

# University of Pittsburgh At Johnstown



**Student Code of Conduct**

**Effective August 1, 2020**

*Division of Student Affairs*

[www.upj.pitt.edu/studentconduct](http://www.upj.pitt.edu/studentconduct)

## **Contact Information**

**For questions or information regarding the Student Code of Conduct or the Conduct Process and Procedures, please contact:**

Office of Student Conduct

G-4 Student Union

814-267-7133

**For questions or information regarding Title IX, please contact:**

Title IX Coordinator, Amy Buxbaum

814-269-7991

buxbaum@pitt.edu

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## **Introduction**

Being a member of the University of Pittsburgh community is a privilege. This privilege comes with the responsibility to act in accordance with all institutional rules and policies. This Student Code of Conduct (Code) provides information on behavioral expectations and outlines the process used to address Violations of these expectations.

The Board of Trustees has the authority to establish regulations and standards for Students. Responsibility for these regulations and standards is delegated to the Chancellor and in turn to specified administrative officials. The Board of Trustees and University administrators acknowledge and affirm the rights and responsibilities of Students – as members of society, as guaranteed by Federal and State Constitutions, and as expressed by federal, state, and local laws.

The *Code* is subject to change at the discretion of the University. All Students are expected to familiarize themselves with and are required to abide by the provisions of the current Code. To ensure you have the most recent version, please visit [www.upj.pitt.edu/studentconduct](http://www.upj.pitt.edu/studentconduct) . Copies of the Code are also available at the Office of Student Conduct, G-4 Student Union.

This *Code* is not a contract

Academic integrity issues fall within the authority of the University's individual academic departments and their Academic Integrity Policies.

## **Non-Discrimination Statement**

The University of Pittsburgh values equality of opportunity and prohibits unlawful discrimination. Find the full Notice of Non-Discrimination at:  
<https://www.diversity.pitt.edu/about/notice-non-discrimination>.

## **The University's Prohibition of Retaliation**

Retaliation against anyone involved in the Conduct process, whether they are the Complainant, a witness, an investigator or anyone else, is prohibited. Retaliation is the act of taking adverse action against a Complainant, a Respondent, or any other person involved in the process based on the person's reporting or participation in the process. Although independent action will be taken against anyone engaging in retaliation, the Complainant and the Respondent are responsible for discouraging such actions and will also be held responsible to the extent of their involvement in the retaliation.

Retaliation is a Violation of the *Code*. An individual who believes that they have experienced retaliation should contact the Office of Student Conduct.

### **Application, Scope, and Jurisdiction of the *Code***

Students and/or Registered Student Organizations may be charged with Code Violations. Additionally, individual members of Registered Student Organizations may be held accountable for *Code* Violations when they participate in any Violation committed by the Registered Student Organization.

Students are expected to conduct themselves as responsible members of the University community. Students who violate the Code will be subject to disciplinary action by the University, when such conduct takes place on University Property or in the course of a University-sponsored or University-supervised activity.

In addition, conduct off-campus may be subject to disciplinary action by the University if that conduct:

1. Threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof, or otherwise disrupts the neighboring environments; and/or
2. Is considered by the University to be a serious offense that would negatively reflect upon the Student's character and fitness as a member of the Student body; and/or
3. is an incident occurring within the University of Pittsburgh Police jurisdiction.

### **Student Conduct Record Retention Policy**

The Office of Student Conduct maintains conduct records for a period of seven (7) years from the date of the incident, however, for all pending incidents and incidents resulting in on-campus housing dismissal, disciplinary suspension or disciplinary dismissal, the conduct record will be maintained permanently.

## **CHAPTER 1: Student Rights and Responsibilities**

### **Student Rights Within the University Community**

With the approval of the Board of Trustees, the University affirms the following [Student](#) rights and privileges:

- ◆ To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, write, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the University to make reasonable rules and regulations related thereto.
- ◆ To associate with whomsoever they please.
- ◆ To engage in the educational process.
- ◆ To engage in peaceful, orderly, and nondestructive picketing, protests, and demonstrations, to the extent they do not violate public law and do not interfere with the educational process or the rights of other members of the University.
- ◆ To be free from discrimination on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran.
- ◆ To be secure in their persons, living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the University and the Student against whom the legally authorized search is directed.
- ◆ To be free from violence, force, the threat of force, entrapment, and coercion.
- ◆ To organize one's own personal behavior as long as such behavior does not violate public law or the rights of others and does not interfere with the educational process.
- ◆ To be informed of the standards and the norms of conduct established by the University and the right to have advance notice of any Sanctions for Violations thereof.
- ◆ To have the benefit of fair and equitable procedures for determining the validity of charges of alleged Violations of the University standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
- ◆ To retain unaltered status as a member of the University community and to be present on campus and attend classes during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the University community or University Property or a Student's physical or emotional safety and well-being.
- ◆ To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the University community.
- ◆ To have University records reflect only such information as is reasonably related to the educational process of the University.
- ◆ To be informed of the existence, custodianship, and general character of all personal records maintained by the University.
- ◆ To inspect all personal records, except records determined to be confidential in accordance with properly established criteria.
- ◆ To have protection from disclosure of personal records to unauthorized persons. Information will not be released outside of the University community without the expressed consent of or waiver by the Student involved, except under valid legal

compulsion or where there is a clear and present danger to a member of the University community, in which case the Student will be informed of any such release.

- ◆ To establish and elect a representative democratic student government which is accountable to the University and the Student community.
- ◆ To be heard and have one's views considered at appropriate levels of the decision making process within the University community.
- ◆ To use designated University facilities as individuals and members of Registered Student Organizations for extracurricular activities sponsored by Registered Student Organizations and Student groups, subject to the priority of academic needs and to reasonable University rules and regulations regarding use of facilities.

### **Student Rights under FERPA**

The Notification of Rights under the Family Education Rights and Privacy Act (FERPA) is available at: <http://www.registrar.pitt.edu/ferpa.html>

### **Guardian Notifications under FERPA**

FERPA permits the University to notify parents/guardians when a [Student](#) who is under the age of twenty-one (21) is found responsible for or admits to an alcohol or drug [Violation](#).

Notification to parents/guardians of such [Violations](#) is part of a strategy to connect parents/guardians with appropriate University representatives to reduce the risk of University [Students](#) developing patterns of behavior that may jeopardize their academic success, health, or well-being. Under special circumstances, professional staff at the University may use their discretion to determine whether or not this notification is in the best interest of the [Student](#).

### **When and how parents/guardians will be notified:**

Parents/guardians of [Students](#) will be notified via a written parental notification letter when a [Student](#) is found responsible for an alcohol or drug [Violation](#). This does not include [Students](#) who are sanctioned solely for being "knowingly present" during drug and/or alcohol [Violations](#).

### **Who should parents/guardians contact if they have any questions?**

The Parental Notification Letter will identify who to contact for additional information. Before calling for more information, the University encourages parents/guardians to speak to their [Student](#) to see if the [Student](#) requires any assistance and to encourage the [Student](#) to make responsible choices that will help the [Student](#) avoid future conduct [Violations](#). If parents/guardians want to speak with staff, the parents/guardians should have their [Student](#) provide written permission to the staff member who signed the parental notification letter. For questions or clarification about the parental notification letter, please contact the Office of Student Conduct on campus at G-4 Student Union or at 814- 269-7133.



## **Student Identification Requirements**

Students are required to carry valid University I.D. at all times. These cards help to identify the individual as a currently enrolled Student and afford the individual University privileges, such as the ability to access University fitness centers or acquire tickets to University-sponsored events. Students are required to present valid University ID when requested by an authorized University official. Additionally, all residence hall Students must carry, and present, valid University I.D. to gain access into their assigned residence halls.

## **CHAPTER 2: Medical Amnesty Protocol**

The University of Pittsburgh's primary concern is for the health, safety, and well-being of Students. Failure to summon, or limiting the ability of someone else to summon, emergency assistance for a Student experiencing an emergency due to alcohol or drug use, may result in University and/or criminal charges. As a result, all Students are expected to seek immediate assistance for themselves or others in situations where someone is experiencing an emergency due to alcohol or other drug use.

### **Scope:**

1. **Medical Amnesty applies when the allegations under the Code of Conduct involve** consumption or possession of alcohol or other drugs or knowingly present violations related to consumption or possession of alcohol or other drugs.
2. **Medical Amnesty eliminates responsibility for Code violations outlined above for the caller and the individual experiencing the medical emergency.**
3. **Medical Amnesty mitigates University conduct consequences for** student organizations that call for emergency assistance.

Medical Amnesty does not prevent disciplinary action for other violations of the *Code*, **including, but not limited to fake identification**, causing or threatening physical harm, sexual misconduct, damage to property, unlawful distribution of alcohol or other drugs, harassment, or hazing.

### **Medical Amnesty Process**

In order for Medical Amnesty to apply, the caller must complete the following steps:

1. Contact appropriate University or emergency officials, identify yourself and report the incident.
2. Remain with the individual(s) needing assistance until emergency officials arrive.
3. Cooperate with University and emergency officials as requested.
4. Complete all assigned programs or interventions within the designated time frame.
5. Notify the Hearing Officer responsible that all steps have been completed. Medical Amnesty may not apply until verification of completion has occurred.

In order for Medical Amnesty to apply to the individual who experienced the medical emergency, this individual must complete the following steps:

1. Cooperate with University and emergency officials as requested.
  2. Complete all assigned programs or interventions within the designated time frame.
  3. Notify the Hearing Officer responsible for your case that all steps have been completed.
- Medical Amnesty may not apply until verification of completion has occurred.

Even when Medical Amnesty applies, the University and/or the Student may need to disclose information regarding the application of Medical Amnesty, including but not limited to study abroad programs, potential employers, professional governing bodies (ex. Bars or Medical Boards), or another University through an admissions process. While the main goal of Medical Amnesty is to encourage Students to make healthy decisions and to seek medical attention when they or one of their peers are in distress, repeated requests for Medical Amnesty will be addressed on a case-by-case basis.

Application of Medical Amnesty by the University does not prevent criminal action by police or civil action by third parties. Commonwealth of Pennsylvania drug and alcohol Good Samaritan and Response Immunity laws may be applicable.

