;
- Engaging in investigative inquiry, grievance processes and resolution of reports and complaints that are adequate, reliable, impartial, prompt, fair, and equitable;
- Supporting complainants and respondents and holding persons accountable for established violations of this policy; and
- Providing a written explanation of the rights and options available to every student or employee who are parties to a report or complaint of Prohibited Conduct, regardless of when or where the conduct occurred.

In addition, this policy:

1. Delineates the College’s responsibilities and actions with regards to reports of sexual harassment and sexual misconduct that are covered under Title IX of the Education Amendments of 1972 and its implementing regulations “Title IX”); the Jeanne Clery

Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”); Title VII of the Civil Rights Act of 1964 (“Title VII”); and other applicable federal and state laws, including Pennsylvania Act 16 of 2019 (“Act 16”).

2. Identifies the College’s designated Title IX Coordinator and describes the Coordinator’s role in compliance with Title IX, the Clery Act and VAWA, and Act 16.
3. Identifies how students and employees can report Prohibited Conduct to the College confidentially and what resources are available both on and off campus to aid them, including employees’ and students’ rights to notify local law enforcement and their right also to decline to notify such authorities.
4. Provides information about how reports are assessed, investigated, and resolved.
5. Provides the College with a means to take all reasonable steps to identify Prohibited Conduct, prevent recurrence, and to correct its discriminatory effects on the complainant and others, if appropriate

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student’s ability to equally access our educational programs and opportunities.

This policy applies to enrolled students, College employees, contractors, vendors, visitors, guests or other third parties. This policy pertains to acts of Prohibited Conduct committed by or against students, employees and third parties.

The processes set forth in this policy are not a replacement or substitution for the criminal justice system, nor are they intended to be. Nothing in this policy prevents or prohibits a person from reporting an incident of sexual harassment or sexual misconduct that may also be a crime to law enforcement. The College strongly encourages those who may be the victim of criminal conduct to contact law enforcement. The Pennsylvania State Police, the law enforcement agency with jurisdiction over criminal acts occurring on Saint Vincent property, may be reached directly by calling the Greensburg Barracks at 724-832-3288.

The filing of a report with law enforcement will not prevent the College from simultaneously investigating a report or formal complaint of sexual harassment or sexual misconduct. The College will cooperate in any law enforcement investigation to the extent permitted by law, noting that federal law, specifically FERPA, limits what the College can share with law enforcement with the consent of the parties involved.

Saint Vincent is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm.

To that end, Saint Vincent prohibits the following types of conduct, collectively called Prohibited Conduct:

- sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking, as set forth in this policy;

- retaliation against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report of Prohibited Conduct, filed a Formal Complaint, testified, assisted, or for participated or refused to participate in any manner in an investigation, hearing or resolution of an alleged violation of this policy, as set forth in this policy; and
- the exertion of power, supervision, or authority by one individual over another in relationships of a sexual or intimate nature, as set forth in this policy.

Prohibited Conduct will be classified as either Title IX Sexual Harassment or Non-Title IX Prohibited Conduct. Title IX Sexual Harassment is conduct that meets the definitional **AND** jurisdictional requirements of Title IX.

I. SCOPE AND IMPLEMENTATION

To implement this policy, Saint Vincent has developed processes to investigate or otherwise address reports of Prohibited Conduct that under this policy. This policy and the corresponding processes comply with the final Title IX regulations issued by the U.S. Department of Education’s Office for Civil Rights in May 2020, which require Saint Vincent College to respond promptly and reasonably when it has notice of potential sexual harassment in an education program or activity committed against a person in the United States.

For the purposes of this policy, the term “education program or activity” includes:

- any on-campus premises;
- any off-campus premises that the College has substantial control over;
- activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Saint Vincent’s programs and activities over which the College has substantial control.

The resolution processes for students, staff and faculty, which address all forms of Prohibited Conduct, outline consistent processes for informal and formal resolution. Throughout all processes, Saint Vincent will treat Complainants and Respondents equitably by offering Supportive Measures when Saint Vincent has notice of potential Prohibited Conduct, and by following a formal resolution process that fulfills the requirements for a grievance process applicable federal and state laws before the imposition of any disciplinary sanction against a Respondent.

Upon receipt of a report of Prohibited Conduct, the matter may be resolved through:

- provision of Supportive Measures only; pursuing the formal resolution process, which is initiated by the filing of a Formal Complaint, and involves an investigation, hearing, and appeal; or
- pursuing an informal resolution process, after the filing of a Formal Complaint, which requires the consent of the Complainant and the Respondent.

The individual reported to have experienced Prohibited Conduct will be referred to as the “Complainant.” The individual who is reported to have violated the policy will be referred to as the “Respondent.” There may be instances where another person, who has not experienced but is aware of the occurrence of Prohibited Conduct, may report conduct, and that person is referred to

as the “Reporting Party.” In those limited circumstances, Saint Vincent will determine which of the policy provisions provided to the Complainant, if any, are also applicable to the Reporting Party.

Saint Vincent will select the appropriate process to use in a given situation based on the nature of the conduct, the geographic location in which it occurs, and the role of the Respondent. Each process, however, incorporates important procedural protections and a robust investigation process that is designed to be fair, impartial, prompt and equitable. See Articles VII-XIII for more information about the specific processes for investigation and resolution.

The College has designated a Title IX Coordinator and Assistant Title IX Coordinator who are responsible for the oversight of this policy and any procedures related to it. Under the direction of the President, the Title IX Coordinator is responsible for overseeing and facilitating the resolution all reports of Prohibited Conduct.

The Coordinator’s responsibilities include oversight of a prompt, fair, equitable investigation and resolution process for reports of Prohibited Conduct at the College, regardless of whether the it involves Title IX Sexual Harassment or Non-Title IX Prohibited Conduct. The Title IX Coordinator also makes recommendations for campus wide training and education programs and other remedial actions designed to eliminate sexual misconduct, prevent its recurrence and address its effects. The Assistant Title IX Coordinator assists the Title IX Coordinator in carrying out these responsibilities.

The Title IX Coordinator for Saint Vincent College is:

Eileen K. Flinn, Esq.
2nd Floor Alfred Hall
724-805-2897
eileen.flinn@stvincent.edu

The Assistant Title IX Coordinator for Saint Vincent College is:

Stephanie Fago
Office of Public Safety
Ground Floor, Alfred Hall
724-805-2923
stephanie.fago@stvincent.edu

Except as provided by this policy, the Title IX Coordinator must be informed of all reports of Prohibited Conduct, even if the report was initially filed with another individual or office.

