

# University Senate

Tuesday, September 8, 2020

3:30pm – 5:00pm, Zoom

## Approval of Order

- A. Approval of minutes from April 28, 2020 meeting
- B. Approval of current agenda items and order
- C. Election for Vice Chairperson

Previously Approved

## Reports and Announcements

- A. President Driscoll
- B. Provost Moerland
- C. Chairperson Piper
- D. Vice Chairperson

Appendix Page(s)

## Standing Committee Reports

- A. Rules Committee
- B. University-Wide Undergraduate Curriculum Committee
- C. University-Wide Graduate Committee
- D. Research Committee
- E. Student Affairs Committee
- F. University Development and Finance Committee
- G. Academic Affairs Committee
- H. Awards Committee
- I. Noncredit Committee
- J. Library and Education Services Committee

## Chairperson

- Smith-Sherwood
- Sechrist/Fair
- Moore
- Erwin
- Mount
- Dugan/Wachter
- Paul
- O'Neil
- Chadwick

A 2-23  
B 24-27

## Senate Representative Reports

- A. University Planning Council
- B. Presidential Athletic Advisory Council
- C. Academic Computing Policy Advisory Committee
- D. University Budget Advisory Committee

## Representative

- Moore
- Castle
- Ford
- Soni

C 28-52

## New Business

## Adjournment



**Appendix A**  
**University-Wide Undergraduate Curriculum Committee**  
**Co-Chairs Sechrist and Fair**

**FOR INFORMATION:**

The following courses were approved by the UWUCC to be offered as distance education courses:

- **ACCT 200 Foundations of Accounting**
- **ACCT 421 Federal Tax I**
- **ACCT 422 Federal Tax II**
- **ANTH 271 Cultural Area Studies: Africa**
- **ANTH 314 Contemporary Native American Cultures**
- **ANTH 420 Environmental Anthropology**
- **ANTH 430 Anthropology of Food**
- **ART 114 Color and Two-Dimensional Design**
- **ASIA/HIST 106 Samurai and Gongfu Heroes: Masculinity in East Asia**
- **ASIA 200 Introduction to Asian Studies**
- **BCOM 342 Intercultural Business Communications**
- **BIOL 104 Human Biology: How the Human Body Works**
- **BIOL 105 Cell Biology**
- **BIOL 106 Human Genetics and Health**
- **BIOL 115 Biotic Diversity of North America**
- **BIOL 116 Human Genetics and Health Laboratory**
- **BIOL 200 Medical Terminology**
- **BIOL 202 Principles of Cell and Molecular Biology**
- **BIOL 203 Principles of Genetics and Development**
- **BIOL 210 Plant Biology**
- **BIOL 211 Investigative Biological Forensics**
- **BIOL 220 General Zoology**
- **BIOL 240 Human Physiology**
- **BIOL 241 Introductory Medical Microbiology**
- **BIOL 301 Fundamentals of Epidemiology**
- **BIOL 313 Forensic Analysis of DNA**
- **BIOL 331 Developmental Biology**
- **BIOL 364 Immunology**
- **BIOL 405 The Biology of the Cell-Critical Thinking**
- **BIOL 409 Pharmacology Principles and Applications**
- **BIOL 411 Forensic Biology Laboratory Operations**
- **BIOL 430 Gene Editing Tools in Medicine and Biotechnology**
- **BIOL 451 Evolutionary Biology**



- **BIOL 456 Ecological Toxicology**
- **BIOL 462 Vertebrate Endocrinology**
- **BIOL 469 Circadian Rhythms and Sleep**
- **BIOL 473 Seedless Vascular Plants: Ferns and Allied Flora**
- **BIOL 474 Spring Flora of the Northeastern U.S.**
- **BIOL 479 Neurobiology of Addiction**
- **BIOL 480 Biology Seminar**
- **BIOL 484 Honors Seminar**
- **BIOL 490 Field Studies in Biology**
- **CDFR 323 Family Issues**
- **CDFR 411 Family and Community**
- **CDFR 426 Techniques of Parent Education**
- **CHEM 255 Biochemistry for Health Sciences**
- **CHEM 351 Biochemistry**
- **CHEM 481 Applied Computational Chemistry**
- **CHEM 481 Advanced Inorganic Chemistry Lecture**
- **CHSS 142 Introduction to Secondary Social Studies Education**
- **CHSS 342 Social Studies Teaching Lab**
- **COMM 249 Basic Audio Recording Techniques**
- **COMM 281 Special Topics: Aerial Video Production**
- **COMM 375 Mass Media and Behavior**
- **COMM 403 Multimedia News Writing**
- **COMM 449 Advanced Audio Recording Techniques**
- **COMM 471 Advanced Image Editing**
- **COMM 477 Freelancing and Entrepreneurship in Media**
- **COSC 210 Object-Oriented and GUI Programming**
- **COSC 216 Introduction to Cyber Security**
- **COSC 341 Introduction to Database Management Systems**
- **COSC 405 Artificial Intelligence**
- **DVST 093 Developmental Mathematics, Elements of Algebra**
- **DVST 281 Special Topics: Enhancing Academic Reading Proficiency**
- **ECED 112 Childhood Development Birth-Age 5**
- **ECED 200 Introduction to Early Childhood Education**
- **ECED 250 Language Development**
- **ECED 280 Maximizing Learning: Engaging All PreK to Grade 4 Learners**
- **ECED 351 Literacy for the Emergent Reader PreK to Grade 1**
- **ECED 451 Literacy for the Developing Reader: Grades 2-4 Learners**
- **ECON 334 Managerial Economics**
- **ECON 335 Public Finance**
- **ECON 356 Introduction to Econometrics**
- **ECON 456 Advanced Econometrics**



- **ECSP 314 Creative Experiences and Play for All PreK to Grade 4 Learners**
- **EDUC 342 Pre-student Teaching Clinical Experience II**
- **EDUC 451 Teaching Science in the Secondary School**
- **EDUC 481 Special Topics: Using Literature to Enhance Reading Methods and Strategies for Diverse Learners**
- **ENGL 100 Basic Writing**
- **ENGL 335 Literary Nonfiction**
- **ENGL 344 Ethnic American Literature**
- **ENGL 360 Editing and Publishing**
- **ENGL 361 Environmental Literature**
- **ENGL 418 Young Adult Literature**
- **ENVE 101 Introduction to Environmental Engineering**
- **ENVE 200 Fluid Mechanics**
- **ENVE 311 Water Resources Engineering**
- **FDNT 151 Foods Laboratory**
- **FDNT 430 Professional Topics in Food and Nutrition**
- **FDNT 484 Senior Seminar**
- **FRNC 102 Basic French II**
- **FRNC 201 Intermediate French**
- **FRNC 220 Intermediate French Conversation**
- **GEOG 460 Foundations of Unmanned Aerial Systems Science and Applications**
- **GEOG 475 Spatial Analysis Techniques**
- **GEOG 485 GIS Applications Development**
- **GEOG 488 Geospatial Intelligence Capstone**
- **GEOG 498 Research Seminar**
- **GEOS 102 Dynamic Earth Lab**
- **GEOS 156 Geology of Natural Diesters**
- **GEOS 312 Hydrogeology**
- **HIST 205 United States History since 1877**
- **HIST 295 Introduction to Historical Studies**
- **HIST 323 Modern France: Renewing an Old Country**
- **HIST 332 History of Early China**
- **HIST 343 Civil War and Reconstruction**
- **HIST 346 Recent United States History**
- **HIST/PLSC 348 Top Secret America: The Rise and Reach of the National Security State**
- **HIST 360 History of Pennsylvania**
- **HIST 423 Oral History Practice**
- **HIST 434 Modern China 1800-Present**
- **HIST 436 Japan 1500-1850: Early Modern Japan**
- **HIST 437 Modern Japan 1850-Present**