## CHAPTER 3: Violations of the Student Code of Conduct<sup>1</sup>

A [Violation](#) is committed when a [Student](#) or a Student Organization:

1. Fails to comply with guidance set forth by the University, Federal, state and/or local authorities regarding public health and/or safety
2. Engages in conduct which is disorderly, lewd, or indecent or a breach of peace; or aids, abets, or procures another to do the same.
3. Possesses, consumes, or is under the influence of alcoholic beverages if under the age of 21, or dispenses alcoholic beverages to an individual who is under the age of 21.
4. Is knowingly present during the commission of the Violation(s) of "possesses or consumes alcoholic beverages if under the age of 21 or dispenses alcoholic beverages to an individual who is under the age of 21."
5. Consuming, carrying, or possessing an open container of alcoholic beverages in the public right-of way, or on private property without the consent of the landowner or tenant, except as permitted by law.
6. Operates a motor vehicle while impaired by or under the influence of drugs or alcohol.
7. Uses, misuses, possesses, distributes, manufactures, sells, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled or illicit substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue. The use or possession of marijuana (medical or otherwise) in the workplace and on campus is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug Free Workplace Act. Accordingly, the University of Pittsburgh prohibits the use or possession of marijuana on campus.
8. Is knowingly present during the commission of Violation(s) of "uses, misuses, possesses, distributes, manufactures, sells, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled or illicit substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue."
9. Without authority or consent, limits, or restricts the freedom of a person to move about in a lawful manner.
10. Physically abuses, injures or endangers a person's health, welfare or safety.

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<sup>1</sup> Please note that just because the expression of an idea or point of view may be offensive or inflammatory, it is not necessarily a Violation of the Code. The University values freedom of expression and the open exchange of ideas, and the expression of controversial ideas and differing views is a vital part of the University's mission.

11. Threatens, intimidates, coerces, or uses physical force in a manner which causes another person to be reasonably apprehensive or which endangers a person's health, welfare or safety.
12. Harassment. Harassment may occur through verbal, physical, or electronic means when:
  - a. The conduct is severe or pervasive and objectively and subjectively has the effect of:
    - i. Unreasonably interfering with an individual's work or equal access to education; or
    - ii. Creating an intimidating, hostile, or offensive work or academic environment; or
    - iii. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number 1 immediately above.
  - b. Harassment can occur on University premises or, under limited circumstances, off campus.
  - c. It can occur between people of the same or different protected group statuses.
13. Violates the University of Pittsburgh [Sexual Misconduct Policy](#) including, but not limited to:
  - a. Sexual Assault
  - b. Relationship Violence
  - c. Sexual Harassment
  - d. Stalking/Cyberstalking
14. Assists in the Violation of the University of Pittsburgh [Sexual Misconduct Policy](#).
15. Violates the University of Pittsburgh [Anti-Hazing Policy](#).
16. Assists in the Violation of the University of Pittsburgh [Anti-Hazing Policy](#).
17. Operates an unregistered Student Organization, including, but not limited to fraternities/sororities and club sports, or organizes or sponsors any event or activity that promotes or gives the impression or appearance that the group is a Registered Student Organization.
18. Providing assistance to or in any way perpetuating the activities of an Underground Group. An "Underground Group" is defined as a formerly recognized Registered Student Organization or group that has lost or been denied university registration or recognition or dissolved as a consequence of responsibility for Code and/or other policy Violations, even if operating under a different name.
19. Violates or assists in the Violation of any University policy, procedure or guideline including, but not limited to the following:
  - a. University of Pittsburgh [Non-Discrimination and Anti-Harassment Policy](#)
  - b. University of Pittsburgh Registered Student Organization Registration Guidelines
  - c. University of Pittsburgh Johnstown Alcohol Policy
  - d. University of Pittsburgh [Drug Free Workplace/Drug Free Schools Policy](#)
  - e. University of Pittsburgh [Smoking Policy](#)
  - f. Any [Fraternity and Sorority Life policy](#)

- g. Housing and Dining Services Contract, any Registered Student Organization policy, the Club Sports Handbook
  - h. Any Computing Services and Systems Development Policy
  - i. Any provision of the University of Pittsburgh [Posting and Chalking Guidelines](#)
  - j. Any provision of the University of Pittsburgh [Demonstration Guidelines](#)
  - k. Any other University policy, procedure, or guideline whether or not listed in the Code.
20. Violates any provision of the [Residential Handbook](#), including, but not limited to:
- a. Quiet Hours Policy
  - b. Visitation Policy
  - c. Possession of Prohibited Items
  - d. On-Campus Housing Alcohol Policy
  - e. Other
21. Obstructs, interferes with, or denies another Student's Rights and Responsibilities affirmed by the Board of Trustees (please see the Rights listed in Chapter 1).
22. Uses, possesses, or manufactures firearms, explosives, weapons, fireworks or other dangerous articles or substances injurious to person or property, while on University Property.
- a. Given the popularity of hunting, arrangements have been made for storage of firearms/weapons in the Campus Police Office. All firearms/weapons must be stored at Campus Police and are prohibited from all residential or academic buildings. Any student desiring this service can make appropriate arrangements by contacting Campus Police
23. Activates emergency warning equipment or communicates false information regarding any emergency situations or obstruction, disobeying of emergency evacuation procedures.
24. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
25. Ignites or burns materials, including but not limited to incense and candles, without proper authorization, while on University Property.
26. Throws anything from windows, balconies, patios, or any other area of any University building.
27. Affixes, implants, or otherwise fastens any object to any University Property floors, ceilings, windows, or walls which might stain, scar, vandalize, or otherwise cause damage to said property.
28. Without proper authorization, lends, possesses, abuses, damages, destroys, removes, (mis)uses, misappropriates, or sells the property of another, including, a business or the University.
29. Obtains the personal information of another person by misrepresentation or fraudulent means.

30. Without proper authorization enters or uses property of another, a business, or the University.
31. Forges, alters, takes possession of, duplicates, or uses documents, records, keys, identification, or computer accounts without proper authorization.
32. Fails to present University identification or gives false identification or identifying information upon the request of an authorized University official.
33. Falsifies information or records submitted to a University official or office.
34. Fails without just cause to comply with the lawful direction of a University official, or other lawful authority having just cause and acting in the performance of their duties and authority.
35. Engages in solicitation of any type (including non-University commercial activity) on University Property unless approved in advance by an appropriate University official.
36. Participates in the sale or misuse of class materials including but not limited to: recordings, papers, examinations or any other class materials.
37. Disrupts or prevents the peaceful and orderly conduct of classes, lectures, quiet study, speaker presentations, and/or meetings or deliberately interferes with the freedom of any person to express their views.
38. Engages in any act or preparation intended to result in a Violation of this Code, which, if not prevented, would have resulted in the completion of the act intended.
39. Obstructs or interferes with the apprehension or discipline of another Student who may be involved in a commission of a Violation of the Code.
40. Intimidates, coerces, influences, or retaliates or attempts to do the same against a person who is participating or has participated in any University process or proceeding.
41. Disrupts or interferes with the conduct process.
42. Makes or distributes any unauthorized audio or video recording of any person in violation of federal, state, or local law, or without their prior authorization. This includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom. Unauthorized sharing or distribution of digital video or audio recording of nudity or sexual activity.
43. Engages in games of chance in Violation of federal, state, or local law.
44. Violates any federal, state or local law(s), or while abroad, violates any international law(s).

## **CHAPTER 4: University of Pittsburgh Anti-Hazing Policy**

Hazing at the University of Pittsburgh is considered a Violation of the University's Anti-Hazing Policy and *Code* and is absolutely prohibited. Hazing may also be considered a criminal act in the Commonwealth of Pennsylvania.

For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Therefore, any Student who causes or participates in hazing may be subject to appropriate University discipline and/or may be subject to criminal prosecution.

Hazing is defined as follows:

### **Hazing**

A person commits hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

- (1) Violate Federal or State criminal law;
- (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm;
- (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;
- (4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) Endure brutality of a sexual nature;
- (6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

### **Aggravated Hazing**

A person commits aggravated hazing if the person commits a violation of hazing that results in serious bodily injury or death to the minor or student and:

- (1) the person acts with reckless indifference to the health and safety of the minor or student; or,
- (2) the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.

### **Organizational Hazing**

A Registered Student Organization commits organizational hazing if the organization intentionally, knowingly or recklessly promotes or facilitates a Violation of hazing or aggravated hazing.

Students and others are encouraged to report incidents, and suspected incidents of hazing. Reports may be made to the University Police (814-269-7222), the Office of Student Conduct (814-269-7133).

Although the University encourages students and others to make formal reports, you may file an anonymous report with the University Police [online](#) or by phone at (814-269-SAFE). Anonymous reports greatly limit the University's ability to respond to and investigate the report.

## **CHAPTER 5: Process and Procedures: From Referral to Resolution**

### **Commonly Used Terms**

**Adjudication**: Completion of the Level I or Level II Hearing and/or Appeal process.

**Complainant**: A University community member who files a referral that alleges a [Violation](#) of the *Code*.

**Conduct Referral**: A report alleging [Violations](#) of the *Code*.

**Respondent**: [Student](#) alleged to have violated the *Code*.

### **Student Rights Within the University Community**

#### **A. Filing a Conduct Referral**

The University's Conduct Process is initiated when a member of the University files a Conduct Referral against a Student/Registered Student Organization alleging that there has been a Violation of the Code.

Any member of the University community who has witnessed, has been subject to or has knowledge of a potential Violation of the Code may contact the Office of Student Conduct to complete a Conduct Referral.

Conduct Referrals which allege Violations of the University's Sexual Misconduct Policy will proceed under [Chapter 6](#) of this Code

#### **B. Review of the Conduct Referral and Initiation of the Conduct Process**

Once a Conduct Referral is submitted, the Director of Student Conduct or their designee will determine whether the behavior alleged in the Conduct Referral, if substantiated, would constitute a Code Violation. In some instances, the Director of Student Conduct or their designee may need to meet with the alleged Respondent prior to making this determination.

