



Sexual Discrimination and Sexual Misconduct

1. PURPOSE

This procedure establishes the guidelines for the investigation and adjudication of alleged violations of NPRC-1205: Sexual Discrimination and Sexual Misconduct which establishes expectations for the compliance of Northern Pennsylvania Regional College (“NPRC” or the “College”) with federal and state sexual nondiscrimination requirements, rules, and regulations, including those related to Title IX--Discrimination, Harassment, and Retaliation on the Basis of Sex and Non-Title IX Sexual Misconduct, Harassment, or Retaliation. This procedure ensures a prompt, fair, and impartial processes for investigation and resolution of related allegations.

2. APPLICABILITY

This procedure is applicable to all NPRC students, faculty (full- and part-time), administrators, staff, employees, vendors, contractors, visitors, volunteers, and others who interact with students on behalf of the College.

This procedure applies to any activity at NPRC Administrative Center(s), NPRC Education and Training Center(s), Instructional Location(s), Instructional Site(s), and any other location at or means by which training or education occurs, including in-person, virtual, or online instructional delivery. The procedure’s scope includes, but is not limited to, activities supported or sanctioned by the College online or at facilities and properties utilized by NPRC which may not be directly owned or controlled by the College.

This procedure addresses the College’s commitment to educating, preventing, and offering resources such as support services and guidance to reporting parties, Complainants, Respondents, or other affected community members.

This procedure aligns with the College’s responsibility and references supporting the scope contained within to ensure compliance with the requirements of Title IX, the Clery Act, as amended by VAWA (The Violence Against Women Act), the Family Educational Rights and Privacy Act (FERPA) and state and federal law, as may be applicable. No information shall be released from such proceedings except as required or permitted by law and College Policy.

3. ASSOCIATED POLICIES AND DOCUMENTS

3.1 CLDR-1010: Policy Review Schedule

3.2 NPRC-1205: Sexual Discrimination and Sexual Misconduct

3.3 NPRC-3240: Educational Rights and Privacy

3.4 FORM-1205-01: Sexual Discrimination and Sexual Misconduct Online Complaint

3.5 FORM-1205-02: Sexual Discrimination and Sexual Misconduct Incident Tracking

4. DEFINITIONS

4.1 Preponderance of evidence is the standard of proof by which alleged violations of NPRC-1205: Sexual Discrimination and Sexual Misconduct are adjudicated. This standard requires that evidence reviewed during an investigation demonstrates that it is “more likely than not” that a violation occurred for sanctions to be imposed.

4.2 Evidence is any artifact or testimony provided to aid in the investigation of an alleged violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct.

5. PROCESSES, TIMELINES, AND RESPONSIBILITIES

5.1 The investigation and adjudication process for violations of NPRC-1205: Sexual Discrimination and Sexual Misconduct will follow the timeline outlined here:

5.1.1 The College seeks to fully resolve all reports within sixty (60) days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses or other unforeseen circumstances. If the process exceeds these time frames, the College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in time frames. Timelines set forth herein may also be extended upon mutual agreement of the parties.

5.1.2 Within two (2) business-days of receipt of a complaint, the Title IX Coordinator will evaluate all reports and complaints to determine classification of either Title IX-qualifying violation or non-Title IX-qualifying violation as per NPRC-1205: Sexual Discrimination and Sexual Misconduct.

5.1.3 When the alleged violation meets the definition of sexual harassment as identified in NPRC-1205: Sexual Discrimination and Sexual Misconduct, and when all three of the following threshold parameters are met, the violation will be classified and adjudicated as a Title IX violation. All alleged violations that are classified as harassment but do not meet all three of the parameters below will be adjudicated as non-Title IX violations:

5.1.3.1 The conduct must have occurred against a person in the United States.

5.1.3.2 The conduct must have occurred within the College's education program, employment, or activity. For purposes of this provision, this means that the conduct must have occurred at a location, event, or circumstance over which the College exercised substantial control over both the Respondent and the context in which the sexual harassment occurs;

5.1.3.3 The Complainant must be participating in or attempting to participate in the education program, employment, or activity of the College at the time the Formal Complaint is filed.

5.1.4 If the complaint is classified as a Title IX qualifying violation, an investigation will begin within five (5) business days of the complaint's receipt. The investigation will be completed by the close of business on the fifteenth (15th) business day after the receipt of the complaint, unless the timeframe must be extended for good cause as determined by the Title IX Coordinator. Title IX qualifying reports will be reported as per Clery Act applicable standards.