In the event that the individuals designated as the Title IX Coordinator or Assistant Title IX Coordinator are unable (for any reason) to perform their duties in any case, the President will appoint a senior administrator of the College to carry out their duties.

II. PRIVACY AND CONFIDENTIALITY

Saint Vincent is committed to making reasonable efforts to protect the privacy interests of a Complainant, a Respondent and/or other individuals involved in a report under this policy.

For the purposes of this policy, **privacy** generally means that information related to a report of Prohibited Conduct will only be shared with a limited number of individuals who “need to

know” in order to ensure the prompt, equitable and impartial review, investigation, and resolution of the report. All employees who are routinely involved in responding to such reports receive specific training and guidance about safeguarding private information in accordance with applicable laws.

For the purposes of this policy, **confidentiality** means that campus or community professionals with the statutorily granted ability to maintain information as privileged cannot reveal identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus and community professionals who can maintain privileged communications and keep information confidential, referred to as Confidential Employees, include:

- Health care providers (and those who assist in the provision of confidential services) in the Saint Vincent Wellness Center;
- Mental health professionals in the Saint Vincent Wellness Center and any programs that contract with Saint Vincent to provide mental health professional services; and
- Benedictine Monks engaged in providing pastoral care to an individual.

Due to a legal privilege granted under state law, these individuals are required to maintain confidentiality when they receive information in any of the above capacities unless:

- given permission to do so by the person who disclosed the information;
- there is an imminent threat of harm to self or others;
- the conduct involves suspected abuse of a minor under the age of 18; or
- as otherwise required or permitted by law or court order.

Further, the College will maintain as private, any accommodations or protective measures provided to the Complainant to the extent that maintaining such confidentiality would not impair the College’s ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”). All documentation related to a report of Prohibited Conduct, including the investigation and resolution are protected by FERPA and will not be released, except as required by law.

The College strongly encourages all parties involved in a report of Prohibited Conduct, whether as a Complainant, Respondent, reporting party or witness to respect the confidential nature of any information provided, obtained and/or learned throughout the matter.

This does not mean that the parties are prohibited from discussing or sharing information or documentation with those they deem necessary, such as an advisor, support person, legal representative or someone serving in a similar capacity. The parties should, however, keep in mind the impact discussing the investigation or sharing information about meetings or interviews with those who may be called as witnesses may have.

If, during the course of this investigation it is determined that anyone involved in the investigation, colluded or shared information with another in a way that subsequently may lead to harassment or conduct that could be construed as retaliatory, Saint Vincent may take disciplinary action to address such conduct.

Maintaining confidentiality and respecting the privacy of individuals involved in a Prohibited Conduct matter helps to ensure a fair, thorough, and impartial investigation and resolution.

Pursuant to the Clery Act, Saint Vincent includes statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the United States Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. Saint Vincent also reports aggregate numbers of incidents (with no detail or personally identifying information) disclosed to Confidential Resources. Saint Vincent will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report.

III. EMPLOYEE RESPONSIBILITIES

Saint Vincent is required to take responsive action when it has notice of potential Prohibited Conduct. Notice occurs when the Title IX Coordinator receives a report, from a Complainant, or any other person, alleging Prohibited Conduct as defined under this policy. To this end, Saint Vincent has instituted policies and training for employees to share any information about potential Prohibited Conduct with the Title IX Coordinator. This centralized reporting requirement increases the likelihood that a Complainant will receive access to Supportive Measures, ensures that all Saint Vincent community members have equitable access to the resolution processes, and allows Saint Vincent to take appropriate action consistent with its Title IX obligations and educational mission while still respecting Complainants' agency and autonomy.

All Saint Vincent faculty and staff, including varsity coaches, assistant coaches, and graduate assistant coaches, as well as those serving as prefects or residence hall staff are designated as either Confidential Employees, Responsible Employees or Confidential Support Persons for the purposes of this policy. Saint Vincent faculty and staff receive annual training, both in person and through on-line modules, on Title IX and the federal Violence Against Women Act (VAWA) and their obligations under these laws.

Confidential employees: Campus or community professionals with the statutorily granted ability to maintain information as privileged. As noted in Article II, this includes the Benedictine Monks, the health care providers and counselors at the Saint Vincent Wellness Center, and the mental health professionals in the Saint Vincent Wellness Center and any programs that contract with Saint Vincent to provide mental health professional services. These individuals **are not** permitted to share any information about Prohibited Conduct disclosed to them unless:

- given permission to do so by the person who disclosed the information;
- there is an imminent threat of harm to self or others;
- the conduct involves suspected abuse of a minor under the age of 18; or
- as otherwise required or permitted by law or court order.

These individuals are, however, in a position to provide considerable support for those who have been subjected to prohibited conduct and are urged to seek such support in dealing with trauma often associated with such incidents.

- You can reach Campus Ministry at 724-805-2350. To contact a professional licensed counselor on campus, contact the Wellness Center 724-805-2115.

If you are reluctant to seek such help on campus, you can seek professional assistance from an off-campus trauma professional. These individuals are trained trauma therapists able to provide considerable support for individuals who believe they have been subjected to Prohibited Conduct.

For off campus support, contact:

- Dr. Elizabeth Ventura: Dr. Ventura is a licensed, professional counselor with over ten years' of experience in the field. -- 412-559-9152.
- The Blackburn Center: This is a Sexual Assault and Domestic Crisis Center located in Greensburg -- 724-836-1122 or 1-888-832-2272.

Confidential Support Persons: Saint Vincent has designated certain employees and volunteers as confidential support persons. These individuals can provide some level of anonymity without revealing any personally identifying information about an incident to the College.

Confidential Support Persons are, however, as Campus Security Authorities under the Clery Act, obligated to report the nature, date, time, and general location of an incident to the Title IX Office while keeping confidential any information that would directly or indirectly identify the victim. This limited report helps keep the Title IX Office informed of the general extent and nature of prohibited conduct on and off campus so the Title IX Office can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before confidential support persons report any information to the Title IX Office, they will consult with the individual to ensure that no personally identifying details are shared with the Title IX Office.