If it is determined that the Conduct Referral alleges a Code Violation, the Director of Student Conduct or their designee will decide if the Conduct Referral will proceed under the Level I or Level II Process. Once this determination is made, the Director of Student Conduct or their designee will notify the Respondent of the next steps in the conduct process by sending an email to the Respondent's University e-mail address.



Most Conduct Referrals proceed under the Level I Hearing Process and are heard by the Office of Student Conduct, the Student Conduct Peer Review Board or Residence Life staff (collectively hereinafter referred to as “Hearing Officers”). Generally, after filing the Conduct Referral, Complainants do not participate in the Level I Hearing Process.

The Level II Hearing Process is facilitated by the Office of Student Conduct. This process is followed when:

1. The alleged Violations may result in Sanctions including, Disciplinary Suspension, Disciplinary Dismissal, Suspension or Dismissal from University Housing; or
2. The Respondent is a Registered Student Organization; or
3. Deemed appropriate by the Office of Student Conduct.

### **C. Interim Action**

Prior to initiation of the conduct process, the Director of Student Conduct or their designee may take interim action and impose interim sanctions on a student. The Director of Student Conduct or their designee may take this action when a [Student](#) is deemed to threaten the health, safety, or well-being of the University community, threaten or impair the effective functioning of the University, or when a [Student](#) has been charged with a serious criminal offense. Examples of behavior that may lead to interim suspension from the University include, but are not limited to, physical violence, sexual assault, significant disruption of the educational or living environments of the University, significant damage to property, and possession and distribution of controlled substances. The Director of Student Conduct or their designee will make reasonable efforts to give the student an opportunity to respond to the alleged offense.

Interim action remains in effect only as long as the Director of Student Conduct determines there is a need for such action or until the matter has been investigated, adjudicated, or otherwise resolved in accordance with the *Code*.

Interim actions may include suspension from the University, removal from University housing, suspension of privileges, and other similar measures.

Within ten (10) business days of an interim action, the Student/Registered Student Organization may request, in writing, that the Vice President of Student Affairs reconsider the interim action. This request must include the reasons why the Student/Registered Student Organization believes the interim action should be lifted. The Vice President of Student Affairs will consider the request and advise the Student/Registered Student Organization of any modification to the interim action within five (5) business days of the submission of the request. The interim action remains in place during the Vice President of Student Affairs’ review.

Interim action does not replace the conduct process, which shall proceed as outlined in this Code.

#### **D. General Information for Respondents and Complainants in both Level I and Level II Hearing Processes and Appeal**

In addition to the [Rights](#) affirmed by the Board of Trustees [Respondents](#) have the right to *decline to testify against themselves*. The [Hearing Officer](#) will use a *preponderance of the evidence standard* (meaning more likely than not) when deciding if a [Student](#) is responsible for a [Violation](#) of the *Code*.

Legal rules regarding the wording of questions, hearsay, and opinions, as well as legal rules regarding admissibility of evidence will not be formally applied. Legal motions will not be entertained, but reasonable rules of relevancy will apply. Reasonable limits may be imposed on the number of factual and/or character witnesses and the amount of cumulative evidence that may be introduced.

[Respondents/Complainants](#) have the right to call witnesses during the hearing process

#### **E. Advisor, Support Person and/or Representative**

Complainants and Respondents in both the Level I and Level II conduct process are entitled to one advisor or support person of their choice. This advisor or support person may accompany the party to any meeting or proceeding, but may not stand in place of either the Complainant or the Respondent. Information regarding the processing of any referral will only be shared with the Complainant or Respondent.

While not necessary or required, Complainant(s) and/or Respondent(s) in a Level II process have the right to seek a representative from the University to assist them during the conduct process. This representative may actively participate in the Level II Conduct Process, but may not answer questions on behalf of the Complainant or Respondent. A Respondent's or Complainant's failure to secure a representative will not cause a Hearing to be postponed or canceled. Residence Life staff members cannot serve as representatives.

Legal counsel shall be restricted to an advising role and may not directly participate.

Throughout the conduct process, the Complainant and/or Respondent may request to review the Conduct Referral.

If a Respondent chooses not to participate in any stage of the hearing process, Adjudication may proceed and Sanctions may be imposed or a Judicial Hold may be placed on the Student's account.

## **F. Level I Hearing and Appeal Process**

### Level I Hearing Process:

1. The Hearing Officer will read the alleged Code Violations and allow the Respondent to review the Conduct Referral.
2. The Respondent will have the opportunity to ask questions and to present relevant information through personal and/or witness testimony and/or documents.
3. The Hearing Officer may ask questions regarding any information provided.
4. Using a preponderance of the evidence standard, the Hearing Officer will determine if the Respondent is responsible for violating the Code and if so, will inform the Respondent of the imposed Sanctions, either at the conclusion of the Level I Hearing or within a reasonable time thereafter.
5. If the Respondent is found responsible for violating the Code, the Respondent will have the option to:
  - a. Accept the findings and imposed Sanctions.
  - b. Accept the findings, but reject and appeal the imposed Sanctions.
  - c. Reject the findings and imposed Sanctions and appeal both.
6. If the Respondent is found not responsible for violating the Code, no Sanctions will be imposed.
7. If the Respondent fails to attend the Level I Hearing, the Hearing may proceed in the Respondent's absence and Sanctions may be imposed or a Judicial Hold may be placed on the Student's account.

### Level I Appeal Process

Respondents seeking to appeal a Level I Hearing must file an appeal form with the Office of Student Conduct within ten (10) business days of the date of the Hearing decision letter. The appeal form can be obtained by contacting the Office of Student Conduct.

The reason for appeal must fall within the scope of review. The scope of review shall be limited to statements and facts supporting one or more of the following questions:

1. Whether Rights affirmed by the Board of Trustees have been denied.
2. Whether established Level I Hearing procedures were not followed in a manner that would have significantly affected the decision.
3. Whether there was an absence of a rational connection between the facts found and the findings.
4. Whether the issued sanctions are substantially disproportionate to the severity of the Violation.
5. Whether new evidence is presented which was not available or discoverable during the Level I process that if available at the time would have significantly altered the findings or sanctions.

Once the Office of Student Conduct receives a request for an appeal, the Vice President of Student Affairs or Director of Student Conduct will review and notify the Respondent whether the appeal will be heard. If the appeal is to be heard, the VPSA or Director of Student Conduct will notify the Respondent of the date, time, and place of the appeal meeting. Decisions following the appeal meeting are final.

## **G. Level II Hearing and Appeal Process**

### **Level II Pre-Hearing Process**

When a [Conduct Referral](#) falls under the Level II Hearing Process, the Office of Student Conduct will schedule a [Disciplinary Conference](#) with the [Respondent](#). The purpose of the [Disciplinary Conference](#), which may occur over a period of several meetings, is to 1) allow the [Hearing Officer](#) to discuss the alleged [Violations\(s\)](#) with the [Respondent](#); 2) make recommended [Sanctions](#), taking as true all facts in the [Conduct Referral](#); and 3) provide the [Respondent](#) the opportunity to choose their response to the [Conduct Referral](#), as defined below:

- a. Accept responsibility for violating the *Code*, accept the recommended [Sanction\(s\)](#) and waive the Level II Hearing and Appeal Process.
- b. Proceed before the Conduct Board for a [Sanctions-Only Hearing](#).
- c. Proceed before the Conduct Board for a [Full Hearing](#).

If the [Respondent](#) elects to proceed with a Conduct Board Hearing, the assigned [Hearing Officer](#) shall answer questions regarding the procedures and format of the student conduct process, shall make the necessary arrangements for the Hearing, and shall provide other assistance as appropriate.

The [Hearing Officer](#) will then schedule the Conduct Board Hearing. Both the [Complainant](#) and [Respondent](#) shall receive an e-mail notification of the time, date, and place of the Level II Conduct Board Hearing. If a party has been sent notice in accordance with the *Code*, and fails to appear at the scheduled time, date, and place, the Hearing may be held in the party's absence.

### **Witnesses**

The Complainant and Respondent may provide the Hearing Officer with a witness list, containing a brief description of each witness's proposed testimony. This description must be submitted to the Hearing Officer not less than ten (10) business days prior to the Level II Hearing date. It is the responsibility of the Complainant and Respondent to coordinate any witness's participation in the Level II Hearing. The Hearing Officer may provide reasonable assistance in facilitating any witness participation.

Where necessitated by fairness, the Hearing Officer may make arrangements for the recorded, telephonic, or written testimony for use in a proceeding. The Hearing Officer, at their discretion, may allow the Complainant, the Respondent or any witness to testify via closed-circuit audio/video technology. For either accommodation, a written request must be received by the Hearing Officer not less than ten (10) business days prior to the Level II Hearing date.

Both Complainants and Respondents may review, not less than five (5) business days prior to the Level II Hearing date, any approved witness list submitted by the opposing party. To schedule such a review, Complainants and/or Respondents must contact the Hearing Officer to make an appointment.

### **Evidence**

The [Complainant](#) and [Respondent](#) will have the opportunity to submit all documentary evidence that they intend to introduce at the Hearing to the Student Conduct Officer or their designee. Such evidence must be submitted not less than five (5) business days prior to the Hearing date. Both the [Complainant](#) and [Respondent](#) shall then have the opportunity to review, not less than two (2) business days prior to the Hearing date, all documents that have been approved for use in the hearing. To schedule such a review, the must contact the Student Conduct Officer of their designee to make an appointment.

### **Level II Hearing**

The Director of Student Conduct or their designee will serve as the Hearing Moderator for all Level II Hearings.

The Hearing Moderator will convene the Level II Hearing and introduce the parties involved in the proceeding. The Complainant/Respondent, or their Representative as described above, may object to the participation of any member of the Level II Conduct Hearing Board or to the procedures, and the Hearing Moderator will make any necessary decisions regarding the validity of such concerns or objections. The Hearing Moderator shall read the alleged Violations, and if the hearing is Sanctions-Only, the Hearing Moderator also will share the University's recommended Sanctions.