- **HIST 475 History of American Constitutionalism**
- **HIST 499 Topics in Public History**
- **HNRC 101 Honors Core I**
- **HOSP 220 Food Service Operations**
- **HOSP 265 Hospitality Cost Management**
- **HOSP 326 Theme Park and Attraction Management**
- **HOSP 352 Destination Management**
- **HOSP 358 Restaurant Equipment and Design**
- **IFMG 210 Introduction to Front-End Business Applications**
- **IFMG 254 Computer Technology Virtualization**
- **IFMG 360 Information Storage and Management**
- **IFMG 431 Python Programming**
- **JRNL 325 Public Relations Campaigns**
- **JRNL 375 World News Coverage**
- **JRNL 425 Entertainment PR**
- **JRNL 430 Public Opinion and the News Media**
- **MATH 271 Introduction to Mathematical Proofs I**
- **MGMT 101 Business Success**
- **MGMT 325 Small Business Management**
- **MIDL 221 Literature for Middle Level**
- **MIDL 310 Instructional Theory and Planning for the Middle Level**
- **MGMT 437 Supply Chain Modeling and Analysis**
- **MGMT 461 Business Leadership Theory**
- **PHIL 325 Early Modern European Philosophy**
- **PHYS 105 The Physics of Light and Sound**
- **PHYS 121 Physics I Lab**
- **PHYS 131 Physics I-C Lecture**
- **PHYS 141 Physics I-C Lab**
- **PHYS 321 Computational Physics**
- **PHYS 350 Intermediate Experimental Physics I**
- **PHYS 401 Theoretical Physics**
- **PHYS 441 Classical Mechanics**
- **PHYS 461 Quantum Mechanics I**
- **PHYS 472 Nuclear Physics**
- **PLSC 370 The Practice of Public Administration**
- **PSYC 102 Identity and Interactions in a Diverse World**
- **PSYC 200 Psychological Research I**
- **PSYC 322 Violence Across the Lifespan**
- **PSYC 341 Conditioning and Learning**
- **PUBH 122 Foundations of Public Health**
- **RGPL 462 Planning Policy, Implementation, and Administration**



- **RGPL 498 Community Planning Practicum**
- **RLST 300 Methodologies of Religious Studies**
- **RLST 378 Hinduism**
- **RLST 403 Topics in Indigenous Religions**
- **SAFE 412 Hazard Prevention Management II**
- **SAFE 435 Ethics and Professionalism**
- **SCI 104 Fundamentals of Environmental Biology**
- **SOC 361 Social Stratification**
- **SOC 454 Dimensions of Rural Public Health**
- **SOC 460 Research Methods I**
- **SPAN 102 Elementary Spanish II**
- **SPAN 201 Intermediate Spanish**
- **SPAN 230 Intermediate Spanish Composition and Grammar**
- **SPAN 330 Advanced Spanish Composition and Grammar**
- **SPLP 222 Introduction to Audiology**
- **SPLP 410 Observation in Communication Disorders II**
- **SPLP 412 Organization and Administration of Speech, Language, and Hearing Programs**
- **THTR 111 Foundations of Theatre**
- **THTR 161 Introduction to Theater: Interpersonal Practices**
- **THTR 281 Special Topics: Theater for Social Justice**
- **THTR 371 Musical Theatre History**

**FOR ACTION:**

**1. Department of Art and Design—Course Revision, Catalog Description Change, New Courses, and Dual Listing**

**a. Course Revision and Catalog Description Change:**

**Current Catalog Description:**

**ART 114 - Color and Two-Dimensional Design**

**Class Hours: 0**

**Lab/Discussion: 6**

**Credits: 3**

**Prerequisite: None**

Focuses on the consistent properties of color and the manner in which two-dimensional design can be organized. Specific attention is given to the complex interactions of color within two-dimensional design.



**Proposed Catalog Description:**

**ART 114 - Color and Two-Dimensional Design**

**Class Hours:** 0

**Lab/Discussion:** 6

**Credits:** 3

**Prerequisite:** None

Focuses on the consistent properties of color and the manner in which two-dimensional design can be organized. Gives specific attention to the complex interactions of color within two-dimensional design.

**Rationale:** The syllabus of record was approved in 1990 and does not follow the current guidelines for learning outcomes. In order to propose distance education for this course, it was recommended that the syllabus of record be updated to the current format. The content does not change with this revision. Learning outcome one remains the same, learning outcome two is split into two outcomes, and learning outcomes three through five are merged. The intent is to improve clarity. The catalog description was changed slightly to match the current catalog style.

**b. New Courses**

**i. ART 226 - Typography**

**Class Hours:** 0

**Lab/Discussion:** 6

**Credits:** 3

**Prerequisite:** ART 114

Introduces type and typographic systems utilized in graphic design.

**Rationale:** ART 226 Typography is a new course that serves a growing area of interest within the student body of the Department of Art and Design, particularly students who are interested in studying our largest area, Graphic Design.

**ii. ART 465 - Advance Illustration**

**Class Hours:** 0

**Lab/Discussion:** 6-12

**Credits:** 3-6

**Prerequisite:** ART 221, ART 355

Explores advanced techniques and processes used in illustration. Emphasizes the development of personal style and professional portfolio development (course is repeatable up to 9 credits).

**Rationale:** ART 465 Advanced Illustration is a new course that serves a growing area of interest within the student body of the Department of Art and Design, particularly students who are also interested in studying in our largest area, Graphic Design. The course is designed to expose students to the major commercial applications of illustration, and to best prepare those students



for the assembly of a professional portfolio. The course can be taken for duplicate and/or variable credit.

### iii. ART 466 - Digital Image Synthesis for the Designer and Illustrator

**Class Hours:** 0

**Lab/Discussion:** 6

**Credits:** 3

**Prerequisite:** ART 355

Explores compositing and synthesizing digital images as a workflow method and image making tool for graphic designers and illustrators. Focuses on the use of technology to blend artistic processes into a useful workflow across a wide variety of commercial art media, including layout, advertisement, marketing campaigns, web design, and as a reference for illustrative work (course is repeatable up to 6 credits).

**Rationale:** ART 466 Digital Image Synthesis for the Designer and Illustrator is a new course that serves a growing area of interest within the student body of the Department of Art and Design, particularly students who are interested in studying our largest area, Graphic Design.

### c. Dual List

**ARED 423 - Community-based and Museum Art Education**

**ARED 424 - Special Populations in Art Education**

**Both of these courses were approved by UWUCC to be dual listed with ARED 523 and 524.**

**Rationale:** These are elective courses that hinge upon an exploration of particular contexts in art teaching. As such, they are applicable to interested students at both the upper undergraduate and graduate-level in art education. They concern contemporary and dynamic topics, so it is reasonable to expect that graduate students may not have had more instruction in and/or exposure to the topics in these courses than advanced undergraduates. Therefore, as the students will likely be at a similar knowledge level, it makes pedagogical sense for the courses to be combined. In addition, both groups can benefit from peer-to-peer networking, interaction, camaraderie, and knowledge. With 423 dual listing will provide a greater diversity of student experience and backgrounds.

## 2. Department of Economics—Course Revisions

### a. Current and Proposed Catalog Descriptions:

**ECON 334 - Managerial Economics**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** ECON 121, ECON 122, MATH 121 or equivalent

Applications of economic theory using algebra, elementary statistics, and calculus to solve managerial optimization problems including problems of forecasting and risk.





**b. ECON 335 - Public Finance**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** ECON 121, ECON 122, or instructor permission

Applications of economic theory using algebra, elementary statistics, and calculus to solve managerial optimization problems including problems of forecasting and risk.

**c. ECON 356 - Introduction to Econometrics**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** ECON 355 or its equivalent or instructor permission

An introduction to econometrics, including linear normal regression models of two or more random variables, special econometric problems, and solutions of simultaneous equations.

**Rationale:** As a part of the distance education approvals for these three courses, new course outlines and student learning outcomes were established for these three courses.