Responsible employees: All other Saint Vincent employees are designated as Responsible Employees. As contrasted with the Complainant's personal decision whether to make a report of Prohibited Conduct, once information is disclosed to a Responsible Employee, the Responsible Employee is required to convey all known details of incidents of Prohibited Conduct involving Students, Faculty and Staff, Third Parties and Invitees to the Title IX Coordinator.

All prefects, residence hall advisors and directors are also designated as Responsible Employees.

Before a person reveals any information to a Responsible Employee, the Responsible Employee should ensure that the individual understands the reporting obligations of the Responsible Employee.

Public awareness events such as "Take Back the Night," "Many Voices," protests, or other forums in which community members disclose experiences with sexual harassment, sexual assault, sexual exploitation, and/or relationship and dating and domestic violence, or academic research studies are not considered to be reportable events or notice to Saint Vincent of Prohibited Conduct and will not trigger the College's obligation to investigate or take action with respect to such information.

IV. PROHIBITED CONDUCT

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent.

Prohibited Conduct includes:

- A. Sexual Harassment includes distinct but overlapping definitions. As described in the accompanying processes, the specific form of Sexual Harassment may impact the nature of the formal resolution process.
 1. Title IX Sexual Harassment – conduct on the basis of sex that must satisfy one or more of the following:
 - i. A Saint Vincent employee conditions the provision of an aid, benefit, or service of Saint Vincent on an individual’s participating in unwelcome sexual conduct; or
 - ii. 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 College’s education program or activity;
 - iii. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.
 2. Non-Title IX Prohibited Conduct – conduct that must satisfy one or more of the following:
 - i. A Saint Vincent employee conditions the provision of an aid, benefit, or service of Saint Vincent on an individual’s participating in unwelcome sexual conduct; or
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **or** objectively offensive that it effectively denies a person equal access to the College’s education program or activity;
 - iii. Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.
 3. With respect to Saint Vincent employees, and consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, Saint Vincent also defines Sexual Harassment to include any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (sexual harassment); or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (gender-based harassment); when one or more of the following conditions are present:
 - i. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual’s employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for

participation in any aspect of a Saint Vincent program or activity (quid pro quo); or

- ii. The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from the College's learning, working, or living programs under both an objective and subjective standard (hostile environment). In evaluating whether a hostile environment exists, Saint Vincent will evaluate the totality of known circumstances, including, but not limited to:
 - a. the frequency, nature and severity of the conduct;
 - b. whether the conduct was physically threatening;
 - c. the effect of the conduct on the Complainant's mental or emotional state;
 - d. whether the conduct was directed at more than one person;
 - e. whether the conduct arose in the context of other discriminatory conduct;
 - f. whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Dartmouth programs or activities;
 - g. whether the conduct implicates academic freedom or protected speech; and,
 - h. other relevant factors that may arise from consideration of the reported facts and circumstances.

Reports of sexual harassment where the Complainant is an employee alleging Title VII sexual harassment are handled by the Director of Human Resources.

- B. Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity. Sexual contact includes:
 1. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
 2. sexual touching of the private body parts, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.
 3. attempts to commit sexual assault.
 4. having or attempting to have sexual contact between persons who are related to each other within the degrees where marriage is prohibited by law.

- C. Sexual Exploitation is intentionally taking sexual advantage of another person without consent. It may involve use of one's own or another individual's nudity or sexuality. Examples of Sexual Exploitation include, but are not limited to:
1. voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress without their consent or of another person engaging in a sexual act without the consent of all parties);
 2. disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual nature without the person's consent;
 3. knowingly exposing one's genitals to another person without consent;
 4. prostituting another individual; or
 5. knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge and consent.
- D. Dating and Domestic Violence includes any act of violence against a Complainant who is or has been involved in a sexual, dating, domestic, or other intimate relationship with the Respondent, or against a person with whom the Respondent has sought to have such a relationship, as follows:
1. Domestic Violence includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania law, or by any other person against an adult or minor Complainant who is protected from that person's acts under Pennsylvania law;
 2. Dating Violence includes any act of violence committed by a person:
 - i. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Dating or Domestic Violence may also include forms of Prohibited Conduct under this policy, including Sexual Assault, Sexual Exploitation, and Stalking.

- E. Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. It is irrelevant whether the person at whom the conduct was directed was aware of the conduct, was in fear for their own safety or the safety of others or suffered substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

- F. Retaliation means any adverse action, intimidation, threat, coercion or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, or proceeding under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, Reporting Party, or participant in any investigation or proceeding related to this policy.

V. CONSENT, COERCION OR FORCE, AND INCAPACITATION

- A. Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact. Consent is clear, coherent, willing and on-going. Consent cannot be obtained through:
 - 1. the use of coercion or force; or
 - 2. by taking advantage of the incapacitation of another individual.

Silence, passivity, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stop and clarify the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn and outwardly communicated as such, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

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

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an

expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation or lack of consent.

In addition, in accordance with Pennsylvania law, a showing that a person had knowledge that the other person has not consented to sexual activity or who recklessly disregarded the lack of consent and engaged in sexual activity, will be sufficient evidence that consent was not given.

- B. Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact.
- C. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether to participate in sexual contact.
- D. An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate consent or unwillingness verbally or otherwise to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

VI. REPORTING

- A. Any person who experiences Prohibited Conduct or who is aware of a member of the College community who has been subject to Prohibited Conduct is strongly encouraged to make a report to Saint Vincent.

A report can be made:

- In person to the Title IX Coordinator (Second Floor, Alfred Hall)
- By calling the Title IX Coordinator (724-805-2897)
- Disclosing or informing a Saint Vincent employee who has a reporting obligation (See Employee Responsibility to Report Allegations)
- By email (titleix@stvincent.edu)
- Online (<http://www.stvincent.edu/student-life/title-ix>)

Except for disclosures made to College employees with reporting obligations, reports

may be made anonymously. The easiest way to make an anonymous report is through the online reporting form. The College will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include sufficient information and/or a description of the facts and circumstances. Anonymous reports that provide enough information to constitute a criminal offense will be reported to the Office of Public Safety for purposes of inclusion in the College's Annual Security Report.

An individual does not have to be a member of the Saint Vincent community to file a report under this policy.

The College will support Complainants in understanding and assessing their reporting options. Upon receipt of a report, the College will inform individuals of their right to file (or decline to file) criminal charges as well as the availability of medical, counseling and support services, and additional Supportive Measures, such as housing, academic, transportation and working accommodations.