The Complainant/Respondent or their Representative will have the opportunity to state their case, offer evidence, and call, question, and cross-examine witnesses. During any presentation, the Hearing Moderator and Level II Conduct Hearing Board Members also will have the opportunity to ask questions to the Complainant/Respondent or any of their witnesses.

At the conclusion of all testimony, the Complainant/Respondent or their Representative will be given the opportunity to offer a closing statement which may include information regarding the imposition of sanctions

### **Closing for Sanctions-Only Hearing**

1. The Level II Hearing will be concluded and all participants except the Level II Conduct Hearing Board will be dismissed.
2. The Level II Conduct Hearing Board will deliberate in private and decide whether to accept or alter the University's recommended Sanction(s).
3. The Level II Conduct Hearing Board will create a written record of recommended Sanctions.

## **Closing for Full Hearing**

1. The Level II Hearing will be concluded and all participants except the Level II Conduct Hearing Board will be dismissed.
2. Using the preponderance of the evidence standard, the members of the Level II Conduct Hearing Board will deliberate in private until a finding regarding responsibility is reached.
3. If the Respondent is found responsible, the Hearing Moderator will share the University's recommended Sanction(s) with the Level II Conduct Hearing Board. The Level II Conduct Hearing Board will return to deliberations and decide whether to accept or alter the University's recommended Sanction(s).
4. The Conduct Board will create a written record of findings and recommended Sanctions, if any.

## **Hearing Outcome**

The Level II Conduct Hearing Board's findings and/or recommendation(s) will be sent to the VPSA. The **VPSA may increase, decrease, or otherwise change the recommended Sanction(s)** if they believe that the totality of circumstances, including but not limited to University precedent, justifies such a change.

The final decision of the VPSA shall be forwarded to the Respondent, as well as appropriate University officials.

Respondents have ten (10) business days from the date of the VPSA decision letter to file petitions for appeal and for postponement of sanctions pending appeal. Prior to submission of the petitions for appeal, the Respondent may schedule an appointment with the Office of Student Conduct to review the conduct file.

## **Addressing Bias Incidents through the Conduct Process**

The University of Pittsburgh is committed to maintaining a campus environment free from unlawful discrimination and harassment. As such, all referrals filed with the Office of Student Conduct will be reviewed to determine if the reported information suggests or demonstrates that the alleged Code violation was motivated by bias. Any violation of the University of Pittsburgh Student Code of Conduct motivated by a University community member's race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, status as a veteran or any other protected group status identified in the University's Non-Discrimination policy, will be deemed an aggravating circumstance, and will result in the issuance of an enhanced sanction up to, and including, disciplinary dismissal from the University, and/or the addition of educational sanctions designed to address the demonstrated bias.

## **Application of Sanction Enhancement**

### **Process for Level I Referrals**

If a referral contains information that the underlying conduct may have been motivated by bias, the referral will be forwarded to the Office of Student Conduct. At the respondent's hearing, a Hearing Officer will first determine whether the respondent is responsible for the alleged underlying Code violation. Upon a finding of responsibility, the Hearing Officer will identify appropriate sanctions for the underlying violation. To determine if the underlying code violation was motivated by bias, the Hearing

Officer will consider the referral and all information collected during the hearing. Upon a finding that bias was a motivating factor, the Hearing Officer will elevate the original sanction and/or add sanctions to the original sanction, in order to address the demonstrated bias.

## **Process for Level II Referrals**

If a referral contains information that the underlying conduct may have been motivated by bias, the referral will first be discussed with the respondent at a disciplinary conference, as described under the “Level II Pre-Hearing Process” found in this Code. During this disciplinary conference, the Hearing Officer will review all information contained in the referral and will discuss the alleged violations with the respondent. If the Hearing Officer, taking as true all facts contained in the Conduct Referral, finds that the alleged underlying Code violation was motivated by bias, the Hearing Officer will elevate and/or add to the sanction recommendation. The Respondent will then have the opportunity to choose their response to the Hearing Officer’s recommended sanction in accordance with the steps outlined under the “Level II Pre-Hearing Process”.

If the Respondent accepts the Hearing Officer’s recommended sanctions, the Respondent will waive the Level II Hearing and Appeal Process and agree to complete all sanctions as directed.

If the Respondent elects a full hearing, the referral will proceed under the full-hearing process (See Chapter 5 of this Code). The Conduct Board will determine whether the Respondent is responsible for the alleged underlying Code violation(s). To determine if the underlying code violation was motivated by bias the Conduct board will consider the referral and all information collected during the hearing. If the Conduct Board finds that bias was a motivating factor for the Respondent’s violation, the Conduct Board will recommend the application of Sanction Enhancement.

The Conduct Board will forward their findings and recommendation to the Dean of Students. The Dean of Students, considering the totality of circumstances and University precedent as may be applicable, will apply Sanction Enhancement.

If the Respondent accepts responsibility for the alleged underlying conduct violation, and elects a sanctions-only hearing, the referral will proceed under the sanctions-only hearing process (See Chapter 5 of this Code). The Conduct Board will consider the Respondent’s acceptance of responsibility and will assign sanction(s) to the accepted violation(s). To determine if the underlying code violation was motivated by bias the Conduct board will consider the referral and all information collected during the hearing. If the Conduct Board finds that bias was a motivating factor for the Respondent, the Conduct Board will recommend the application of Sanction Enhancement. The Conduct Board will forward their findings and recommendation to the Dean of Students. The Dean of Students considering the totality of circumstances and University precedent as may be applicable, will apply Sanction Enhancement.

## **Level II and Sexual Misconduct Appeal Process**

### **Request to Postpone Sanctions Pending Appeal**

Appeal petitions related to Level II Hearings may be filed by Respondents. Appeal petitions related to Sexual Misconduct Violations may be filed by either the Complainant or the Respondent. Persons filing an appeal will have ten (10) business days from the date of the Hearing decision letter to file their petition with the University Review Board (UAB), at [appeal form](#) The appeal petition must include a thorough statement and all facts or evidence which support one or more of the following (Scope of Review):

1. Whether Rights affirmed by the Board of Trustees have been denied.

2. Whether established procedures were not followed in a manner that would have significantly affected the decision.
3. Whether there was an absence of a rational connection between the facts found and the findings.
4. Whether the issued sanctions are substantially disproportionate to the severity of the Violation.
5. Whether new evidence is presented which was not available or discoverable during the process that if available at the time would have significantly altered the findings or sanctions.

As discussed under University Review Board procedures, the UAB Moderator and applicable UAB members will make their determination of whether to proceed with an appeal based on submitted documentation only.

In addition, persons filing an appeal may also request postponement of sanctions pending appeal. Such requests must explain why the imposition of sanctions must be postponed. The question to be answered in determining whether to postpone Sanction(s) is, whether the immediate imposition or postponement of the Sanction(s) will unfairly prejudice either party, pending a final determination of the appeal.

All decisions regarding the postponement of Sanctions will be made within five (5) business days of the receipt of such a request and will be communicated to appropriate parties in writing through the Office of the UAB Moderator

### **UAB Procedures for Reviewing Petition to Appeal**

The UAB Moderator, in consultation with one Student and one faculty member of the UAB, will review petitions and determine whether the petition meets all requirements for filing an appeal; whether the petition raises a question within the Scope of Review; and, whether the appeal will proceed. In cases involving Sexual Misconduct, the UAB Moderator will consult with two faculty members of the UAB. The UAB Moderator and applicable UAB members will make their determination of whether to proceed with an appeal based on submitted documentation only.

Where the UAB has determined that an appeal's petition does not fall within the Scope of Review, the UAB Moderator and two UAB members will render and submit a written opinion and recommended dismissal of appeal, accompanied by the record, to the President of Pitt Johnstown for review and consideration. Upon completion of this review and consideration, notice of the outcome will be given to the Respondent. In cases involving Sexual Misconduct, both the Complainant and Respondent will receive notice of the outcome of the review of the petition to appeal.

### **UAB Procedures for Proceeding with an Appeal**

Where it has been determined that a petition falls within the Scope of Review, the URB Moderator will notify the applicable parties that an appeal has been initiated.



The URB Moderator will then schedule an appeal proceeding. Applicable parties to the appeal proceedings will receive a copy of the appeal petition and procedures and written notification of the time, date, and place of the proceeding.

The appeal will be conducted under the procedural guidance of the URB Moderator, who also shall determine the composition of the URB panel.

The URB panel, in its discretion, may elect to decide an appeal based solely on the submission of documents from the applicable parties, without oral argument. The URB appeal process does not include testimony from witnesses.

If the URB, in its discretion, decides to allow oral argument, applicable parties will be given reasonable time to present their position. A party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. A party may question the other about their argument, except in cases involving Sexual Misconduct. Members of the URB panel and the URB Moderator may question the parties.

The URB panel may remand a matter to the Office of Student Conduct or Title IX for further proceedings when the URB panel determines that there are insufficient written findings or prejudicial procedural error. In other cases the URB panel, by a majority, shall forward a written opinion, recommend action, and complete record to the President of Pitt Johnstown, or their designee. There may be an accompanying minority opinion.

Once a decision is made by the President of Pitt Johnstown or their designee, applicable parties will be notified.

## **Expungement Process**

Current/former Students may apply to have a responsible finding of a conduct violation(s) expunged if the following criteria have been met:

- Two calendar years have elapsed since the incident date.
- The sanctions did not include Suspension or Dismissal.
- The student completed all sanctions on time.

Discretion to expunge a responsible finding for a conduct violation(s) rests with the Office of Student Conduct staff or designee. Applications for expungement are reviewed by the Office of Student Conduct staff or designee after the student has submitted a completed application for expungement along with any relevant supporting documentation, such as a reference letter, grade transcript, evidence of personal growth, a sustained commitment to abiding by the Student Code of Conduct and/or any other facts and circumstances the student would like the Office of Student Conduct to consider.

## **Additional Information about Expungements:**

Even when a current/former student's responsible finding for a conduct violation is expunged, the University and/or the current/former Student may need to disclose information regarding the expunged responsible finding for conduct violation(s), including but not limited to, study abroad programs, a

potential employer, a professional governing body (ex. a Bar or Medical Board), or another university through an admissions process.