5.1.5 Extensions to this timeline may be granted under extenuating circumstances, upon review by the Title IX Coordinator.

5.2 Reporting a Title IX violation:

5.2.1 Reports or complaints of prohibited conduct or retaliation as outlined in NPRC-1205: Sexual Discrimination and Sexual Misconduct are submitted to the Title IX Coordinator, verbally, in writing, or online as specified by FORM-1205-01: Sexual Discrimination and Sexual Misconduct Online Complaint.

Title IX Coordinator
Northern Pennsylvania Regional College
300 2nd Ave., Suite 500
Warren, PA 16365
Phone: 814.230.9010
Email: TitleIX@rrcpa.org

5.2.2 Allegations of violations of NPRC-1205: Sexual Discrimination and Sexual Misconduct reported anonymously will be investigated according to the College's ability to conduct the investigation based upon information available to the Title IX Coordinator.

5.2.3 The Title IX Coordinator shall explain to the Complainant the types of reports and correlating procedures involved in the process, such as live hearings as well as possible sanctions, with the intent that the Complainant will be able to make an educated decision as to whether they would like to file an Informal Report or Formal Report.

5.2.3.1 The Title IX Coordinator must inform the Complainant of the following information:

- 5.2.3.1.1 “You have the right to make a report to college officials, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution. You have the right to withdraw your report at any time during the process.”
- 5.2.3.1.2 “The College encourages you to speak to me, NPRC’s Title IX Coordinator, and/or speak to one of the professionals available in the student EAP service as they can help you understand your rights, available resources, and reporting options. Regional providers can also support you in the provision of medical assistance.”
- 5.2.3.1.3 “NPRC will not go to the police without your consent unless it is determined there is a duty to warn the general public of a potential risk. This would be an extreme case.”
- 5.2.4 If the Complainant wishes to communicate only an Informal Complaint, the Title IX Coordinator will document the conversation and follow up with the necessary parties informally and determine if any further steps need to be taken by the College.
- 5.2.5 If the Complainant chooses to move forward with a Formal Report of the violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct, they will complete FORM-1205-01: Sexual Discrimination and Sexual Misconduct Online Complaint. If the Complainant chooses to move forward with an Informal Report or to withdraw the report, information submitted through use of FORM-1205-01: Sexual Discrimination and Sexual Misconduct Online Complaint will be labeled as an Informal Report. Prompt reporting is encouraged because facts often become more difficult to establish as time passes.
- 5.2.6 Upon receipt of a formal complaint, the College must provide the following information to the parties who are known through school-assigned email accounts:
 - 5.2.6.1 Notice of the resolution process outlined in this procedure;
 - 5.2.6.2 Notice of the allegations potentially constituting sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview and the date and location of the alleged incident, if known;
 - 5.2.6.3 A written statement that violations of NPRC-1205: Sexual Discrimination and Sexual Misconduct are considered alleged until a preponderance of evidence is determined at the conclusion of the investigation process;
 - 5.2.6.4 Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence;

5.2.6.5 Notice that it is prohibited to knowingly make false statements or knowingly submitting false information during the process.

5.2.7 The Title IX Coordinator may collect evidence of an alleged violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct. This evidence may include, but is not limited to, eyewitness accounts, photos or videos, texts, emails, Facebook posts, or chats. The Complainant should be advised to preserve any evidence they believe may aid in the investigation.

5.2.8 The College will not collect or review forensic evidence as part of the investigation process. The Complainant should be advised that, if they choose to pursue criminal charges with law enforcement agencies, any forensic evidence collected could be helpful in the investigation.

5.2.8.1 General guidelines for preserving forensic evidence include:

5.2.8.1.1 The Complainant should be advised to avoid drinking, bathing, showering, brushing their teeth, using mouthwash, or combing their hair.

5.2.8.1.2 The Complainant should be advised to not change clothes. If they have already done so, the Complainant should be advised to place clothing and other items (sheets, blankets) in a brown paper bag because a plastic bag may destroy evidence.

5.2.8.1.3 The Complainant should be advised that visiting a hospital emergency department which has the capability to provide a Sexual Assault Forensic Exam (SAFE or "rape kit") and medical care for victims of sexual assault and intimate partner violence is a possibility. The Complainant should be advised that a Sexual Assault Nurse Examiner (SANE), a healthcare provider trained to provide comprehensive care for a victim, may be available to collect forensic evidence.