Making a report to Saint Vincent does not require the filing of a formal complaint, nor is the filing of a formal complaint, which involves an investigation and determination of responsibility of a policy violation, required for a Complainant to receive supportive measures or assistance.

Saint Vincent strongly encourages all members of its community to report violations of this policy that may also be crimes under Pennsylvania law to law enforcement; however, it is the Complainant's choice whether to make such a report and victims have the right to decline involvement with the police. The College's Office of Public Safety will assist an individual with notifying local police. The Pennsylvania State Police may be reached directly by calling the Greensburg Barracks at 724-832-3288.

The filing of a report with law enforcement will not prevent the College from simultaneously investigating a report or formal complaint under this policy. Saint Vincent will cooperate in any law enforcement investigation to the extent permitted by law, noting that federal law, specifically FERPA and Title IX, limit what the College can share with law enforcement.

One common misconception about the reporting process is that making a report will automatically lead to disciplinary action. While a report can become a formal complaint - initiated either by the complainant or the College -- **not every report becomes a formal complaint.**

Making a Report: Making a report is the act of notifying the Saint Vincent of an incident of Prohibited Conduct. A report may be accompanied by a request for resources, no further action, informal resolution, and/or to initiate a formal complaint process by the filing of a written complaint. An assessment of every report will be made, as well as a determination of how best to proceed, in conjunction with the Complainant.

Filing a Formal Complaint: Filing a formal complaint is making a request to initiate the College's formal investigative and grievance processes. A report may become a formal complaint, either initiated by the complainant or the College, depending on the outcome of the initial inquiry and assessment of the report, coupled with the complainant's wishes. Formal complaints must be in writing.

At the time a report is made, a complainant does not have to decide whether to file a formal complaint. The College recognizes that not every individual will be prepared to file a formal complaint with the College or to law enforcement, and individuals are not expected^[SEP] or required to pursue a specific course of action.

- B. There is no time limit on reporting violations of this policy, although College's ability to respond fully may become more limited with the passage of time. If the Respondent is no longer affiliated with Saint Vincent (e.g., a report is made after a student has left or graduated or an employee no longer works for Saint Vincent), Saint Vincent will still provide reasonably available remedial Supportive Measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct.
- C. Saint Vincent provides amnesty for violations of its policies on drug or alcohol use. There are many reasons why people do not make a report. A primary reason students do not report Prohibited Conduct to the College rests with the fear of being punished for violating the school's policies on drug and alcohol use. Saint Vincent College provides amnesty in such cases.

Amnesty provides students the ability to seek assistance for themselves or someone else by reducing the fear of facing disciplinary action for violating the College's policy on alcohol and other drugs. It removes barriers that prevent students from obtaining needed medical attention or other assistance when sexual harassment or sexual misconduct has occurred.

The College does not have the authority to grant amnesty for criminal, civil or legal consequences for violations of federal, state or local laws.

VII. SUPPORTIVE MEASURES

- A. Consistent with the processes that accompany this policy, upon receipt of a report, Saint Vincent will provide outreach to a Complainant, offer Supportive Measures and conduct an initial assessment of the reported information.
- B. Saint Vincent will take and/or make available reasonable and appropriate Supportive Measures designed to restore or preserve access to educational and employment opportunities without unreasonably burdening either party; address safety concerns of the Complainant, the Reporting Party, the Respondent or broader Saint Vincent community; maintain the integrity of the investigative and/or resolution process; and deter retaliation.
- C. Supportive Measures include, but are not limited to:
- counseling
 - extensions of deadlines or other course-related adjustments
 - modifications of work or class schedules
 - campus escort services
 - mutual restrictions on contact between the parties
 - changes in work or housing locations

- leaves of absence
- increased security and monitoring of certain areas of the campus

- D. Supportive Measures are available regardless of whether the Complainant or Title IX Coordinator file a Formal Complaint. Supportive Measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent.
- E. In addition, other forms of Supportive Measures may involve more restrictive actions. Such Supportive Measures are typically only available when Saint Vincent has an articulable factual foundation that would support the taking of a restrictive measure against a Respondent prior to the conclusion of the investigation or in lieu of an investigation. More restrictive Supportive Measures, to the extent they are nonpunitive, non-disciplinary and can be imposed without unreasonably burdening the Respondent.
- F. Saint Vincent will consider a number of factors in determining which Supportive Measures to take, including the needs of the Student or Employee seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the Complainant (e.g., protective orders). Saint Vincent will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.
- G. The Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the College's response with the appropriate offices on campus. Saint Vincent will maintain the privacy of any remedial and Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures.

VIII. APPLICABLE PROCEDURES UNDER THIS POLICY, IN GENERAL

The section includes procedures that are applicable for both Title IX Sexual Harassment and Non-Title IX Prohibited Conduct.

- A. In response to a report of Prohibited Conduct, the report may be resolved by:
1. the imposition of Supportive Measures only;
 2. the filing of a Formal Complaint by the Complainant;
 3. the filing of a Formal Complaint by the Title IX Coordinator; or,
 4. an informal resolution voluntarily and mutually reached after the filing of a Formal Complaint.

A Complainant is always entitled to reasonably available Supportive Measures, regardless of whether a formal or informal resolution process is initiated.

Following the filing of a Formal Complaint, Saint Vincent will initiate an investigation

and grievance process to determine if there is sufficient evidence, by a preponderance of the evidence, to establish that this policy has been violated. The nature of the reported conduct, the location of the reported conduct, and the role of the Respondent determines the procedures that will be used to investigate and resolve Formal Complaints.

- B. All individuals who have responsibilities in administering the grievance process under this policy must be free of any conflict of interest or bias for or against Complainants or Respondents generally or an individual complainant or respondent and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as the investigator, decision maker and sanctions panels assigned to a formal complaint. A party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.
- C. In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or under certain circumstances, even if a formal complaint has been withdrawn. The Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the Saint Vincent community, fair treatment of all individuals involved, and the College's obligations under Title IX and other state and federal laws.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

- D. Saint Vincent presumes that reports of Prohibited Conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.
- E. The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.
- F. Saint Vincent expects all members of the community to be honest and cooperative in their official dealings with the College under this policy. In this regard, individuals are expected to acknowledge requests from Saint Vincent officials for information in a timely fashion and to make themselves available for meetings with College officials or any officials acting on behalf of the College; any student or member of the faculty or staff

who fails to do so may be subject to discipline.