***If a Student violates a University policy after the responsible finding for a conduct violation(s) has been expunged, their expunged finding(s) will be reinstated.***

## **CHAPTER 6: Sexual Misconduct Process and Procedures Reporting Sexual Misconduct and University Response**

This Chapter is a supplement to University Policy [06-05-01](#).

**Complainant:** A University community member who files a referral that alleges a Violation of the Code.

**Respondent:** Student alleged to have violated the Code.

Several options are available for you to report sexual misconduct.

1. You may file a complaint with the University's Title IX Coordinator or any member of the Title IX Office. This office generally investigates complaints of sexual misconduct against faculty, teaching assistants (TAs), graduate student assistants (GSAs), and staff, as well as Students (814-269-7991). •
2. You may file a report through the Bias Report System on the Office of Diversity and Inclusion [Website](#).
3. You may file a criminal complaint by contacting the Pitt police (814-269-7005) or Richland Township police (911). •
4. Although the University encourages Complainants to make formal reports as outlined above, you may file an anonymous complaint on the University of Pittsburgh Police Department Web site. [anonymous-tip-line](#). Anonymous reports greatly limit the University's ability to respond to and investigate the report.

As part of the University's response to a report of sexual misconduct, and regardless of whether there has been a request for formal disciplinary or law enforcement action, the University may impose interim measures or offer accommodations to address issues that impact the Complainant or Respondent's educational, living or work environments. These interim measures can often be put in place very quickly, prior to the resolution of any referral, investigation, or criminal proceeding.

Once imposed, the University will take necessary action to enforce the implemented measures. Anyone who becomes aware of or has a concern about a Student's failure to follow any University-imposed interim measure or accommodation, should report this concern to the Office of Student Conduct at 814-269-7133 or [tshaffer@pitt.edu](mailto:tshaffer@pitt.edu).

### **Interim Measures, Accommodations, and Resource Assistance for Complainants and Respondents**

To quickly address a situation, the University, where it determines it is appropriate, may impose a wide range of measures, or offer accommodations, on a limited or temporary basis, to any Complainant or Respondent. Such measures or accommodations may include:

1. Any interim action as stated in Chapter 5
2. A No Contact Order
3. Change in University-related class or work schedules or job assignments
4. Change in University-owned housing
5. Assistance from University staff in completing housing relocation
6. Assistance in addressing off-campus living arrangements

7. Restricting a Student's access to certain University facilities or activities pending resolution of a matter
8. Access to academic support services, such as, but not limited to, tutoring
9. Rescheduling of exams and assignments
10. Availability of alternative course completion options, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty
11. Voluntary leave of absence
12. Any other interim measure or accommodation necessary and appropriate to facilitate the Complainant's or Respondent's access to educational opportunities
13. Assistance with contacting the appropriate police department
14. Access to counseling services, including assistance in arranging an initial appointment, on and/or off-campus
15. Access to and assistance with obtaining necessary medical services
16. Access to and assistance with connecting to pastoral care and support through University Chaplain's Office
17. Assistance in contacting community resources
18. Assistance in contacting legal resources
19. Guidance and support with filing a report through the Title IX Office and/or through the criminal justice process.

### **Advisor or Support Person**

Both a Complainant and a Respondent are entitled to one advisor or support person of their choice, and the advisor or support person may accompany the party to any meeting or proceeding under these processes. However, the advisor or support person shall not be permitted to participate directly in the Informal or the Formal resolution process. This includes advisors who are also attorneys. An advisor or support person may not stand in place of either the Complainant or the Respondent, and information regarding the progress of the inquiry or investigation will only be shared with the Complainant or Respondent, and not the advisor of choice. If the advisor or support person has any questions, they should contact the Title IX Coordinator, not the individual Title IX Specialist.

In keeping with the University's desire to resolve sexual misconduct complaints in a timely manner, the University reserves the right to proceed with any meeting regardless of the availability of the Student's advisor or support person.

### **Informal Resolution**

The Informal Resolution process is a voluntary process, available to Complainants, which attempts to reach a resolution without initiating the Formal Complaint Process and a specific finding of a Policy and/or Code Violation. This process can include the application of Interim Measures, as referenced below. Under the Informal Resolution process, no disciplinary action is taken. Rather, a Title IX Specialist will review the facts and circumstances of the situation with the Complainant and based on the severity of the alleged incident make a determination on whether the Informal Resolution process is an appropriate response. In 28 this process, the Title IX Specialist will

contact the parties involved separately, review the allegations presented and develop an action plan to address the conduct.

A Complainant may choose to start with the Informal Resolution process in an attempt to resolve the issue and then choose to move to the Formal Complaint Process if needed or desired. A written record of any measures, meetings or communications from this Informal Resolution process will be kept on file in the Title IX Office. The Title IX Office maintains all informal resolution process records and files for seven years. Once an incident has been resolved through the Informal Process the matter is closed. A Violation of any action plan instituted under the informal resolution process may trigger the Formal Complaint process or disciplinary action under the Code.

The University will also consider additional interim measures appropriate to the situation at hand. When necessary, the University may make any “interim” measure permanent. The imposition of interim measures or accommodations does not affect the ability of the Complainant to pursue disciplinary action.

### **Formal Complaint Process and University-Initiated Investigations**

The Formal Complaint process is initiated when the Complainant provides a signed statement that includes a brief description of the alleged incident and, to the extent known, the Respondent’s name(s) and the date, time and location of the incident (hereinafter “Complaint”). The Formal Complaint process may also be initiated by the University under appropriate circumstances and consistent with the University’s obligations under Title IX. The Formal Complaint process involves a prompt, and equitable investigation conducted by a Title IX Specialist or their properly trained designee (University Investigator). The investigation is a fact-finding process, giving all parties notice and the opportunity to be heard, to identify witnesses and offer evidence, and to pose questions to parties and witnesses. Interim measures may be applied at any time throughout the Formal Complaint process.

The Formal Complaint process will generally progress as follows:

1. Once the Complaint is received or the University otherwise initiates the Formal Complaint process, a University Investigator will interview the Complainant.
2. Following the completion of their interview with the Complainant, the University Investigator will notify the Title IX Coordinator as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a Violation of the University’s Sexual Misconduct Policy, and accordingly, a Violation of the Code.
  - a. If the University Investigator’s notification indicates that such allegations, if substantiated, would not constitute a Violation of University’s Sexual Misconduct Policy, the Title IX Coordinator, may dismiss the Complaint, and that decision shall be final, barring new information. The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of such dismissal.
  - b. In the event that the University Investigator’s notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a Violation of University policy, or if the Title IX Coordinator determines that the matter should be investigated, the University Investigator will conduct a fact-finding investigation. Steps including in this investigation will include, as appropriate:

- i. The Respondent will be provided with written notification of investigation, and be made aware that a Formal Complaint has been submitted to the Office of Diversity and Inclusion. The Respondent will be provided with an opportunity to review the Complaint at the University's Office of Diversity and Inclusion.
  - ii. The University Investigator will meet separately with the Complainant and the Respondent(s).
  - iii. The University Investigator will interview relevant witnesses and review relevant physical, documentary or other evidence.
  - iv. As described below, each party will be given an opportunity to identify relevant witnesses. In order to have a prompt and equitable process, the investigator may provide deadlines for providing information. Delays in providing witness contact information and/or evidence may impact the University Investigator's ability to consider these elements.
3. The University Investigator may consider the credibility of the parties and witnesses and relevant information, including evidence of pattern. Both parties may provide information and names of witnesses to the University Investigator. The University Investigator will not apply rules of evidence followed in court proceedings and will not entertain legal motions. Legal rules pertaining to the wording of questions, hearsay, and opinions will not be applied. Reasonable rules of relevancy will guide the University Investigator in deciding on the admissibility of evidence and witness statements. Reasonable limits may be imposed on the number of factual witnesses and the amount of cumulative evidence that may be introduced.
4. After the Complainant(s) and/or Respondent(s) have been interviewed by the University Investigator, each will be provided with an opportunity to review a written summary of their own interview. The Complainant and Respondent will then have five (5) business days from the date the summary is made available to review their own interview summary and provide any comments or new evidence to the Investigator. Comments will be reviewed and retained in the investigative file, but may not necessarily result in a change to the summary.
5. After the Investigator concludes gathering and evaluating evidence, including witness interviews, an investigation summary will be prepared. At this time, the Complainant and Respondent will have an opportunity to review, in the Title IX Office, the investigative summary. The investigative summary will include the relevant information provided by the Complainant, Respondent, and any witnesses, as well as other evidence gathered during the investigation which will be considered in making a determination regarding the alleged University's Sexual Misconduct Policy and/or Code Violation. Within five (5) business days of the date that the investigative summary was first made available for review, the Complainant and Respondent must submit verbally or in writing to the University Investigator any comments(including additional statements, proposed witness questions and additional evidence) concerning the summary. This portion of the investigation may be an iterative process.
6. Following the receipt of any comments on the investigative summary, or after the five (5) day period has lapsed without comment, the University Investigator will prepare a final written report that includes the investigative summary and a determination of whether a Violation has occurred and a recommendation of the Sanction(s) to be imposed, if any. The final written report will include the basis upon which the University Investigator reached their determination of responsibility. This determination will be made using the preponderance of the evidence standard, asking whether it is more likely than not that the University's Sexual

Misconduct Policy has been violated.

7. The report will be provided first to the Title IX Coordinator for review and input. After the Coordinator's review and input, the final report will be forwarded to the Dean of Students for approval of any recommended Sanctions. The Dean of Students will have discretion to accept or alter the recommended Sanction(s), if they believe that the totality of circumstances, including but not limited to University precedent, justifies such a change. Once the Dean has made a determination on Sanctions, either the Title IX Office or the Dean of Students will provide written notification of the completion of the Formal Complaint process, to both the Complainant and Respondent. At this time, a copy of the final Title IX report will be available in the Title IX Office for review.
8. Once the Dean of Students has made a determination on Sanctions, either the Title IX Office or the Dean of Students will provide written notification of the completion of the Formal Complaint process, to both the Complainant and Respondent. At this time, a copy of the final Title IX report will be available in the Title IX Office for review.
9. Both the Complainant and the Respondent may submit an appeal to the University Review Board within ten (10) business days from the date of the decision letter. See the Level II Hearing Appeal Process.