5.2.9 Due to the potential severe nature of discrimination and/or harassment issues, the Complainant does not have to address the issue directly with the Respondent and/or with the Respondent's supervisor (if applicable), as the initial means of resolution.

5.2.10 If, at any point, the Complainant requests that their name or other identifiable information be held confidential with respect to the Respondent or decides not to pursue action by the College, the College will make all reasonable attempts to respond to the complaint in a manner consistent with the Complainant's request. However, this may limit the College's ability to investigate and respond to the conduct. Recognizing that the College has a legal obligation to review all reports, the College will weigh the Complainant's request against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the College's commitment to provide a reasonably safe and non-discriminatory

environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If the College determines that it is necessary to proceed with the complaint procedure or implement other appropriate remedies, the Complainant will be notified of the College's chosen course of action by the Title IX Coordinator.

5.2.11 The outcome and sanctions of an investigation can become part of the educational record or the employment record of a Respondent. This information will not be further released or disclosed except to the extent required or authorized by applicable law.

5.2.12 Circumstances under which such information may be released or disclosed include, but are not limited to, the following:

5.2.12.1 The College may release publicly the name, nature of the violation, and the sanction for any Respondent who is found in violation of a college policy that constitutes a "crime of violence," including arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction.

5.2.13 The College shall reserve the right during the investigation process to impose the emergency removal of the Respondent from the College's education program, employment, or activities, should it be determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of the report. The Respondent will receive notice of the intent to impose emergency removal and will be afforded the right to appeal as outlined in 5.5 of this procedure.

5.3 Investigating a Title IX violation:

5.3.1 The Complainant or the Respondent may allege that the Title IX coordinator or designated investigator has a substantial conflict of interest that might impair their ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted, in writing, to the Vice President of Academic and Student Affairs within five (5) days of receiving notice of the identity of Title IX coordinator or designated investigator. A determination will be made regarding the existence of a conflict of interest, and, if such a conflict is found to exist, an alternative investigator will be appointed as expeditiously as possible. In the event that a request is made, and an alternate investigator must be appointed, the timeline outlined for the investigation in this procedure shall be suspended pending the determination and/or appointment.

5.3.2 During the investigation, the Title IX Coordinator or designated investigator will allow the parties to present witnesses and other evidence. The investigation will continue whether or not the complaint is also being investigated by another agency or law enforcement unless this investigation would impede law enforcement's investigation. If the investigation is

suspended during an investigation by law enforcement, the College will implement interim steps to protect the Complainant's safety.

- 5.3.3 If, in the course of an investigation, the Title IX Coordinator or designated investigator determines it is necessary to investigate allegations about the complainant or respondent that are not included in the notice provided, the College must provide notice of the additional allegations to the parties whose identities are known.

5.4 Resolution and Sanctions:

- 5.4.1 The College may dismiss a formal complaint of a violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct at any time during the investigation process. However, such a dismissal does not preclude action required if the behavior is determined to be a violation of a separate college policy.
- 5.4.2 Dismissal of a formal complaint may occur if it is determined that the reported alleged actions:
- 5.4.2.1.1 Are not in violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct;
 - 5.4.2.1.2 The violation did not occur during an educational program or activity of the College;
 - 5.4.2.1.3 At the time of reporting, the Complainant is not covered by the scope of NPRC-1205: Sexual Discrimination and Sexual Misconduct;
 - 5.4.2.1.4 The Respondent is not a member of the College community or encompassed in the scope of NPRC-1205: Sexual Discrimination and Sexual Misconduct;
 - 5.4.2.1.5 The Respondent removes themselves from the College community or the group of individuals encompassed by the scope of NPRC-1205: Sexual Discrimination and Sexual Misconduct. However, if this occurs, records of the allegation will be kept, and the individual will not be able to enter the College community in any way before the allegations are investigated and resolved in accordance with this procedure. In the case of academic students, a hold will be placed on their account, precluding them from registering for classes; or
 - 5.4.2.1.6 The violation did not occur against a person in the United States.
- 5.4.3 If the investigation determines that a violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct has occurred, the College may impose appropriate and reasonable sanctions on the Respondent which may be in addition to other actions taken or imposed by external authorities. The sanctions will be determined and communicated simultaneously to the