- G. Except as otherwise provided by this policy or law, the complainant and the respondent each have the opportunity to be advised by an advisor of their choice at their expense, including legal counsel, at any stage of the process and to be accompanied by that advisor at any meeting or hearing in which the complainant or the respondent is required to be present.

The role of the adviser is narrow in scope. The adviser may attend any interview or meeting connected with the grievance process, but the adviser may not actively participate in interviews and may not serve as a proxy for the party. Where the formal complaint involves Title IX Sexual Harassment, the adviser may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the adviser may not actively participate in the hearing.

If a party does not have an adviser present at the hearing to conduct cross examination, Saint Vincent will provide without fee or charge to that party an adviser selected by the College (who may be, but is not required to be, an attorney) to conduct cross-examination of the other party and/or any witnesses.

Any individual who serves as an adviser is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the hearing, as scheduled by the Saint Vincent. The College (including any official acting on behalf of the College such as an investigator or a decision maker) has the right at all times to determine what constitutes appropriate behavior on the part of an adviser and to take appropriate steps to ensure compliance with this policy.

- H. The complainant's predisposition or prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if 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.
- I. The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. In order for formal complaints to be consolidated, the Prohibited Conduct must be of the same type (e.g., Title IX Sexual Harassment formal complaints can only be consolidated with other Title IX Sexual Harassment formal complaints, Non-Title IX Prohibited Conduct formal complaints can only be consolidated with other Non-Title IX Prohibited Conduct formal complaints).
- J. When an initial assessment or investigation under this policy identifies additional related possible violations involving Non-Title IX Prohibited Conduct by the same party(ies), the grievance process set forth in Article ?? will apply to all allegations. Under such circumstances, the parties will be provided with written notice containing the following

information: (a) the alleged prohibited conduct, and (b) the policy(ies) under which alleged prohibited conduct falls.

- K. When an initial assessment or investigation under this policy identifies additional related possible violations of College policies not involving Prohibited Conduct as described in this policy by the same party(ies) that would normally be handled by another responsible office, the Title IX Coordinator, with the approval of that responsible office, may direct investigators to investigate such other possible violations at the same time that they investigate the allegations covered by this policy. Under such circumstances, the records from the investigation of the non-Prohibited Conduct matter shall be provided to the office responsible for adjudicating that non-Prohibited Conduct matter in accordance with applicable College policies and procedures.
- L. When a third party, (i.e., a non-member of our College community, which could include, for example, alumni) is a party under this policy, Saint Vincent will, to the extent permissible and practicable, use disciplinary procedures that are generally consistent with the disciplinary procedures described in this policy, appropriately modified based on the particular circumstances of the case and taking into account privacy, jurisdictional and requirements and the like. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.
- M. Saint Vincent may dismiss a formal complaint at any time during an investigation when:
 - 1. Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - 2. For formal complaints involving Title IX Sexual Harassment, the Respondent is no longer enrolled or employed by the College ; or
 - 3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- N. If there is an immediate threat to the physical health or safety of any student or other individual arising from an allegation of sexual harassment, the College is permitted to remove that individual from the campus community.

For an emergency removal to take place the College must assess the information available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual.

Emotional or mental harm to a Complainant is not enough to warrant an emergency removal and Supportive Measures can be provided to the Complainant. If the Respondent threatens their own physical health that does warrant the ability to institute an emergency removal.

The Respondent must be provided notice of the removal and is provided with an opportunity to change the decision. The Respondent is provided 5 business days to respond if they are challenging the emergency removal. The challenge may occur after the removal takes place and does not require a hearing, rather the challenge/appeal will be submitted and the respondent will meet with the appropriate College official to be heard as to why they are challenging/appealing the emergency removal.

Saint Vincent must honor and abide by any judicially issued protective order. Nothing in this policy alters any responsibilities of the College when in receipt of such protective order even when doing so, it effectively prohibits the Respondent from attending classes, residing on campus or participating in an education program or activity of the College.

IX. INFORMAL RESOLUTION

- A. Subject to the consent of the parties and the approval of Title IX Coordinator, Saint Vincent permits informal resolution processes in cases in which a formal complaint has been filed. The informal resolution process is available in matters involving a student Complainant and a student Respondent as well as in matters involving a faculty/staff complainant and a faculty/staff respondent. For Prohibited Conduct classified as Title IX Sexual Harassment, the informal resolution process is not available in matters involving a student and an employee.
- B. The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes in a forum that is separate and distinct from the formal grievance processes under this policy. The purpose of the informal resolution process is to address the conduct which has been reported by the Complainant, and place the parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a Respondent, and the resolution will not appear on the Respondent's disciplinary record.
- C. Saint Vincent may facilitate the informal resolution process prior to making a determination of responsibility. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared). At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the applicable grievance process with respect to the formal complaint.
- D. Saint Vincent will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Similarly, the College will not require, encourage, or discourage the parties from participating in the informal

resolution process.

- E. When Complainant files a formal complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is appropriate in the particular matter. In making this determination, the Title IX Coordinator will consider the following factors:
- The disciplinary record (or past conduct) of the Respondent relating to sexual misconduct, physical violence, failure to comply with a No Contact Order, and/or other relevant conduct;
 - The nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety;
 - Whether the circumstances warrant the Title IX Coordinator filing a formal complaint (e.g., if there is sufficient evidence to proceed with an investigation/adjudication even absent participation by the complainant); and/or
 - Whether proceeding with the informal resolution process is in accordance with the principles and objectives of the College's Sexual Harassment and Sexual Misconduct Policy, as determined by the Title IX Coordinator; and/or
- F. If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the Complainant that the informal resolution process is unavailable.
- G. For formal complaints involving Title IX Sexual Harassment, either party may seek to initiate the informal resolution process up until five business days prior to the hearing. If both parties agree to participate in the informal resolution process and the Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed.
- H. All parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
- I. At any time prior to signing an informal resolution agreement, any party has the right to withdraw from the informal resolution process and resume the formal grievance process. Prior to participating in the informal resolution process, parties will be notified in writing that any information gathered in the informal resolution process may be used in the Title IX Sexual Harassment or Non-Title IX Prohibited Conduct formal grievance processes described in this policy if the informal resolution process ends prior to a written agreement being signed by the parties. However, Saint Vincent will not draw any adverse inference based on a Respondent's participation in the informal resolution process, nor will such participation be considered an admission by the Respondent.
- J. Under the informal resolution process, there will be no disciplinary action taken against a

Respondent, and the resolution will not appear on the Respondent's disciplinary record.