### **The University's Prohibition of Retaliation**

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the Complainant, a witness, an investigator or anyone else, is prohibited. Retaliation is the act of taking adverse action against a Complainant, a Respondent, or any other person involved in the process based on the person's reporting or participation in the process. Retaliation includes behavior on the part of the Respondent or the Complainant and other related persons, including, but not limited to, acquaintances, friends, and family members. Although independent action will be taken against anyone engaging in retaliation, the Complainant and the Respondent are responsible for discouraging such actions and will also be held responsible to the extent of their involvement in the retaliation.

Retaliation will constitute separate grounds for disciplinary action. An individual who believes that they have experienced retaliation should contact the Title IX Office, and the University will investigate the complaint. If the University determines that evidence exists to support that retaliation occurred, appropriate action will be taken regardless of the outcome of the underlying sexual misconduct complaint. This may involve referral of the retaliation concerns to another University process for resolution.

To review the University's Statement on Confidentiality and Non-retaliation, please follow this link: <https://www.diversity.pitt.edu/make-report>. In addition to outlining the University's stance against retaliation, this statement also clarifies that all individuals involved in the investigation process are expected to honor the confidentiality of the process and the information involved.

## **Filing with External Agencies**

Any person may file a complaint with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Inquiries may also be directed to the Office for Civil Rights of the U.S. Department of Education at (800) 421-3481 or by email at [OCR@ed.gov](mailto:OCR@ed.gov).



## Appendix A: Sanctions

The University may impose a wide range of Sanctions for [Violation](#) of this *Code*. Any of these Sanctions may be used outside of the conduct process as an interim measure to help ensure the safety of Students and the University community. Sanctions may be imposed by the Vice President for Student Affairs or their designee. A record of imposed Sanctions shall be maintained in the Office of Student Conduct and any other appropriate office(s) to which the Sanction or interim measure applies.

[Students](#) may have a [Judicial Hold](#) placed on the [Student's](#) account or face further disciplinary action for failure to complete Sanctions by the assigned due date. Student Organizations that fail to complete Sanctions by the assigned due date may be placed on Social Probation until all Sanctions are completed.

Some Sanctions may affect both University and non-University opportunities, including, but not limited to studying abroad, participation in a Student Organization, and employment.

### Individual Student Sanctions

**Alternative Sanction** — A mandated Sanction to be created and assigned.

**Community Service** — A directive to spend a specified period of time in a constructive undertaking. The [Student](#) is responsible for providing documentation to the [Hearing Officer](#) that the community service has been completed.

**Counseling Assessment** — An assessment by the University Counseling Center which may include a recommendation to follow any prescribed treatment.

**Third Party Counseling Assessment** - An assessment by an appropriate, licensed and recognized, third party counselor with the requirement to satisfy any prescriptive treatment

**Disciplinary Hold** – A restriction placed on a [Student's](#) account which may prevent a [Student](#) from registering, the issuance of a housing contract, access to athletic facilities, etc. A disciplinary hold permits the release of academic transcripts.

**Disciplinary Warning** - A verbal warning from the Vice President for Student Affairs or designee expressing disapproval of conduct

**Disciplinary Reprimand** — An official expression by the University disapproving of a [Student's](#) conduct.

**Disciplinary Probation** — A conditional retention of [Student](#) status for a specified period of time. During the probationary period, a [Student](#) may be excluded from representing the University in intercollegiate athletics, holding a [Student](#) officer or similar position, or other extra-curricular University activities. Such loss of privilege(s) will depend on each individual set of circumstances.

**Disciplinary Suspension** — A termination of registration as a [Student](#) for a specified period of time. During the period of Disciplinary Suspension, a [Student](#) is excluded from classes and all other University privileges or activities.

At the conclusion of the period of suspension, the [Student](#) will be allowed to return to the University on a probationary basis for a period of one year unless otherwise specified by the Vice President for Student Affairs or their designee. Prior to returning, the [Student](#) must contact the Office of Student Conduct to discuss the [Student's](#) return to campus.

The [Student](#) shall be [Persona Non Grata](#) on all [University Property](#) during the period of suspension and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the VICE PRESIDENT FOR STUDENT AFFAIRS or their designee.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinarily Suspended/Dismissed.

**Disciplinary Dismissal** — A termination of registration of a [Student](#), which prevents the [Student](#) from returning to any University of Pittsburgh campus. Upon Dismissal, the [Student](#) will be [Persona Non Grata](#) automatically on all [University Property](#) and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the Vice President for Student Affairs or their designee.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinarily Suspended/Dismissed

**Fines** - A monetary Sanction that can be imposed. This fine may be in addition to any restitution owed, as appropriate.

A \$250 “host” fine may be imposed upon any [Student](#) who, in their residence, provides an opportunity for guest(s) to violate alcohol or drug policies or laws.

**Information Technology Resource Probation** — A written reprimand for a Violation of a specified university technology regulation. This probation is for a designated period of time and includes the probability of more severe sanctions if the is found to be violating any university technology regulation.

**Information Technology Resource Suspension** — A temporary loss of part or all of a Student’s access to information technology resources for a specified period of time. No refund of any fees charged and applied to information technology resources will be made.

**Information Technology Resource Termination** — A permanent loss of part or all of a Student’s access to information technology resources. No refund of any fees charged and applied to information technology resources will be made.

**Interim No Contact Order** — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated person(s) or group(s) through any means, including but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the [Student](#) fail to cease contact, the [Student](#) will be subject to additional action, up to and including dismissal from the University. Additionally, failure to follow the Interim No Contact Order may result in criminal arrest or the initiation of criminal action. Interim No Contact Orders may be issued outside of the conduct process. In these instances, the No Contact Order would not be considered a Sanction.

This Sanction may be imposed by the Director of Student Conduct or their designee on an interim basis to help ensure the safety and well-being of members of the University community, or to help ensure a [Student's](#) own physical or emotional safety or well-being.

**Interim Persona Non Grata** — An exclusion from a facility or area for a specified period of time. During this time, the [Student](#) will not be permitted to enter or use the specified [University Property](#) for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies and patios. A record of Interim Persona Non Grata status shall be maintained in the Office of Student Conduct or Regional Campus Student Conduct Office, or Campus Police, and any other appropriate person(s)/office(s) to which the Sanction applies. Should the [Student](#) appear in any of the specified areas, the [Student](#) will be subject to arrest. Interim Persona Non Grata may be issued outside of the conduct process. In these instances, the Persona Non Grata would not be considered a Sanction.

This Sanction may be imposed by the Vice President for Student Affairs or their designee on an interim basis only to help ensure the safety and well-being of members of the University community, to help ensure a [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#).

**Interim Suspension** — An immediate exclusion from classes and all other University privileges or activities pending a conduct hearing. Interim Suspension may be imposed by the Vice President for Student Affairs or their designee to help ensure the safety and well-being of members of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#). The [Student](#) will be [Persona Non Grata](#) on all [University Property](#) during the period of the suspension and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the Vice President for Student Affairs or their designee.

**Interim Suspension of Privileges** — A loss of specific privileges pending a conduct hearing.

**Interim On-Campus Housing Suspension** — An immediate exclusion from University owned housing and all related privileges and activities, which is imposed by the Vice President for Student Affairs or their designee, pending a conduct hearing. Interim University Owned Housing Suspension is imposed to help ensure the safety and well-being of members of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#). During the period of Interim University Owned Housing Suspension, the [Student](#) will be [Persona Non Grata](#) in all University owned housing facilities and will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies and

patios,. Should the [Student](#) appear in any of the specified areas, the [Student](#) may be subject to arrest.

**Involuntary Change of Housing Assignment** — A written directive to relocate a resident to an alternative housing accommodation within a specified period of time which is imposed by the Vice President for Student Affairs or their designee. Involuntary Change of Housing Assignment is imposed to help ensure the safety and well-being of a member of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, to protect the security and structure of [University Property](#), or to help ensure that a building/floor has a community environment that is conducive to academic success.

**Judicial Hold** - A restriction placed on a [Student's](#) account which would prevent activities, including, but not limited to registering for classes, obtaining enrollment or degree verification, receiving an official transcript, and issuance of a housing contract.

**Marijuana 101** – Marijuana 101 (MJ101) is offered as a one-time, 2-2.5 hour educational class in addition to a one hour one-on-one meeting with the Health Educator. Homework assignment activities are required as part of the program. MJ101 explores the nature of marijuana as a drug, its impact on the body and mind, and explores personal decision making. MJ101 is a typical Sanction for a first [Violation](#) of the University's marijuana policy.

**R.E.A.C.T** – Re Examine Alcohol Choices Today This program is designed for students who have violated the Code of Conduct regarding alcohol use on campus. There is a program fee (\$140) attached to the student's account. The class meets regularly and students are required to attend all sessions. Upon completion, students will have a copy of a certificate of completion placed in his/her student conduct file. Failure to complete the program will result in a hold being placed on the student's account and a \$50 fine

**No Contact Order** — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the [Student](#) fail to cease contact, the [Student](#) will be subject to additional action, up to and including suspension and/or dismissal from the University. Additionally, failure to follow the No Contact Order may result in criminal arrest or the initiation of criminal action. No Contact Orders may be issued outside of the conduct process. In these instances, No Contact Order would not be considered a Sanction.

**Other Educational Sanction** - An educationally driven Sanction to be created and assigned.

**Persona Non Grata** — An exclusion from a facility or area for a specified period of time. During this time, the [Student](#) is excluded from a specified facility or area of the University and may not enter or participate in any function within the confines of the University area or facility. The [Student](#) will not be permitted to enter or use the [University Property](#) for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies and patios. Should the [Student](#) appear in any of the specified areas, the [Student](#) will be subject to arrest. Persona Non Grata may be issued outside of the conduct process. In these instances, the Persona Non Grata would not be considered a Sanction.

**Restitution** — A written directive to replace, repair, or make specific compensation for property of the University or another person which was damaged, destroyed, or misused.