**3. Department of Psychology--Course Revision**

**Current and Proposed Catalog Description:**

**PSYC 341 - Conditioning and Learning**

**Class Hours:** 3

**Lab/Discussion:** 2

**Credits:** 4

**Prerequisite:** PSYC 101, PSYC 290

An examination of the basic principles of learning and related phenomena; discussion of classical conditioning, discrimination learning, and aversive control of behavior.

**Rationale:** As a part of the distance education approval for this course an updated course outline and student learning outcomes were established for this course.

**4. Department of Foreign Languages—Course Revisions and a Catalog Description Change**

**a. Current and Proposed Catalog Description:**

**FRNC 102 - Basic French II**

**Class Hours:** 4



**Lab/Discussion: 0**  
**Credits: 4**

**Prerequisite:** FRNC 101, or qualifying score on the WebCAPE placement test (286-362), or instructor permission

For beginning students. Students must achieve an appropriate placement test score to enroll (score between 286 and 362). Special focus on aural/oral skills. Students learn in a multimedia environment. Students converse and ask questions in simple present tense. They can now express commands and directions and are introduced to the expression of punctual actions in the past. They further investigate the daily lives of native speakers of French around the world. Attendance is mandatory. May not register for, or take a D/F repeat in, FRNC 102 when credit has already been received for a higher-numbered French course.

**b. Current and Proposed Catalog Description:**

**FRNC 201 - Intermediate French**

**Class Hours: 4**  
**Lab/Discussion: 0**  
**Credits: 4**

**Prerequisite:** FRNC 102, or qualifying score on the WebCAPE placement test (score above 362), or instructor permission

Continued study of French; development of listening, reading, speaking, and writing, but primary emphasis is on aural/oral skills. Students use a multimedia environment to learn to converse and ask questions in the past. Students learn the different way to express completed action that occurred at a specific time in the past vs. expressing an action that continued in the past over an indefinite, undetermined period of time; students review how to narrate and describe in the past, ask and give directions, talk about the future, avoid repetitions, learn to combine simple sentences, express and understand conditional sentences, express and understand subjective statements, and understand indirect discourse. Through the use of multimedia, students continue their inquiries into the daily lives of native speakers of French around the world. Attendance is mandatory. May not register for, or take a D/F repeat in, FRNC 201 when credit has already been received for a higher-numbered French course. Liberal Studies Humanities credit is given for this course.

**Rationale:** As a part of the distance education approval of these two courses a new course outline and student learning outcomes were established for these courses.

**c. Current Catalog Description:**

**FRNC 220 - Intermediate French Conversation**

**Class Hours: 3**  
**Lab/Discussion: 0**  
**Credits: 3**

**Prerequisite:** FRNC 201, or qualifying score on the WebCAPE placement test (score above 402), or instructor permission



Intensive work on communication skills with specific emphasis on spontaneous interpersonal speaking, discourse strategies, vocabulary building, and pronunciation. Required for all minors. Students may not register for, or take a D/F repeat in, FRNC 220 when credit has already been received for a higher-numbered French course.

**Proposed Catalog Description:**

**FRNC 220 - Intermediate French Conversation**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** FRNC 201, or qualifying score on the WebCAPE placement test (score above 402), or instructor permission

Intensive work on oral communication skills with specific emphasis on spontaneous interpersonal speaking, discourse strategies, vocabulary building, and pronunciations. Required for all minors and for the French Certificate. Liberal Studies humanities credit given for course. Taught in French. Students may not register for, or take a D/F repeat in, FRNC 220 when credit has already been received for a higher-numbered FRNC course.

**Rationale:** As part of the distance education approval of this course the catalog description is being revised to include that the course is also required for the French Certificate.

**5. Department of Food and Nutrition—Course Revisions, Modification of Prerequisites, Catalog Description Change, Course Number Change, Credit Hour Change, Course to be made Inactive, and Track Deletion**

**a. Modification of Prerequisites, some Catalog Description Changes, One Course Number Change:**

**i. Current Title and Prerequisites:**

**FDNT 150 - Foods**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** Grade of “C” or better in CHEM 101 or CHEM 111 or BIOL 104

**Proposed Title and Prerequisites:**

**FDNT 150 - Foods**

**Class Hours:** 3

**Lab/Discussion:** 0



**Credits:** 3

**Prerequisite:** Grade of “C” or better in **CHEM 101** or **CHEM 103** or **CHEM 111** or **BIOL 104**

**Rationale:** Course prerequisites are being updated based on a new course approved by Chemistry.

**ii. Current Course Description and Prerequisites:**

**FDNT 151 - Foods Laboratory**

**Class Hours:** 0

**Lab/Discussion:** 3

**Credits:** 1

**Prerequisite:** **CHEM 101** or **CHEM 111**

Application of the basic principles of food preparation.

**Corequisite:** Must be taken with **FDNT 150**

Applies basic principles of food preparation. Taken only by Food and Nutrition majors or Family and Consumer Science Education majors or by permission.

**Proposed Course Description and Prerequisites:**

**FDNT 151 - Foods Laboratory**

**Class Hours:** 0

**Lab/Discussion:** 3

**Credits:** 1

**Prerequisite:** **CHEM 101** or **103** or **111** or **BIOL 104**

Applies basic principles of food preparation. Taken only by Nutrition majors or Family and Consumer Science Education majors, or by permission.

**Rationale:** To update prerequisites to add a new course offered by Chemistry and the BIOL 104 option.

**iii. Current Course Title and Prerequisites:**

**[Note the catalog description for this course was revised and approved by Senate in April 2019 but it is still not in the new catalog, so it is being placed in the Senate agenda again.]**

**FDNT 212 - Nutrition**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** **CHEM 102** or **CHEM 112** or **BIOL 104** and **BIOL 106**; sophomore standing



Examines sources and functions of nutrients, the interdependence of dietary essentials, and nutritive value of an optimum diet. Discusses dietary risk factors to chronic diseases and varied conditions in human life. Includes emerging and alternative food and nutrition topics.

**Proposed Course Title and Prerequisites:**

**FDNT 212 - Nutrition**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** CHEM 102 or CHEM 103 or CHEM 112 or BIOL 104 and BIOL 106

Examines sources and functions of nutrients, the interdependence of dietary essentials, and nutritive value of an optimum diet. Discusses dietary risk factors to chronic diseases and varied conditions in human life. Includes emerging and alternative food and nutrition topics.

**Rationale:** To update prerequisites based on new course offered by Chemistry and with the prerequisites listed; it is not necessary to specify sophomore standing.

**iv. Current Course Number, Catalog Description, and Prerequisites:**

**FDNT 470 - Human Food Consumption Patterns**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** One social science course

An exploration of human food consumption behaviors from food production to individual and societal consumption patterns. Influencing factors discussed include agronomic, economic, geographical, nutritional, political, sociological, and psychological factors. The ethics and morality of food distribution will also be discussed. Students may not enroll in this course if they have taken the corresponding section of LBST 499 Food and Culture.

**Proposed Catalog Description and Prerequisites:**

**FDNT 370 - Human Food Consumption Patterns**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** None

Explores human food consumption behaviors from food production to individual and societal consumption patterns. Discusses influencing factors including agronomic, economic, geographical, nutritional, political, sociological, and psychological factors. Covers also the ethics and morality of food distribution.



**Rationale:** Removal of the prerequisite will remove barriers to student enrollment. Rewording of the course description and removal of reference to LBST 499 will update and make the description more clear. Moving the course from a 400-level to 300-level results in a more appropriate placement in our curriculum and more accurately reflects the level of the course.

**b. Course Revisions, Modification of Prerequisites, Catalog Description Changes, and One Credit Hour Change:**

**i. Current Catalog Description:**

**FDNT 430 - Professional Topics in Food and Nutrition**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** FDNT 355, FDNT 364, HOSP 256, PSYC 101

Topics include promoting food and nutrition services and programs, career planning and development, ethical challenges to dietitians, quality assurance standards, and impact on the legislative process.