- K. Parties may be accompanied by an advisor who will serve as a support person to any meeting related to the informal resolution process. However, the advisor may not actively participate in meetings and may not serve as a proxy for the party. Any individual who serves as an advisor for the informal resolution process is expected to make themselves available for meetings as scheduled by the College. Saint Vincent (including any official acting on behalf of the College) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with this policy.
- L. Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator in order to ensure consistency with the College's federal obligations. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
- M. Upon signing the informal resolution agreement, the parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint.
- N. Failure to comply with the signed agreement may result in disciplinary action for either party.
- O. If the parties' circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed.

X. ASSESSMENT OF FORMAL COMPLAINT

- A. An initial assessment will be made of all formal complaints. The goal of the assessment is to provide a consistent, integrated and coordinated response to all reports and to ensure that all Saint Vincent community members have access to information about resources, policies and procedural options for resolving the report. The assessment seeks to gather information only to determine whether this policy applies to the report and, if so, what form of resolution is reasonably available and appropriate.

The initial assessment in no way represents a finding of fact or responsibility. The assessment will also include a determination whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the Complainant, any other individuals, or the campus community.

- B. A formal complaint will be assessed to determine if the Prohibited Conduct meets the definitional and jurisdictional requirements of Title IX Sexual Harassment. If the Prohibited Conduct does not meet these requirements, it will proceed as Non-Title IX Prohibited Conduct.

- C. If it is determined, following an initial assessment of the formal complaint, that an investigation is appropriate, an investigator will be assigned.

XI. INVESTIGATION

- A. Saint Vincent will seek to complete the investigation and adjudication within ninety (90) business days after the investigator's first interview of the complainant. Timeframes for all phases of the grievance process, including the investigation, the adjudication, and any related appeal, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The College will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

In accordance with policy and law, Saint Vincent will review requests for language assistance and accommodation of disabilities throughout the investigation and adjudication process.

Although cooperation with law enforcement may require Saint Vincent to temporarily suspend the fact-finding aspect of an investigation, under such circumstances, the College will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. Saint Vincent will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the complainant or respondent. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

- B. Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly involves Prohibited Conduct under this policy, the parties will be informed in writing of the initiation of the investigation. The written information shall include:
 - 1. The identities of the parties, if known.
 - 2. A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
 - 3. Notice of the allegations potentially constituting Title IX Sexual Harassment or Non-Title IX Prohibited Conduct.
 - 4. A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - 5. A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.

6. A statement informing the parties that they may request to inspect and review evidence.
7. A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of Saint Vincent policy.
8. Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

- C. The investigator will collect information from each party. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the investigator is responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Decision Maker, be excluded from consideration in determining responsibility or at any hearing required. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigator will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately. The investigator will interview witnesses as necessary. Interviews may be recorded by the investigator.

In general, a party's medical and counseling records are confidential. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigator obtains that party's voluntary, written consent to do so, or the party voluntarily provides such records to the investigator.

The investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

- D. After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigator has completed any witness interviews and any gathering of evidence, the investigators will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The case file may include, as applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence.

For formal complaints involving Title IX Sexual Harassment, the investigator will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. For formal complaints involving Non-Title IX Prohibited Conduct, the investigator will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each party in electronic form or hard copy. Evidence upon which the College does not intend to rely in reaching a determination regarding responsibility will not be included in a case file provided for formal complaints involving Non-Title IX Prohibited Conduct.

In all cases, any information relied on in adjudicating the matter will be provided as part of the case file. The investigator will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file, each party may respond in writing, which may include a request that the investigator collect additional evidence. If the investigator believes that further information is needed following receipt of any responses from the parties, the investigators will pursue any additional investigative steps as needed. The parties and their advisers will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigator, in electronic format or hard copy.

- E. Following the review of the parties' responses (if any) to the case file, the investigator will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information.

At least ten (10) business days prior to any adjudicative hearing for Title IX Sexual Harassment, the investigative report will be provided to the parties and their advisers via electronic format. For all other formal complaints, the investigator will provide the parties with a copy of the written investigative report.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing (where a hearing is taking place) or no more than five (5) business days after receiving the written

investigative report from the investigator. The response may consist of a written statement not to exceed 2500 words. Where a hearing is taking place, the parties and their advisers will be provided with the other party's written response to the investigative report, if any, in electronic format at least 48 hours prior to the hearing.

XII. DETERMINATION OF RESPONSIBILITY/NON-RESPONSIBILITY

A determination of responsibility or non-responsibility for formal complaints will be made through a live hearing for formal complaints involving Title IX Sexual Harassment or through a review of the case file and final investigative report, including any written responses submitted by the parties, for formal complaints involving Non-Title IX Prohibited Conduct.

A. Formal Complaints for Title IX Sexual Harassment

A Hearing Officer will hear each case involving formal complaints concerning Title IX Sexual Harassment.

The Hearing Officer will have absolute discretion with respect to administering the hearing. The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. The Hearing Officer shall review the case file (including the parties' responses), ask questions during the hearing as he/she deems appropriate, and participate in the deliberations leading to the Hearing Officer's adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information if the hearing will be conducted remotely).

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. The Hearing Officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

1. The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.
2. In all proceedings under this policy, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the College that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator. The Hearing Officer may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. The Hearing Officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party answering questions. As appropriate and/or at the discretion of the Hearing Officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

3. While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both of the parties; questions posed by the Hearing Officer to any relevant witnesses; and cross-examination by either party's adviser of the other party and relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's adviser, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other College administrators may attend the hearing at the request of or with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone else who will be in attendance.

4. Saint Vincent shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review.
5. Following the hearing, the Hearing Officer will consider all the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Officer shall write a written determination, which will contain:
 - i. the allegations potentially constituting Title IX Sexual Harassment;
 - ii. a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing);
 - iii. findings of fact supporting the determination;
 - iv. conclusions regarding the application of this policy to the facts;
 - v. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility and whether any remedies designed to restore or preserve equal access to the College's education program or activity or working environment will be implemented; and
 - vi. relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

B. Formal Complaints for Non-Title IX Prohibited Conduct

1. The Title IX Coordinator shall be provided with a copy of the case file, final investigative report, and any written responses provided by the parties, which shall be thoroughly reviewed prior to making a determination of responsibility or non-responsibility. The Title IX Coordinator may request that the investigator gather additional information or re-interview the parties and/or any witnesses. The Title IX coordinator may meet with the parties and their advisers prior to making a final determination.