**Substituted Sanction** — A constructive undertaking by a [Student](#) which shall be substituted for any of the Sanctions.

**Suspension of Privileges** — A loss of specific privileges for a specified period of time.

**Termination of Privileges:** A loss of specific privileges on a permanent basis.

**On Campus Housing Probation** — A written reprimand for a Violation of a specified regulation. Housing probation is for a designated period of time and includes the probability of more severe sanctions if the Student is found to be violating any university regulation during the probationary period. During the probationary period, a resident may be excluded from participation in extracurricular on-campus housing activities, and may be excluded from holding any appointed or elected position within the on-campus housing community.

**On Campus Housing Suspension** — A termination of resident status for a specified period of time from University owned housing. The [Student](#) will be [Persona Non Grata](#) on all University Owned Housing during the period of suspension. This status means the [Student](#) will not be permitted to enter or use University owned housing for visitation, meals, employment, or any other purpose. This status also includes exclusion from lobbies and patios. If the [Student](#) appears in any of the specified areas during the suspension period, the [Student](#) would be subject to arrest.

At the conclusion of the period of suspension, the [Student](#) will be eligible to apply for University Housing and if granted, will be placed on University Owned Housing Probation for a period of one year, unless otherwise specified.

## **Registered Student Organization Sanctions**

**Alternative Sanction** — A mandated Sanction to be created and assigned.

**Community Service** — Events or activities in which members of the organization provide voluntary aid and assistance to a charitable or philanthropic organization. The Registered Student Organization is responsible for providing verifiable documentation that the community service has been completed.

**Disciplinary Reprimand** — A notice, oral or written, that an organization has violated a university regulation.

**Educational Programming** — An educationally-driven Sanction to be created and assigned. The Registered Student Organization may be responsible for costs associated with the programming.

**Fines** — A monetary Sanction. This fine may be in addition to any restitution owed, as appropriate.

A fine up to \$1,000 may be imposed on any organization or individual member who has been found responsible for a fire safety Violation.

**Letter of Apology** — A written statement of apology for an action or behavior.

**Membership Review** — The members shall be reviewed by the National organization and/or alumni to determine which members may continue their participation. If there is no National organization or alumni associated with the Registered Student Organization, then either the Office of Campus Activities and Engagement, or the Office of Student Conduct will determine what individual and/or entity will manage the review.

**Mock Social Event** — A program designed to assist Registered Student Organizations in hosting a social event that complies with established risk management and social event policies.

**Restitution** — A written directive to replace, repair, or make specific compensation for property of another or the University which was damaged, destroyed, or misused.

**Restriction of Privileges** — A loss of specific privileges for a specified period of time, including, but not limited to:

- a. Receive or retain University funds
- b. Participate in any intercollegiate activities
- c. Participate in any social event or other activities where alcohol is present
- d. Sponsor any speaker or guest on campus
- e. Educate new members
- f. Sponsor, co-sponsor, and/or participate in recruitment activities
- g. Use University vehicles
- h. Use University facilities
- i. Solicit and/or sell on campus
- j. Other loss of specified privileges

**Risk Management Programming** — Functions sponsored by the Registered Student Organization, which educate members of the organization and other organizations on successful event planning and management in adherence to University and National Risk Management policies. A programming plan must be preapproved.

**Social Probation** — The loss of privileges to host, sponsor, co-sponsor, and/or participate in any social activities.

**Suspension of Registration** — A cessation of organizational operations for a specified period of time.

**Termination of Registration** — Revocation of registration of the Registered Student Organization's status or the chapter's charter as a recognized University fraternity or sorority, with no established date or conditions for reinstatement. The Registered Student Organization/chapter shall cease its operation at the University of Pittsburgh.

## **Appendix B: Title IX and Sexual Misconduct Resources and Information**

The University of Pittsburgh values the safety and health of all members of the Pitt community and seeks to foster an environment in which [Students](#) and employees treat other persons with respect, civility, and dignity. Any behavior that involves sexual misconduct or harassment, relationship violence, or stalking of another person is prohibited. Sexual misconduct can be a violation of criminal law, Title IX, other laws, and this *Code*.

The University has the authority to take disciplinary action for conduct occurring on campus and off campus when the conduct, among other things, effects the educational environment or threatens the safety of the University community. The University will provide a prompt, fair, and impartial investigation and resolution.

### **Getting Help**

#### **What to do if you are assaulted**

##### **IMMEDIATELY AFTER AN INCIDENT**

###### **• Physical Safety:**

Your immediate safety is the top priority. As quickly as possible, find a safe place away from the perpetrator or any other potential danger.

You are encouraged to seek medical attention as soon as possible for your own physical health and to preserve all physical evidence. You can receive treatment at any medical facility, however, hospital emergency departments may be in the best position to treat you and collect physical evidence. Please note that not all hospitals employ trained sexual assault nurse examiners (SANE). Conemaugh Health System generally has SANE nurses available. SANE nurses are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse. Also, be aware that all hospitals are required by law to report to the police any injury that is the result of a crime. This does not obligate you to file formal criminal charges.

###### **• Preserving Physical Evidence:**

In the aftermath of a sexual assault, although it may not be foremost on your mind, the preservation of evidence is strongly encouraged. Even if you do not think you want to pursue a criminal or civil proceeding, preserving evidence keeps your options open in case you change your mind. To preserve evidence, do not shower, douche, or change clothes or bedding before you seek medical attention. Also, if oral contact took place, do not brush teeth, smoke, or eat. Optimally, evidence collection should occur within 72 hours of the assault, but many hospitals will attempt to collect evidence 7-10 days after an assault. There are medical facilities in the area that can assist you:

Conemaugh Memorial Medical Center

814-534-9000

Windber Medical Center

814-467-3000

- **Contact the Police:** You are strongly encouraged to call the University of Pittsburgh Police Department (**814-269-7005**) or Richland Police at **911** and report the situation. The Police are trained and able to assist in obtaining other physical evidence, such as video surveillance.

## **Confidentiality**

The University encourages victims of sexual misconduct to talk to somebody about what happened and to seek the support they need to address their individual situations. Telling someone will also allow the University to respond appropriately.

You may have concerns about confidentiality, and you should know that different employees on campus have different abilities to maintain a [Complainant's](#) confidentiality. *If you are still unsure about confidentiality requirements after reviewing the following explanation, please contact the Title IX Coordinator.*

## **The Different Types of Employees and Their Confidentiality Responsibilities**

### **A. Privileged and Confidential Resources**

- ***Pastoral Counselors***  
Pastoral counselors are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

The contact information for these individuals can be found at:

[www.upj.pitt.edu/en/campus-life/campus-ministry](http://www.upj.pitt.edu/en/campus-life/campus-ministry)

- ***Professional Counselors: University Counseling Center; Medical Staff, Counselors,***

Health and Counseling Services (UHCS) keep reports of sexual misconduct confidential. However, they generally report de-identifying information to the University of Pittsburgh Police Department for Clery reporting purposes. This de-identified report – which does not include information that would directly or indirectly identify the [Complainant](#) – will include the nature, date, time, and general location of an incident.

Before filing any de-identified report, UHCS staff will take reasonable efforts to make sure that the report contains no personally identifying details.

In addition, a [Complainant](#) who speaks to a professional or non-professional counselor or advocate must understand that if they only want to share de-identified information,



the University will unlikely be able to conduct an investigation into the particular incident or pursue disciplinary action against the [Respondent](#).

However, the [Complainant](#) who at first requests that only de-identified information be shared, may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. The UHCS counselors and other personnel will provide the [Complainant](#) with assistance if the [Complainant](#) wishes to do so.

Here is contact information for University Health and Counseling Services:

Office:  
G-4 Student Union

Hours:  
Monday-Friday  
8:30 a.m. - 5 p.m.

Contact:  
Voice: 814-269-7119  
Fax: 814-269-7179  
Email: OHCS@pitt.edu

## **B. Exceptions to Confidential Communications**

While the University Health and Counseling Services personnel may maintain a [Complainant's](#) confidentiality as described above, they may have reporting or other obligations under state law. For example, Pennsylvania law requires mandatory reporting to law enforcement in cases involving minors and certain crimes.

If the University determines that the [Respondent\(s\)](#) pose(s) a serious and immediate threat to the University community, the Campus Police may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the [Complainant](#).

There are other times where the University may override a request for confidentiality. These are detailed below in "[Requesting Confidentiality](#)".

## **C. Reporting to "Responsible Employees" and Confidentiality**

Generally, all Pitt employees are responsible employees unless their job requires professional confidentiality, as in the case of mental health counselors, physicians, nurses, and clergy. A "responsible employee" is a University employee who has the actual or reasonably perceived duty to report or authority to help address incidents of sexual misconduct. With respect to confidentiality, a responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the survivor—including, if known, the names of the survivor and alleged perpetrator(s), any witnesses,

and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the survivor's consent or unless the victim has also reported the incident to law enforcement, or if there is a health or safety emergency.

Please visit [titleix.pitt.edu](http://titleix.pitt.edu) for additional information on responsible employee role

### **Requesting Confidentiality from the Title IX Office**

The Title IX Coordinator will evaluate requests for confidentiality.

Once the Title IX Coordinator receives notice of an incident, the [Complainant](#) may request that any disclosed information remain confidential and that no investigation into a particular incident be conducted or disciplinary action taken. The Title IX Coordinator will weigh this request against the University's obligation to investigate all matters of sexual misconduct and to provide a safe, non-discriminatory environment for all [Students](#), including the [Complainant](#).

If the University honors the request for confidentiality, a [Complainant](#) must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the [Respondent\(s\)](#) may be limited.

Although rare, there are times when the University may deny a [Complainant's](#) request for confidentiality in order to help protect the greater campus community and provide a safe, non-discriminatory environment for all [Students](#).

When weighing a [Complainant's](#) request that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The increased risk that the [Respondent](#) will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same [Respondent](#);
  - whether the [Respondent](#) has a history of arrests or records from a prior University indicating a history of violence;
  - whether the [Respondent](#) threatened further sexual violence or other violence against the [Complainant](#) or others;
  - whether the sexual violence was committed by multiple [Respondents](#);
- whether the sexual violence was perpetrated with a weapon;
- whether the [Complainant](#) is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the [Complainant's](#) report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Depending on the totality of the circumstances, the presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these or similar factors are present, the University will likely respect the [Complainant's](#) request.