**Proposed Catalog Description:**

**FDNT 430 - Professional Topics in Food and Nutrition**

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** FDNT 355 with a "C" or better, and Senior status

Focuses on professional roles, skills, responsibilities, and ethics in the dietetics profession. Explores emerging perspectives and practices in dietetics including informatics, teamwork and mentoring, application of leadership and management theories to personnel and projects, career development and marketing, quality assurance, healthcare systems and delivery.

**Rationale:** FDNT 430 is being revised in order to update prerequisites, course description, student learning objectives and assessments, the course outline, and to apply for distance education approval. Prerequisites are being updated to be more streamlined. The course description, student learning objectives and assessments, and the course outlined are being updated to meet the latest accreditation standards for dietetics programs.

**ii. Current Catalog Description:**

**FDNT 484 - Senior Seminar**

**Class Hours:** 3

**Lab/Discussion:** 0



**Credits:** 3

**Prerequisite:** Senior status

Emphasizes individual review of food and nutrition literature with formal presentation and discussion of current research.

**Proposed Catalog Description:**

**FDNT 484 - Senior Seminar**

**Class Hours:** 2

**Lab/Discussion:** 0

**Credits:** 2

**Prerequisite:** Senior status

Emphasizes evidence-based analysis of food and nutrition research through discussion and presentation.

**Rationale:** FDNT 484 is being revised to recognize the increased time needed to adequately prepare students to understand and apply evidence-based practice and to incorporate advances in technology into their research and dissemination of findings approaches. Minor wording changes are provided to update the course description.

**iii. Current Catalog Description and Credit Hours:**

**FDNT 493 – Internship**

**Class Hours:** var

**Lab/Discussion:** 0

**Credits:** 3-12

**Prerequisite:** Must have earned 60cr

An opportunity to work away from the university in supervised situations at healthcare facilities, foodservice, community, or nonprofit organizations. Students receive career related experiences. Must meet university internship requirements.

**Proposed Catalog Description and Credit Hours:**

**FDNT 493 - Internship**

**Class Hours:** var

**Lab/Discussion:** 0

**Credits:** 1-12

**Prerequisite:** Must have earned 60cr

An opportunity to work away from the university in supervised situations at healthcare facilities, foodservice, community, or nonprofit organizations. Students receive career related experiences. Must meet university internship requirements.



**Rationale:** FDNT 493 is being revised to provide greater flexibility in internship per credit enrollment.

**c. Course to be Made Inactive:**

**FDNT 250 - Quality Foods in Healthcare and Schools**

**Rationale:** Presently, HOSP 330 has replaced FDNT 250 in the Dietetics curriculum due to staffing limitations. Request is to inactivate, not delete FDNT 250.

**d. Track Deletion:**

**Culinary Dietetics Track, Nutrition, BS**

**Rationale:** This Track is being deleted per the INSPIRE Phase 1 recommendation. It will allow the department to more efficiently manage accredited programs and to effectively document that the program meets accreditation requirements. It will improve the clarity of the curriculum for Dietetics Track students (by combining the Dietetics Track and the Culinary Dietetics Track which are both accredited programs) into one track, "Dietetics" the Program Revision establishes two concentrations: Culinary Dietetics & Food and Health. The catalog paragraphs about this Track are to be deleted as well.

**6. Department of Nursing and Allied Health Professions—Program Moratorium**

**Certified Respiratory Therapist Track, Respiratory Care, BS**

**Rationale:** Based on INSPIRE recommendations this track is being placed in moratorium for one year with eventual closure.

**7. Department of Safety Sciences—Modification of Prerequisites**

**Current Course Title and Prerequisite:**

**SAFE 488 - Internship**

**Class Hours:** var

**Credits:** 12

**Prerequisite:** Senior standing, all required safety sciences courses.

**Proposed Course Title and Prerequisite:**

**SAFE 488 - Internship**

**Class Hours:** var

**Credits:** 12





**Prerequisite:** Senior standing, all required SAFE courses completed.

**Rationale:** Making the wording more uniform between SAFE 488 and SAFE 493, both internship classes in our curriculum.

## 8. Department of Mathematical and Computer Sciences—Course Revision, Credit Hour Change, and Course Title Change

### Current Catalog Description:

#### MATH 480 – Senior Seminar

**Class Hours:** 3

**Lab/Discussion:** 0

**Credits:** 3

**Prerequisite:** Senior standing (90 or more credits)

Assesses the effectiveness of the mathematics curriculum and provides mathematics majors with a culminating mathematical experience. Also focuses on synthesizing mathematics skills while researching, developing, and presenting a mathematical topic. Students solve practical problems, use various mathematical software packages, give oral presentations, and prepare technical reports.

### Proposed Catalog Description:

#### MATH 480 – Seminar in Mathematics

**Class Hours:** 1-3

**Lab/Discussion:** 0

**Credits:** 1-3

**Prerequisite:** Junior standing (60 or more credits)

Assesses the effectiveness of the mathematics curriculum and provides mathematics majors with a culminating mathematical experience. Also focuses on synthesizing mathematics skills while researching, developing, and presenting a mathematical topic. Students solve practical problems, use various mathematical software packages, give oral presentations, and prepare technical reports.

**Rationale:** The course is currently 3 credits in one semester. Course is being modified to be variable credit and repeatable. Based on student feedback, we would like to split the 3 credits to provide a two-semester experience, with 2 credits being taken in the junior year, and 1 credit being taken as a senior. This allows content relevant to career and future preparation to be more timely for our students. Students seeking various mathematics majors need to complete a total of 3 credits of MATH 480. We are adjusting the course title from "Senior Seminar" to "Seminar in Mathematics."

## 9. Department of Theatre, Dance, and Performance—New Course

#### THTR 495 - Senior Thesis

**Class Hours:** 1



**Lab/Discussion:** 0

**Credits:** 1

**Prerequisite:** THTR 480

Develops and presents a culminating capstone experience through Individualized Instruction. Synthesizes prior learning and experiences into a project proposal that is uniquely suited to their post-graduation plan. Applies professional practices and methods to document research, preparation and production/performance. Project culminates in a form of public presentation.

**Rationale:** These changes provide necessary revision of the capstone requirement for the major programs in theatre: Theatre, BA and Musical Theatre Track, Theatre, BA. As more fully described in the proposal the change provides the curricular structure necessary to maintain useful assessment, accountability for faculty teaching and student learning, and effective recording of academic progress.

## 10. Kopchick College of Natural Sciences and Mathematics—New Certificate

### Secondary Science Education Certificate (1)

The Secondary Science Education Certificate is available for students interested in teaching Biology, Chemistry, Earth and Space Science or Physics. Completion of the Secondary Science Education Certificate requirements as part of their BS program prepares students to become certified middle- and high-school teachers in Pennsylvania and other states. Science teachers in grades 7 to 12 teach subjects that require a broad and solid foundation in their chosen discipline, as other sciences and mathematics. Courses in the foundations of education and pedagogy complement the subject matter studies. Students create and present lessons, first in their courses and then in school classrooms, culminating in the student teaching experience in the final semester. For additional information on requirements leading to teacher certification, see “3-Step Process for Teacher Education” in the College of Education and Communications section of this catalog.

### Preprofessional Education Sequence (2)

**ACE 103 - Digital Instructional Technology Credits: 3**

**EDSP 102 - Educational Psychology Credits: 3**

### Professional Education Sequence (2)

**EDEX 301 - Education of Students with Disabilities Credits: 2**

**EDEX 323 - Instruction of English Language Learners with Special Needs Credits: 2**

**EDSP 477 - Assessment of Student Learning Credits: 3**

**EDUC 242 - Pre-student Teaching Clinical Experience I Credits: 1**

**EDUC 342 - Pre-student Teaching Clinical Experience II Credits: 1**

**EDUC 441 - Student Teaching Credits: 12**

**EDUC 442 - School Law Credits: 1**

**EDUC 451 - Teaching Science in the Secondary School Credits: 3**

### Total Certificate Requirements: 31

(1) Students should work with the teacher education coordinator in their department to apply for PA teaching certification. Only students majoring in Biology, Chemistry, Geoscience or Physics or



who have received approval from the education coordinator responsible for the desired area of certification will qualify for this certificate.