Complainant and Respondent in writing no later than the close of business on the sixtieth (60th) day following the filing of the complaint. The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

- 5.4.4 Sanctions imposed will be determined by the Vice President of Finance and Administration as related to NPRC administrators, staff, employees, vendors, contractors, visitors, volunteers; by the Vice President of Academic and Student Affairs (VPASA) as related to faculty; or the Director of Student Services as related to students.
 - 5.4.5 Disciplinary actions may include, but are not limited to, verbal or written warning(s), required counseling, probation, suspension, expulsion, organizational penalties, restriction of access to facilities or services, required training or education, or termination as outlined in NPRC-3237: Suspension and Expulsion for students and NPRC-2103: Corrective Action for employees.
- 5.5 Appeals Process:
- 5.5.1 Appeals to decisions related to students may be made in writing to the Vice President of Academic and Student Affairs (VPASA), and to the President as related to NPRC administrators, faculty, staff, employees, vendors, contractors, visitors by providing a written statement through school-assigned email explaining the complaint, the decision, and the Complainant's justification for requesting an appeal. This written statement must be provided within five (5) business days following the issuance of the decision.
 - 5.5.2 Appeals can be made under the following circumstances:
 - 5.5.2.1 A procedural error or omission occurred that significantly impacted the outcome of the hearing: the written appeal shall identify each instance of said substantive procedural error.
 - 5.5.2.2 Presentation of new, unknown, or unavailable evidence that was not previously considered that could substantially impact the original finding or sanction: the written appeal shall specify the reason(s) why this information was not available or not provided to the Investigator during the investigation, including the reason why the information could not have been provided on a timely basis.
 - 5.5.2.3 The imposed sanctions fall outside the range of sanctions designated for the offense: the written appeal shall specify the sanctions and the evidence that supports the assertion that they fall outside the range of sanctions designated for the offense.
 - 5.5.3 No disciplinary or other action based upon the original complaint findings shall be taken against the Respondent during the appeals process, although temporary, interim measures may remain in place.

- 5.5.4 Either the Complainant or Respondent may request a formal hearing as part of the appeals process. If the request is granted, Complainant and Respondent will be simultaneously notified of the hearing and the schedule.
- 5.5.4.1 The formal hearing will be conducted by a panel selected by the VPASA for an appeal related to students and by the President for an appeal related to NPRC administrators, staff, employees, vendors, contractors, visitors, or volunteers. The panel will consist of one faculty member, one administrator at the assistant director level or higher, and one staff member at large.
- 5.5.4.2 Both Complainant and Respondent will have the opportunity to review all evidence and reports prior to the hearing, to have a support person/advisor present, and to present their version of the facts and circumstances surrounding the alleged violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct.
- 5.5.4.3 Based on the proceedings of the formal hearing, the panel will decide regarding the preponderance of evidence of the alleged violation of NPRC-1205: Sexual Discrimination and Sexual Misconduct. The decision of the panel, upon completion of the formal hearing process will be simultaneously communicated to Complainant and Respondent through school assigned email accounts. The decision of the panel is final.
- 5.6 All records related to reports, supportive measures, actions taken, resolution processes, sanctions, and appeals will be maintained for seven years and in accordance with state and federal laws.
- 5.7 Involved College personnel will preserve the privacy of reports and complaints and will not share the identity of any Complainant, Respondent, or other individual associated with a report or complaint, except as permitted by NPRC-3240: Educational Rights and Privacy, to adhere to NPRC-1205: Sexual Discrimination and Sexual Misconduct, or conduct the processes established by associated procedures, or as required by law.
- 5.8 Individuals have the right to file a complaint with the United States Department of Education Office for Civil Rights (OCR) regarding an alleged violation of federal law related to this NPRC-1205: Sexual Discrimination and Sexual Misconduct. Instructions on how to file a complaint can be accessed at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
- 5.9 Upon completion of the process outlined in this procedure, Vice President of Academic and Student Affairs (VPASA), the Director of Student Services, the Vice President of Finance and Administration or the President, as applicable, will record the outcome by completing FORM 1205: Sexual Discrimination and Sexual Misconduct Incident Tracking.

6. REVIEW STATEMENT

Procedures are reviewed as needed or when the related policy is reviewed in accordance with CLDR-1010: Policy Review Schedule.

7. APPROVAL

Name

Title

Date

Revision Notes: Procedure in Origination