2. The standard of proof for Non-Title Prohibited Conduct determinations is the preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.
3. The Title IX Coordinator will consider all the relevant evidence and deliberate regarding responsibility. The Title IX Coordinator shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Decision Maker shall write a written determination, which will contain:
 - i. the allegations potentially constituting Non-Title IX Prohibited Conduct;
 - ii. a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing);
 - iii. findings of fact supporting the determination;
 - iv. conclusions regarding the application of this policy to the facts;
 - v. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility and whether any remedies to be implemented; and
 - vi. relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Title IX Coordinator for inclusion in the written determination.

The parties will simultaneously be provided with the written determination via electronic format.

XIII. DISCIPLINARY SANCTIONS AND REMEDIES

If a party is found to have violated this policy, before finalizing the written determination, the matter will be referred to the appropriate entity to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the College's education program or activity. Specifically, sanctions will be set as follows:

- A. If an **undergraduate or graduate student** is found responsible for violating the policy, the case record (consisting of the case file and responses, investigative report and

responses, hearing recording (if applicable), and written determination relating to the finding of responsibility) will be provided to the Student Sanctions Panel, which shall be comprised of three (3) senior administrators who also are members of the President's Cabinet or Student Faculty Success Council, who will determine sanctions and remedies in consultation with appropriate College administrators. Any sanctions and remedies will be included in the written determination provided to the parties, and sanctions will be subject to appeal under this policy.

- B. If a **faculty member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording (if applicable), and written determination relating to the finding of responsibility) will be forwarded to the Faculty Sanctions Council, which shall be comprised of the Academic Dean, the Dean of the School in which the faculty member teaches, and the President of the Faculty Council, who will determine sanctions and remedies in consultation with the appropriate College Administrators or Faculty. Should the Faculty Sanctions Panel propose a sanction of suspension or dismissal, the Panel will issue a recommendation, in accordance with applicable College policy related to suspension or dismissal of faculty. Any sanctions (and/or recommendation of sanctions) and remedies will be included in the written determination, and sanctions (and/or recommended sanctions) will be subject to appeal under this policy.
- C. If a **staff member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording if applicable, and written determination relating to the finding of responsibility) will be forwarded to the Staff Sanctions Panel, which shall be comprised of Executive Vice President of the College and two (2) senior administrators (vice president, assistant vice president, or associate vice president level) who will determine sanctions and remedies in consultation with appropriate College administrators. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this policy.

See Appendix A for the range of sanctions under this policy.

XIV. APPEALS

Appeals under this policy will be heard by the Appeals Officer. Both parties have equal rights to an impartial appeal at the following junctures:

- For formal complaints involving Title IX Sexual Harassment - Upon the dismissal of a formal complaint or any allegations therein.
- For all formal complaints -- Upon receiving the written determination regarding responsibility and, when applicable, sanction and remedies.

A. Appeals may be submitted on the following bases:

1. procedural irregularity that affected the outcome of the matter;

2. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter;
 3. the sanctions (or recommended sanctions) are not commensurate with the violation; or
 4. the Title IX Coordinator, investigator, the Hearing Officer, or any member of the Sanction Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter (Formal complaints involving Title IX Sexual Harassment only).
- B. To appeal, a party must electronically submit a written appeal statement to the General Counsel for the College within five (5) business days of receipt of the written determination or dismissal. The Appeals Officer may deem a late submission reasonable only under extenuating circumstances and may decide in their sole discretion what constitutes valid extenuating circumstances.
- C. The appeal shall be in writing, not to exceed 2500 words, outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party's written statement and may submit a written response, not to exceed 2500 words, to the Appeals Officer within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.
- D. An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College rules has occurred.
- E. In deciding an appeal, the Appeals Officer may consider the case file and any responses, investigative report and any responses, the hearing record (if applicable), the written determination, and any written appeal(s) or statements by the parties. The Appeals Officer also may consider any other materials the College deems relevant and that have been shared with the parties.
- F. The parties, and their advisers (for appeals involving formal complaints of Title IX Sexual Harassment), will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.
1. If the Appeals Officer finds that the earlier decision should stand, the parties will be so informed, and the process is concluded.

2. If the Appeals Officer finds that there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the appropriate official to determine appropriate further action.
 3. If the Appeals Officer finds that new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded for appropriate further action.
 4. If the Appeals Officer finds a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter existed, the Appeals Officer will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this policy.
 5. If the Appeals Officer finds that the sanctions (or recommended sanctions) are not commensurate with the violation, the matter will be remanded to the appropriate Sanctions Panel for reconsideration.
- G. The Appeals Officer will seek to complete the appeal review within ten (10) business days of receipt of the appealing party's written statement.
- H. Unless further proceedings are necessary (as may be the case in a matter where suspension or dismissal of a faculty member is a recommended sanction), the determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an appeal if an appeal is filed (at which point the grievance process is concluded), or if an appeal is not filed, the date on which an appeal would no longer be considered timely (at which point the grievance process is concluded).

XV. TRAINING

Saint Vincent will provide appropriate training to College officials with responsibilities under this policy, including the Title IX Coordinator and Assistant Title IX Coordinator, investigators, Hearing Officers, Sanction Panel members, Appeals Officers, and any individual who facilitates the informal resolution process. Such training will cover the definition of Title IX Sexual Harassment and Non-Title IX Prohibited Conduct, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Saint Vincent College will ensure that Hearing Officers receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. Saint Vincent will ensure that investigators receive training on issues of relevance to create an

investigative report that fairly summarizes relevant evidence. These training materials will be available to the public on the Sexual Misconduct & Title IX section of the Saint Vincent College website and will be made available for in-person review upon request.