(2) These courses are a part of the Three Step Process for teacher education at IUP. This process must be completed, including the non-coursework components, to earn the Secondary Science Education certificate. Information on the Three Step Process can be found in the undergraduate catalog under The College of Education and Communications, or on the web at:

<https://www.iup.edu/teachereducation/students/three-step-process/>

**Rationale:** With the INSPIRE I, all four secondary science BSED certification programs (Biology, Chemistry, Earth and Space Science, and Physics) are being converted to Certificates and folded under their respective BS discipline programs, where they will complete a Secondary Science Education Certificate. This certificate outline and advising sheets clearly state that it is NOT PA State certification, and all students pursuing this specialization will be advised by the program coordinators to be sure they understand and follow all requirements, including application for PA State certification when they have completed all requirements.

## 11. Department of Biology—Course Revision, Catalog Description Change, and Program Revision

### a. Course Revision and Catalog Description Change

#### Current Catalog Description:

#### BIOL 480 - Biology Seminar

**Class Hours:** 1

**Lab/Discussion:** 0

**Credits:** 1

**Prerequisites:** None

A discussion of recent trends in biological thought and research. Students report on assigned readings and/or personal research.

#### Proposed Catalog Description:

#### BIOL 480 - Biology Seminar

**Class Hours:** 1

**Lab/Discussion:** 0

**Credits:** 1

**Prerequisites:** None

Discusses recent trends and issues in science, and examines differing viewpoints and current research.

**Rationale:** We are adding the Distance Education designation and there was no previous archived syllabus of record or approved curriculum proposal on file, so a complete course revision and updated catalog description was required.



**b. Program Revision:****Current Program:  
Biology, BS**

**Liberal Studies:** As outlined in Liberal Studies section with the following specifications: 45  
**Mathematics:** MATH 121  
**Natural Science:** CHEM 111-112  
**Social Science:** one course should also fulfill GMA requirement  
**Liberal Studies Elective:** 3cr, MATH 216 or MATH 217

**Major:** 36

**Required Core Courses:****Required Core Courses:**

BIOL 201 Principles of Ecology and Evolution **Credits:** 4

BIOL 202 Principles of Cell and Molecular Biology **Credits:** 4

BIOL 203 Principles of Genetics and Development **Credits:** 4

**Controlled Biology Electives:**

Biology electives (major courses only) (1, 2) **Credits:** 24  
 A minimum of 12cr must be in courses at the 300-400 level.

**Controlled Electives:** 24

**Biology Concentration:**

CHEM 231, CHEM 351 or BIOC 301

An additional 16-17cr from the following, requires advisor approval (3)

ANTH, BIOL majors' courses only, CAAST, CHEM, CRIM, GEOG, GEOS, FDNT, LGBT&Q, MATH, MGMT, PHIL, PHYS, PLSC, PSYC, PUBH, RGPL, SAFE, SOC, SUST, WGS, or other courses of interest.

**Other Requirements:**

Exit survey for assessment purposes

**Free Electives:** (4) 15

**Total Degree Requirements:** 120

(1) No more than 6cr total from Independent Study, Special Topics, or Internship applies to major; excess applied as free electives.

(2) No more than 4crs can come from 100-level courses. Excluding prerequisite, cognate, liberal studies, college core courses, no more than two majors' courses can be shared between a major and minor.

(3) For BS Biology majors, courses appropriate for a Minor of interest should be selected.

(4) Free Electives will be used toward a Minor such as Animal Behavior, Biomedical Science, Forensic Biosciences,

**Proposed Program:  
Biology, BS**

or

**Biology, BS with Secondary Science Education Certificate (\*)**

**Liberal Studies:** As outlined in Liberal Studies section with the following specifications: 45-48  
**Mathematics:** MATH 105 or MATH 121 (1)  
**Natural Science:** CHEM 111-112  
**Social Science:** one course should also fulfill GMA requirement  
**Liberal Studies Elective:** 3-7cr, GEOS 201, MATH 216 or MATH 217 (2)

**Major:** 36

**Required Core Courses:**

BIOL 201 Principles of Ecology and Evolution **Credits:** 4

BIOL 202 Principles of Cell and Molecular Biology **Credits:** 4

BIOL 203 Principles of Genetics and Development **Credits:** 4

**Controlled Biology Electives:**

Biology electives (major courses only) (3, 4) **Credits:** 24  
 A minimum of 12cr must be in courses at the 300-400 level.

**Controlled Electives:** 24

**Biology Concentration:**

CHEM 231, CHEM 351 or BIOC 301

An additional 16-17cr from the following, requires advisor approval (5)

ANTH, BIOL majors' courses only, CAAST, CHEM, CRIM, GEOG, GEOS, FDNT, LGBT&Q, MATH, MGMT, PHIL, PHYS, PLSC, PSYC, PUBH, RGPL, SAFE, SOC, SUST, WGS, or other courses of interest.

**Secondary Science Education Certificate**

**Concentration:** EDSP 102, 477, EDUC 242, EDUC 441, EDUC 442, PHYS 151, PHYS 161

**Other Requirements:**

Exit survey for assessment purposes

**Free Electives:** (6) 12-15

**Total Degree Requirements:** 120

(\*) See requirements leading to teacher certification, titled "3-Step Process for Teacher Education." In the College of Education and Communications section of this catalog.

(1) MATH 105 will fulfill the Liberal Studies Mathematics requirement for Secondary Science Education certificate students. MATH 121 will fulfill the Liberal Studies Mathematics requirement for BS Biology majors.

(2) 7cr of Liberal Studies Elective courses (GEOS 201 and MATH 217) are required for Secondary Science Education certificate students. MATH 216 or 217 will fulfill the Liberal Studies Elective requirement for Biology majors.



E Environmental Microbiology, Neurobiology, Wildlife and Conservation Biology, or other minors of interest.

(3) No more than 6cr total from Independent Study, Special Topics, or Internship applies to major; excess applied as free electives.

(4) No more than 4crs can come from 100-level courses. Excluding prerequisite, cognate, liberal studies, college core courses, no more than two majors' courses can be shared between a major and minor.

(5) For BS Biology majors, courses appropriate for a Minor of interest should be selected.

(6) Free Electives will be used toward **Secondary Science Education Certificate courses**; or a Minor such as Animal Behavior, Biomedical Science, Forensic Biosciences, E Environmental Microbiology, Neurobiology, Wildlife and Conservation Biology, or other minors of interest.

**Rationale:** With the approval of the Secondary Science Certificate the items specific to future teachers are added to this degree as per the INSPIRE recommendations.

## 12. Department of Chemistry—Program Footnotes Revision and Program Catalog Description Revision

### a. Program Catalog Description Revision:

#### Current Catalog Description:

The BS degree in Chemistry is designed for students intending a career in chemistry and is certified by the American Chemical Society. The advanced courses in the Chemistry BS reflect trends in the modern field of chemistry, and the requirements are flexible enough to allow students to tailor the degree program to their specific needs and interests. There is also a strong laboratory component in the Chemistry BS, which gives the student excellent hands-on preparation for the challenges of employment or graduate school. An internship program with local chemical companies is available, and the credits from this internship can be counted to meet some of the program requirements.

The Chemistry BS degree is designed not only for traditional chemistry majors, but also for those students interested in cross-disciplinary fields that involve chemistry. Students intending to follow a dual-degree program should work with their Chemistry adviser, as courses from their other major can count for some of the requirements in the Chemistry BS degree.

#### Proposed Catalog Description:

The BS degree in Chemistry is designed for students intending a career in chemistry and is certified by the American Chemical Society. The advanced courses in the Chemistry BS reflect trends in the modern field of chemistry, and the requirements are flexible enough to allow students to tailor the degree program to their specific needs and interests. There is also a strong laboratory component in the Chemistry BS, which gives the student excellent hands-on preparation for the challenges of employment or graduate school. An internship program with local chemical companies is available, and the credits from this internship can be counted to meet some of the program requirements.