**If the University determines that it must investigate the incident**, the University will inform the [Complainant](#) prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the party's well-being, and will take ongoing steps to protect both parties from [retaliation](#) or harm and work with the parties to create a safety plan. [Retaliation](#), whether by [Students](#) or University employees, will not be tolerated. The University will also:

- assist both the [Respondent](#) and [Complainant](#) in accessing other available resources, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing an interim or permanent no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the [Respondent](#) pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the [Complainant](#) of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action. Such action may include increased monitoring, supervision or security in locations where the reported sexual violence occurred; increased education and prevention efforts, including to targeted population groups; climate assessment and victimization surveys; and/or revision of University policies and practices.

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which [Students](#) disclose incidents of sexual misconduct, are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Similarly, participation in a research study, or writing submitted for a class, are not considered notice to the University.

## University Sexual Misconduct Resources Explained

### The University Counseling Center (UCC)

The UHCS is the primary mental health service for [Students](#) enrolled at the University of Pittsburgh Johnstown. The UHCS offers a variety of mental health services to [Students](#) utilizing a short-term, time-limited approach, including assessment, counseling and psychotherapy services (individual, and group)

The UHCS Center is located in the Student Union on the first floor, **814-269-7119**

### Additional Resources

University of Pittsburgh [Students](#) can contact their resident assistant (RA), or other residence life staff member for support (available 24 hours a day). Monday – Friday 8:30am – 5pm,; after hours, call building duty phone.

Any member of the University community also may contact the University’s Title IX coordinator at **814-269-7991** or at **buxbaum@pitt.edu**. This office investigates allegations of sexual misconduct.

Community resources include Victim Services 1-800-755-1983 or Women’s Help Center 1-800-999-7406 Both organizations provide an advocate/escort to accompany [Complainants](#) through the medical and/or legal process. [Students](#) who seek assistance from these organizations are not obligated to file criminal charges.

Title IX can refer parties to community resources who can assist with legal protections from abuse and intimidation.

### Title IX explained

Title IX of the Education Amendments of 1972, a Federal law, was historically associated with actual or perceived gender-based disparities in athletic programs. However, it is a far broader law. Title IX actually covers all aspects of educational and academic-related programming and prohibits gender discrimination. Importantly, Title IX prohibits sexual misconduct which may affect the educational or campus environment. The law provides that:

***No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.***

Title IX prohibits gender-based discrimination in all University of Pittsburgh programs and activities, including, but not limited to, recruiting, admissions, financial aid, academic programs, student services, counseling, guidance, advising, grievance procedures, discipline, course/class assignments, grading, recreation, athletics, housing, meal services, and employment.

### **Some Examples of Unlawful Practices Under Title IX Include:**

- **Sexual Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
- **Sexual Misconduct** – rape, sexual assault, sexual battery, sexual exploitation, sexual coercion, forcible fondling, and any other form of non-consensual sexual activity (including when an individual is not in a condition to give legal consent).
- **Stalking** – repeatedly following, harassing, threatening or intimidating another individual using such methods including, but not limited to, telephone, mail, electronic communication, and social media.
- **Domestic Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Dating Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Retaliation** – adverse academic, social, employment or other actions against anyone reporting a violation or participating in an investigation of any Title IX allegation.

In addition to being considered discriminatory, *sexual violence is criminal activity*.

### **Definitions of Sexual Misconduct**

A summary of important definitions related to sexual misconduct and relationship violence can be found on the Title IX website at <http://www.titleix.pitt.edu/policies-procedures>.

Title IX Contact information can be found here: <http://www.titleix.pitt.edu/resources/title-ix-and-sexual-assault-response-programs-contacts>.

### **Prevention**

#### **Education and Training Programs**

- **New and Transfer Students:** Incoming [Students](#) are required to complete Campus Clarity, an online course on sexual misconduct and harassment, and attend the Tipping Point program, at which alcohol use and sexual misconduct are addressed in a direct manner.
- **Dating Violence Awareness Week:** Special events and programming take place every October to draw attention to this issue.
- **Awareness Campaign:** Campus-wide sexual misconduct and consent awareness campaigns, featuring videos and creative print advertising, are used throughout the year to educate [Students](#) about the issues.
- **Sexual Assault Awareness Week:** A variety of programs occur each spring during Sexual Assault Awareness Week to reinforce the messages by engaging [Students](#) in interactive events.
- **University Police Seminars:** Members of Pitt's police are trained in responding to and

investigating sex offenses, domestic violence, and stalking incidents. The Pitt police provide special programs on sexual misconduct and other safety issues to [Student](#) groups upon request.

- **R.A.D.** a self defense class for women is offered each semester for credit.
- **The Dignity and Respect Campaign:** [Students](#) may pledge in August to treat each other with dignity and respect.

## Glossary

**Adjudication:** Completion of the Level I or Level II Hearing and Appeal process.

**Complainant:** A University community member who files a referral that alleges a Violation of the *Code*.

**Conduct Referral:** A report alleging Violations of the *Code*.

**Consent:** An informed decision made freely and actively by all parties to engage in mutually acceptable sexual activity. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of resistance alone. Existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent to one type of sexual activity does not imply consent to other types of sexual activity.

Someone who is unconscious, asleep, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition, cannot give consent. Consent cannot be obtained by force, intimidation, threat, coercion, isolation, or confinement. Agreement obtained under such conditions does not constitute consent. A person's use of alcohol and/or other drugs does not eliminate his or her responsibility to obtain consent.

**Disciplinary Conference:** A meeting with a Hearing Officer to discuss an alleged Violation of the *Code*. The purpose of this meeting is to determine whether the Respondent (the Student alleged to have violated the *Code*) will accept general responsibility and the recommended Sanctions or will proceed to a Level II Conduct Board Hearing.

**Full Hearing:** A Level II Conduct Hearing to determine whether or not the Respondent is responsible for violating the *Code*. For a full description, please refer to Level II Hearing in Chapter 5.

**Hearing Officers:** Individuals, including but not limited to, hearing board members, Resident Directors, and staff in the Office of Student Conduct who have the authority to adjudicate cases.

**Level I Incident:** Any incident in which the Sanctions for the Respondent would not rise to the level of Disciplinary Suspension or Dismissal.

**Level I Hearing:** A meeting with a Hearing Officer to discuss an alleged Violation of the *Code*. For a full description, please refer to Level I Hearing in Chapter 5.

**Level II Incident:** Any single incident, or accumulation of Level I incidents, in which the Respondent may face a Sanction of Disciplinary Probation, Disciplinary Suspension or Disciplinary Dismissal.

**Level II Conduct Board:** The Level II Conduct Board is the duly authorized judicial body which has jurisdiction over all Students for Level II matters arising from the *Code*. The Level II Conduct Board shall possess the authority to recommend both residence hall and University-wide Sanctions. The Level II Conduct Board shall conduct hearings, make findings of facts, determine responsibility, recommend disciplinary Sanctions where appropriate, and provide due process for Students while protecting the rights of all members of the University community.

The Level II Conduct Board shall be a standing body comprised of undergraduate and and/or University faculty and staff members who function as Hearing Officers. Three members will actively adjudicate hearings.

In extraordinary circumstances where the complexity of factual issues and/or matters of law so dictate, the President may appoint an ad hoc hearing body to hear cases. Any proceeding before such an ad hoc body shall provide due process and ensure the rights of Students.

**Respondent:** Student alleged to have violated the *Code*.

**Sanctions-Only Hearing:** A Level I or II hearing, in which the Respondent admits general responsibility for the Violations of the *Code*, but does not agree to the recommended Sanctions. For a full description, please refer to Level II Hearing in Chapter 5.

**Student:** All individuals taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, both degree and non-degree seeking, as well as individuals enrolled in non-credit courses and programs. *Code* jurisdiction also includes individuals who have accepted an offer of admission to the University; and Students who withdraw after allegedly violating the *Code*, who are on leave of absence from the University, or who are not officially registered and/or enrolled for a particular term, but have a continuing relationship with the University.

**Violation:** Conduct and/or attempts to engage in conduct inappropriate to the University community for which disciplinary actions may be instituted. This may include violations of any federal, state, or local law, or of any rule, policy, or *Code* provision of the University of Pittsburgh.

**University Property:** All property (real, intellectual, and/or personal) owned, leased, controlled, or utilized by the University.

**University Appeals Board (UAB):** The University Appeals Board (UAB) is the duly authorized appellate body which serves as an advisor to the Vice President of Academic Affairs, or their designee.

### **UAB Structure**

The UAB shall be a standing body of fifteen (15) members of the University community appointed for staggered terms of two years. Appointment shall be made in the following manner.

1. Five (5) faculty members elected by the University Senate.
2. Five (5) undergraduate Students.
  - a. Appointed through the University Hearing board

Except in matters involving sexual misconduct where no Students shall be on the panels, initiated appeals shall be heard by the review board of 3 members of the UAB. Except in cases involving sexual misconduct, the UAB shall be composed of two faculty/staff members and one student. In cases where school is not in session the panel shall be composed of faculty and staff members.



## **UAB Moderator**

Vice President of Academic Affairs, who shall serve as the UAB Moderator, is authorized to:

1. Conduct the administrative and procedural operation of the UAB.
2. Determine the appropriateness and completeness of Petitions to the UAB in consultation with one Student and one faculty member of the UAB.
3. Provide advice and assistance to members of the University community regarding the processing of an appeal.
4. Select members from the UAB membership to serve on review boards.
5. Moderate all proceedings before the UAB.



The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in Policy 07-01-03, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs, please contact: University of Pittsburgh, Office of Diversity and Inclusion (and Title IX, 504 and ADA Coordinator), 540 Craig Hall, Pittsburgh, PA 15260 (412) 648-7860.

For complete details on the University's Nondiscrimination Policy, please refer to Policy 07-01-03. For information on how to file a complaint under this policy, please refer to Procedure 07-01-03.