XVI. RECORD RETENTION

Saint Vincent College will maintain for a period of seven years records of the following:

1. Each grievance process conducted under this policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing, any disciplinary sanction imposed on the respondent, and remedies provided to the complainant designed to restore or preserve access to the College's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinator and Assistant Title IX Coordinator, investigators, Hearing Officers, Sanction Panel members, Appeals Officers, and any individual who facilitates the informal resolution process;
5. Records of any actions, including any Supportive Measures, taken in response to a report or formal complaint. In each instance, Saint Vincent will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's educational and working program or activity. If Saint Vincent does not provide a Complainant with Supportive Measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

XVII. MODIFICATION AND REVIEW OF POLICY

Saint Vincent College reserves the right to modify this policy to consider applicable legal requirements or extraordinary circumstances.

The College will annually review this policy to determine whether modifications should be made.

Appendix A: Range of Sanctions under this Policy

Members of the Saint Vincent community may be subject to disciplinary sanctions for violating this policy.

Sanctions Applicable to Students

The sanctions for students are listed below.

1. **Warning.** An admonition that does not become part of a student's permanent record, but that may be taken into account in judging the seriousness of any future violation.
2. **Reprimand.** Reprimand is a stronger admonition than a warning, intended to signal that the student has committed a minor infraction, conveying that the student must be vigilant against future infractions, and providing a disincentive against future infractions in that a reprimand will not become part of the student's permanent record unless there is a subsequent infraction, at which point the reprimand will be formally recorded on the student's permanent record.

Both a warning and a reprimand may be considered in judging the seriousness of any future violation.

More serious violations may be met with the following formal responses which are recorded on the student's permanent record.

1. **Disciplinary Probation.** A more serious admonition assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from the College. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired.

Disciplinary probation appears on a student's permanent record at the College (but not on the transcript) and may be disclosed by the College in response to requests for which the student has given permission or as otherwise legally required.

2. **Withholding of Degree.** In cases involving seniors or graduate students in their final semester, the College may withhold a student's degree for a specified period of time. This sanction is imposed instead of suspension at the end of a student's senior year or final year of graduate study when all other degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the College and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.
3. **Suspension.** Removal from membership in the College for a specified period of time. A suspension is recorded on a student's transcript. Relevant information remains on the student's permanent record at the College and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.

4. **Suspension with Conditions.** Removal from membership in the College for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this sanction, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, formal apology, or counseling. A suspension with conditions is recorded on a student's transcript. Relevant information remains on the student's permanent record at the College and may be disclosed by in response to requests for which the student has given permission or as otherwise legally required.
5. **Expulsion.** Permanent removal from membership in the College, without any opportunity for readmission to the community. Expulsion is recorded on a student's transcript. Relevant information remains on the student's permanent record at the Saint Vincent and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.

The following may accompany the preceding sanctions, as appropriate:

1. **Campus/Community Service.** Campus service up to 10 hours per week may be added to a reprimand or disciplinary probation. This sanction may be particularly appropriate in cases involving vandalism, disorderly conduct, and alcohol-related infractions.
2. **Campus Housing.** When appropriate to the infraction, particularly in instances involving antisocial behavior having a serious impact on the residential community, removal from Campus housing or relocation within Campus housing may be added to any of the other sanctions listed above, except warning and reprimand. Relocation within residence halls will be imposed only after consultation with the Dean of Students.
3. **Restriction of Access to Space, Resources, and Participation in Varsity Athletics/Activities/Student Programming.** When appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the parties.
4. **Educational Refresher Programs.** In addition to any of the sanctions listed above, a student may be required to participate in educational refresher programs appropriate to the infraction.
5. **Restitution.** The sanction for willful or reckless damage or vandalism will ordinarily include restitution for replacement or repair.

Sanctions Applicable to Faculty and Staff Members

For violations of this policy by faculty or staff members, disciplinary sanctions may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension (or recommendation for suspension), demotion, termination (or recommendation for termination) in accordance with applicable policies. Saint Vincent College may place a faculty or staff member on administrative leave during the pendency of a grievance process, provided that such action

shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Sanctions Applicable to Non-Members of the Saint Vincent Community

For violations of this policy by non-members of the Saint Vincent Community, including alumni, disciplinary sanctions may include being temporarily or permanently barred from the College, its programs and/or activities, or subject to other restrictions.

Appendix B: Resources

If you are subjected to prohibited conduct and need immediate and/or ongoing assistance following an incident, the following resources, both off-campus and on-campus, are available:

- **Public Safety (On-Campus)**

Public Safety Officers are on duty 24/7 for emergency help in any situation. Victims can ask the Public Safety Office to help them report incidents of sexual misconduct and secure any required assistance. Public Safety Officers have the obligation to report incidents to the Director of Public Safety and the Title IX Coordinator. Public Safety may be reached by calling [724-805-2911](tel:724-805-2911).

- **Pennsylvania State Police (Off-Campus)**

The Pennsylvania State Police can generally be on the scene responding to an emergency situation at the College within 15 minutes. Victims of sexual violence are encouraged to file a report with the State Police. The Greensburg, PA barracks can be reached at [724-832-3288](tel:724-832-3288).

- **Wellness Center Counselors (On-Campus)**

The Counselors in the Wellness Center are available for ongoing counseling support. The Wellness Center is in the Carey Center and may be reached at 724-805-2115.

- **Campus Ministry (On-Campus)**

Pastoral counselors are available through Campus Ministry, which is located in the Carey Center and may be reached at 724-805-2350.

- **Blackburn Center Against Domestic and Sexual Violence (Off-Campus, Confidential)**

The Blackburn Center, located in Greensburg, PA, advocates for the rights of all individuals to live free from domestic and sexual violence in their homes and communities by eliminating the root causes of this violence and providing for the well-being and safety of survivors/victims.

Blackburn Center has numerous and wide-ranging resources available for victims of sexual violence. All services are available to children, women and men.

Assistance from the Blackburn Center can be received by calling [1-888-832-2272](tel:1-888-832-2272). This is a 24-hour, 7 day a week number answered by trained staff and volunteers, ready to provide free and confidential support as needed.

All of the resources available through the Blackburn Center are FREE and CONFIDENTIAL; they can even be ANONYMOUS.

- **Independent Psychological Counselor**

Dr. Elizabeth Ventura
Professional Licensed Counselor
Associates in Counselling and Wellness
412-559-9152

- **Excelsa Hospital Latrobe (Off-Campus)**

Victims of sexual violence are encouraged to seek medical treatment immediately to address any physical injuries that may have occurred, preserve any evidence for a criminal complaint, even when a report is not made to law enforcement. If you are on campus and need immediate medical assistance, please contact Public Safety at x2911.