The Chemistry BS degree is designed not only for traditional chemistry majors, but also for those students interested in cross-disciplinary fields that involve chemistry. **Students interested in teaching high school chemistry will use this degree, making a few specific substitutions to allow them to also earn a Secondary Science Education Certificate and gain Pennsylvania teaching certification.** Students intending to follow a dual-degree program should work with their Chemistry adviser, as courses from their other major can count for some of the requirements in the Chemistry BS degree.

## b. Footnote Revisions:

### Current Program Footnotes:

- (1) Students are required to complete the DUCK exam during their last semester at IUP.
- (2) **CHEM 493** Internship in Chemistry may be used to satisfy 3cr of controlled elective or 2cr of **CHEM 498**.
- (3) Additional courses may be counted for this requirement, with permission of advisor and department chair. Students who dual-major may count 400-level courses from their second major for at least some of this requirement.

### Proposed Program Footnotes:

- (1) Students are required to complete the DUCK exam during their last semester at IUP.
- (2) **Students completing the Secondary Science Education Certificate may use the following substitutions to the above program: a) students take **GEOS 201 - Foundations of Geology** in place of **CHEM 401**; b) only one cr of **CHEM 498**; c) **EDUC 441 - Student Teaching** may be counted for 9cr of CHEM or BIOC electives; d) **MATH** elective may be met with **EDSP 477 - Assessment of Student Learning**.**
- (3) **CHEM 493** Internship in Chemistry may be used to satisfy 3cr of controlled elective or 2cr of **CHEM 498**.
- (4) Additional courses may be counted for this requirement, with permission of advisor and department chair. Students who dual-major may count 400-level courses from their second major for at least some of this requirement.

**Rationale:** With the approval of the Secondary Science Certificate the items specific to future teachers are added to this degree as per the INSPIRE recommendations.

## 13. Department of Geography and Regional Planning—New Certificate

### Water Resources/Watershed Management Certificate

#### Required Courses:

- GEOG/RGPL - 342 Physiography Credits: 3**  
**GEOG/RGPL - 343 Fresh Water Resources Credits: 3**  
**RGPL 426 - Environmental Land Use Planning Credits: 3**

#### Controlled Courses:

Take two from the following:

- GEOG 101 - Environment and Society Credits: 3**  
**GEOG 316 - Introduction to Geographic Information Systems Credits: 3**  
**GEOG/RGPL 341 - Climatology Credits: 3**  
**GEOG/RGPL 415 - Introduction to Remote Sensing Credits: 3**  
**GEOS 312 - Hydrogeology Credits: 3**

**Total Certificate Requirements: 15**



**Rationale:** The Water Resources/Watershed Management Certificate is being proposed to provide students with an integrated curriculum focused on fresh water resources. Many local, state and federal environmental laws relate to the quality and quantity of water resources (for example Pennsylvania's Act 167 Storm-water Management Act and federal Clean Water and Safe Drinking Water Acts), and it will be beneficial for students who understand the factors that affect them. The Water Resources/Watershed Management certificate will provide students 1) a knowledge base regarding water resources and watershed function; 2) exposure to watershed assessment/characterization techniques; and 3) knowledge and application of watershed planning methods that are used for the sustainable management of water resources.



**Appendix B**  
**University-Wide Graduate Curriculum Committee**  
**Chair Moore**

**FOR INFORMATION:**

1. The following courses were approved by the UWGC to be offered as a distance education course:
  - ALS 802: Leadership: A Case Study Approach
  - ALS 882: Research Instrument Design
  - ALS 897: Research Synthesis
  - ANTH 514: Contemporary Native American Cultures
  - ANTH 616: Pre-Columbian North American Archaeology
  - BIOL 501: Fundamentals of Epidemiology
  - BIOL 505: The Biology of the Cell-Critical Thinking
  - BIOL 509: Pharmacology Principles and Applications
  - BIOL 556: Ecological Toxicology
  - BIOL 562: Vertebrate Endocrinology
  - BIOL 569: Circadian Rhythms and Sleep
  - BIOL 573: Seedless Vascular Plants: Ferns and Allied Flora
  - BIOL 574: Spring Flora of the Northwestern U.S.
  - BIOL 579: Neurobiology of Addiction
  - BIOL 590: Field Studies in Biology
  - BIOL 611: Biology Seminar I
  - BIOL 630: Gene Editing Tools in Medicine and Biotechnology
  - CHEM 581: Applied Computational Chemistry
  - CHEM 581: Special Topics: Advanced Inorganic Chemistry Lecture
  - COMM 838: Digital Photography and Imaging
  - COMM 846: Instructional Media Solutions
  - COMM 910: Advances Doctoral Research in Communication
  - CURR 930: Analysis of Effective Instruction
  - EDSP 789: Advanced Psychometric Theory
  - EDSP 745: Counseling for School Psychologists
  - EDSP 755: Practicum in School Psychologists
  - EDSP 812: Cognitive Assessment
  - EDSP 855: Practicum in School Psychology
  - EDSP 863: Assessment of Personality and Behavior
  - EDSP 911: Legal and Ethical Principles in School Psychology
  - EDSP 915: Doctoral Seminar in Applied Educational Research
  - EDUC 542: Pre-student Teaching Clinical Experience II
  - EDUC 552: Teaching English and Communication
  - ENGL 518: Young Adult Literature
  - ENGL 820: Quantitative Research
  - ENGL 835: Research Design and the Craft of Writing
  - GEOG 562: Planning Policy, Implementation and Administration
  - GEOG 588: Geospatial Intelligence Capstone
  - GEOG 624: Technical Issues in GIS
  - IFMG 531: Python Programming
  - IFMG 560: Analysis and Logical Design





- LDRS 802: Leadership Applications
- LTCY 600: Foundations of Literacy Instruction
- LTCY 607: Diverse Texts for Literacy Instruction
- LTCY 644: Writing Development and Instruction
- LTCY 702: Literacy Instruction Across Disciplines
- LTCY 705: Literacy Leadership and Collaboration
- MAED 556: Geometry for Elementary and Middle Level Teacher
- MGMT 501: Management Development and Training
- MGMT 505: Organizational Staffing
- MGMT 534: Industrial Quality: Statistical Tools and Management
- MGMT 537: Supply Chain Modeling and Analysis
- MGMT 561: Business Leadership Theory
- MGMT 820: Organizational Behavior
- MKTG 811: Theory Building and Research Methods
- NURS 994: Dissertation Seminar
- PHYS 541: Classical Mechanics
- PHYS 561: Quantum Mechanics I
- PLSC 570: The Practice of Public Administration
- SOC 863: Quantitative Research Methods
- SOC 865: Qualitative Research Methods
- SPLP 635: Seminar in Communication Disorders

**FOR ACTION:**

**1. DEPARTMENT: SPLP  
NEW COURSE**

**Course: SPLP 644**

**Rationale:** This professional issues course has been offered for many years under SPLP 635 - Seminars in Communication as a variable topic. Because the course title is listed as a general seminar, content is not reflected clearly on student transcripts. Creating an independent course will allow student transcripts to be interpreted easier by certification and employer personnel.

**Summary:**

|                            |   |
|----------------------------|---|
| <b>Course Title</b>        | Professional Issues   |
| <b>Number of Credits</b>   | Class Hours per Week: 2<br>Lab Hours: 0<br>Credits: 2   |
| <b>Prerequisites</b>       | None  |
| <b>Catalog Description</b> | Examines professional issues such as employment preparedness, professional competencies, ethics, quality of care, practice policies and laws, documentation, accountability, interprofessional education and practice, cultural competence, and certification in speech-language pathology. |



**2. DEPARTMENT: MBA Program  
Variability of Delivery Proposal  
Program: Master of Business Administration (MBA and Executive MBA)**

**Rationale:** This is a formal proposal for the Eberly College of Business and Information Technology at Indiana University of Pennsylvania to begin offering our MBA via distance education in two different formats. Currently all MBA courses are offered in three different formats, via traditional classroom instruction, via videoconference technology synchronous to an traditional classroom, and via asynchronous online instruction. Currently the MBA program requires students to do the majority of their coursework either via traditional classroom instruction or via hybrid, 50% traditional classroom and 50% asynchronous instruction. It is our plan to begin offering the MBA degree via two forms of distance education.

The Eberly College of Business and Information Technology will begin to synchronously offer all of our traditional classroom instruction via teleconference technology. Students will be able to attend the live class from anywhere in the world with an appropriate internet connection. We will begin to offer students the ability to earn an MBA Degree via teleconference instruction. This is a well-established model at IUP and will follow a strategy similar to that of the Employment and Labor Relations program.

The second delivery method that the Eberly College of Business and Information Technology intends to us is 100% asynchronous online instruction. All of the MBA classes are approved for Distance Education but we have never packaged our courses in a manner for a student to earn an MBA degree from IUP via asynchronous instruction. It is our plan to offer a 100% asynchronous MBA option via online instruction. This is a well-established model used by numerous MBA programs including Penn State, Arizona State, and Florida State Universities to name a few.

The synchronous teleconference MBA option will require no new resources. We have the technology in our classrooms to offer class in this format and we will be teaching regularly scheduled courses. This will require no additional faculty or instructional time.

The asynchronous online classes will require some sections to be added, but it is estimated that each class will bring 40 new students to the MBA program. The Eberly College of Business and Information Technology has entered an agreement with a partner organization “Academic Partners” which has been approved by the Provost and PASSHE. Academic Partners will recruit a unique set of students for this program. We have faculty members capable of providing this instruction and will not require any additional faculty to deliver this program.

It is forecast that the synchronous teleconference MBA will add students to our program by providing an education experience similar to traditional classroom instruction but who may live too far from campus to easily drive in after work and take advantage of these evening classes. The asynchronous online MBA is targeted at a significant subset of MBA students that IUP does not currently recruit. As such, both delivery options are forecast to add MBA students to our program and will not cannibalize existing programs in the Eberly College of Business and Information Technology.

The synchronous teleconference courses will be offered 4 evenings each week, the same time that our traditional instruction MBA classes meet at 6:15, Monday through Thursday evenings. The asynchronous MBA classes will be offered each semester according to demand with at least 2 asynchronous MBA courses being offered each semester, year-round.



All classes in the MBA program are already approved for distance education. We are now going to offer the program 100% via distance education.



**Appendix C  
New Business**

**FOR ACTION:**

- **2020 Sexual Discrimination and Sexual Misconduct Policy**



**INDIANA UNIVERSITY OF PENNSYLVANIA**  
**Sexual Discrimination and Sexual Misconduct Policy**

**Subject:** Sexual Discrimination and Sexual Misconduct Policy

---

**Original Date Established:** August 24, 2003

---

**Revision Dates:** August 8, 2008; February 29, 2012; April 29, 2014; May 1, 2018; April 30, 2019;  
August 14, 2020

---

**Originating Office:** President

**President’s Approval:** Michael A. Driscoll

---

**Distribution Code:** A

**Date of Approval:** August 14, 2020

---

**TABLE OF CONTENTS**

|  |       |
|--|-------|
| INTRODUCTION.....  | 2     |
| 1. Purpose of Policy.....  | 2     |
| 2. Prohibited Behaviors.....   | 2     |
| 3. Title IX, VAWA, and Nondiscrimination .....   | 2     |
| 4. Statement on Privacy and Confidentiality .....  | 3     |
| 5. Disability Accommodations .....   | 3     |
| 6. Free Expression and Academic Freedom.....   | 4     |
| 7. Alcohol and Drug Use Amnesty for Students.....  | 4     |
| 8. Scope of Policy .....   | 4     |
| 9. Burden of Proof.....  | 4     |
| 10. Standard of Proof.....   | 5     |
| 11. Impact on Other Policies or Processes.....   | 5     |
| SEXUAL MISCONDUCT DEFINITIONS.....   | 5-7   |
| OTHER DEFINITIONS.....   | 7-10  |
| REPORTING SEXUAL MISCONDUCT.....   | 10-12 |
| UNIVERSITY REPORTING OBLIGATIONS .....   | 13    |
| 1. Mandated Reporting Obligations of University Officials, Volunteers, and Employees ..... | 13    |
| 2. University Obligations Regarding Timely Warnings.....                                   | 13    |
| JURISDICTION AND DISMISSALS.....   | 13    |
| EMERGENCY REMOVAL FOR STUDENTS .....   | 13    |
| ADMINISTRATIVE LEAVE FOR EMPLOYEES .....   | 14    |
| INFORMAL RESOLUTION PROCESS .....  | 14    |
| SEXUAL MISCONDUCT RESOLUTION PROCESS .....   | 14    |
| 1. Formal Complaint .....  | 14    |
| 2. Notice of Allegations.....  | 15    |
| 3. Determining Jurisdiction and Mandatory Dismissal for Certain Allegations .....          | 15    |
| 4. Discretionary Dismissals for Allegations .....  | 16    |
| 5. Allegations Potentially Falling Under Two Policies .....                                | 16    |
| 6. Notice of Dismissal.....  | 16    |
| 7. Investigation .....   | 16-18 |
| 8. General Rules of Hearings.....  | 18-21 |
| 9. Decisions .....   | 21    |
| 10. Disciplinary Sanctions Against Students .....  | 21    |
| 11. Disciplinary Sanctions Against Employees, Officials, and Volunteers .....              | 22    |
| 12. Appeals Where the Respondent is a Student .....  | 22    |
| 13. Appeals Where the Respondent is an Employee.....                                       | 22    |
| RIGHTS/RESPONSIBILITIES .....  | 23    |

## **INTRODUCTION**

### **1. Purpose of Policy**

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

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972<sup>1</sup> that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) that are reflected in the definitions of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking included as regulatory Prohibited Conduct under this Policy
- Addresses how the University must respond to reports of misconduct falling within the definitions of Regulatory Prohibited Conduct under this Policy, and
- Mandates a grievance (or resolution) process the University must follow before issuing disciplinary sanctions against a person accused of Regulatory Prohibited conduct under this Policy.

In addition to federal legislative requirements, Act 16 of 2019<sup>2</sup> of the General Assembly of Pennsylvania requires all postsecondary institutions in the Commonwealth of Pennsylvania to adopt a clear, understandable, written policy on sexual harassment and sexual violence that informs victims of their rights under federal and state law, including the crime victims bill of rights.

### **2. Prohibited Behaviors**

The University prohibits all Sexual Misconduct Violations as defined in this Policy. This prohibited conduct can affect all genders, gender identities, and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law.

The University will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

### **3. Title IX, VAWA, and Nondiscrimination**

The University prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act and ADA Amendments Act, the Equal Pay Act, and the Pennsylvania Human Relations Act.

---

<sup>1</sup> The full text of the Final Rule and its extensive Preamble is available here: <http://bit.ly/TitleIXReg>

<sup>2</sup> The text of Act 16 of 2019 is available here: <https://bit.ly/3f7DAR6>

The University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence and to publish policies and procedures related to the way these reports are handled. The University has designated the Title IX Coordinator to coordinate the University's compliance with Title IX and VAWA and to respond to reports of violations. The University has directed the Director of Public Safety and University Police to coordinate the University's compliance with the VAWA-related Clery reporting requirements.

#### **4. Statement on Privacy and Confidentiality**

Certain individuals are designated as having confidentiality. For reports made to employees designated as having confidentiality, the University will respect the reporting party's expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, reports involving minors are subject to mandatory reporting requirements. Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX Coordinator. Individuals designated as having confidentiality will not share other information with the Title IX Coordinator or any other employee of the University without the express permission of the disclosing party. Individuals designated as having confidentiality can provide information about the University and off-campus resources, support services, and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from individuals designated as having confidentiality does not constitute a report or Formal Complaint to the University and will not result in a response or intervention by the University. A person consulting with individuals designated as having confidentiality may decide to make a report to the University and/or law enforcement. Sexual Discrimination and Sexual Misconduct Resources can be found here: <https://www.iup.edu/social-equity/policies/sexual-discrimination-and-sexual-misconduct-resources/>.

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the University Title IX Coordinator or law enforcement except in very limited situations such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 ("Title IX"), Violence Against Women Act (VAWA), state and local law, and University policy. No information will be released from such proceedings except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form including data about outcomes and Disciplinary Sanctions.

#### **5. Disability Accommodations**

Any student who requires reasonable accommodation in order to ensure their full and equal participation in an investigation or proceeding under this policy should make those requests directly to the Office of Student Conduct personnel who will act in consultation with the Department for Disability Access and Advising (D2A2). Students do not have to disclose information about the complaint or allegation of sexual misconduct to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations.

Any employee, vendor or volunteer who requires reasonable accommodation in order to ensure their full and equal participation in an investigation or proceeding under this policy should make those requests directly to the Office of Human Resources.

Examples of reasonable accommodation include, but are not limited to, sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, assistance with transcribing questions during interviews or hearings, or reasonable accommodations that facilitate communication during the process.

## **6. Free Expression and Academic Freedom**

The University is firmly committed to free expression and academic freedom and to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community. Sexual misconduct, including retaliation, against members of the University is not protected expression nor the proper exercise of academic freedom. The University will consider principles of free expression and academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual's statements or speech.

## **7. Alcohol and Drug Use Amnesty for Students**

The health and safety of every student at the University is of the utmost importance. The University recognizes that students who have been consuming alcohol and/or using illegal drugs (whether such use is voluntary or involuntary) at the time alleged sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement may not be sanctioned under the Code of Student Conduct for violations of alcohol consumption and/or illegal drug use policies occurring at or near the time of the incident(s) of alleged sexual misconduct. The University may require the individual to attend an approved alcohol or drug education program without assessing any charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

## **8. Scope of Policy**

This policy applies to all on campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the University community. There is no time limit for reporting allegations of sexual misconduct, however, the University strongly encourages the prompt reporting of sexual misconduct to allow the University to respond promptly and effectively. If the Respondent is not a member of the University community or is no longer associated with the University at the time of the report or at the time a resolution process is initiated, the University may be unable to investigate or take disciplinary action and may be required to dismiss the Formal Complaint for a lack of jurisdiction. See the **Jurisdiction and Dismissals** section.

Please see the **Reporting Sexual Misconduct** section below for more information on how and where to report misconduct, discrimination and/or harassment, or to file a Formal Complaint.

## **9. Burden of Proof**

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the University to satisfy the burden of proof. The Respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Additionally, Decision-Maker(s)



shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will the Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).

#### **10. Standard of Proof**

Consistent with requirements set forth in the Pennsylvania Code pertaining to student disciplinary due process requirements, the University will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred.

#### **11. Impact on Other Policies or Processes**

As used in this Policy, sexual misconduct may also encompass criminal conduct under Pennsylvania and/or federal law. Additionally, sexual misconduct under this Policy may result in civil and/or administrative or legal consequences.

### **SEXUAL MISCONDUCT DEFINITIONS**

**1. Dating Violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) – This includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program of Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

**2. Domestic Violence** (as defined in the VAWA amendments to the Clery Act) – This includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program of Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

**3. Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the

individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

**4. Sexual Assault** (as defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

- A. Sexual Penetration Without Consent** – Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
- B. Sexual Contact Without Consent** – Knowingly touching or fondling a person’s genitals, breasts, buttocks, or anus, or knowingly touching a person with one’s own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.
- C. Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute<sup>3</sup>.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program of Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

**5. Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- A.** Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s Consent;
- B.** Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- C.** Recording or distributing information, images, or recordings of any person engaged in sexual or intimate activity in a private space without that person’s Consent;
- D.** Prostituting another individual;
- E.** Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; or
- F.** Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**6. Regulatory Prohibited Conduct** – For the purpose of this Policy, Sexual Harassment includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

---

<sup>3</sup> The text of Chapter 31 of the Pennsylvania Crimes Code is available here: <https://bit.ly/305G9pu>

**7. Regulatory Quid Pro Quo Sexual Harassment** – An Employee conditioning the provision of aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.

**8. Non-Regulatory Quid Pro Quo Sexual Harassment** – A University Official, Volunteer, or Student conditioning the provision of aid, benefit, or service of the University on the individual’s participation in unwelcome sexual conduct.

**9. Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.

**10. Non-Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social, or residential program in offered connection with the University.

**11. Stalking** (as defined in the VAWA amendments to the Clery Act) – This means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. fear for their safety or the safety of others; or
- B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way or interferes with a person’s property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program of Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

## **OTHER DEFINITIONS**

**1. Advisor** – An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

- A. Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except for the purposes of cross-examination and/or raising relevancy arguments.
- B. Each party is responsible for coordinating and scheduling with their choice of Advisor.
- C. Each party may have up to two advisors.
- D. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of conducting cross-examination and/or raising relevancy arguments.
- E. If a Party does not attend the hearing, the Party’s Advisor may appear and conduct cross-examination on the Party’s behalf.

- F. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination and/or raising relevancy arguments.
- G. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

**2. Appeals Officer** – The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, or Advisor to any Party or a Decision Maker in the same matter.

**3. Complainant** – An individual who has reported being or is alleged to be subjected to conduct that could constitute sexual misconduct as defined under this Policy.

**4. Consent** – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood. In order to be valid, Consent must be active, present, and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily Consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state distinct from drunkenness or intoxication. When drug use is involved, incapacitation is a state distinct from being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

**5. Decision Maker** – The individual or individuals appointed by the University to render a decision on a Formal Complaint that goes to a hearing. The Decision Maker(s) will be free of conflict of interest and bias and will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party, or Appeals Officer in the same matter.

**6. Disciplinary Sanction** – The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University policies, up to and including separation from employment. For Officials or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.

**7. Education Program or Activity** – For purposes of this Policy, the term “Education Program or Activity” includes any activity that occurs in, on or within:

- A. Any on-campus premises;

- B. Any off-campus premises the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity.
- C. Computer and internet networks, digital platforms, and computer hardware or software owned or operated by or used in the operations of the University's programs and activities over which the University has substantial control.

**8. Employee** – An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.

**9. Final Rule** – The Final Rule issued on May 19, 2020 by the U.S. Department of Education under Title IX of the Education Amendments of 1972.

**10. Formal Complaint** – This means a document, including an electronic submission, filed by a Complainant with an indication that the Complainant is the person filing the Formal Complaint, or completed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

**11. Hearing Officer** – The person or persons who have decision making and sanctioning authority within the University's Formal Grievance process.

**12. Investigator** – The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer, or Advisor to any Party in the same matter.

**13. Notice of Allegations** – The written notice the Title IX Coordinator or designee is required to provide to the Parties following receipt of a Formal Complaint.

**14. Notice of Hearing** – The written notice the Title IX Coordinator or Hearing Chair or other designee is required to provide the Parties prior to the hearing.

**15. Official** – A member of a Council of Trustees or of the Board of Governors or their respective designees.

**16. Parties or Party** – A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

**17. Respondent** – Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.

**18. Student** – Any person: (1) seeking admission to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or (4) living in University or University-affiliated residence halls. The term "Student" shall include Employees, Volunteers, and Officials where the Employee, Volunteer, or Official otherwise meets the enrollment criteria set forth in this definition.

**19. Supportive Measures** – Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly

burdening either Party. Supportive Measures will be offered, as appropriate, to the Complainant and/or the Respondent regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

**20. Title IX Coordinator** – The individual designated by the University, with assistance of the Deputy Title IX Coordinators, to coordinate the University’s compliance with Title IX and VAWA and to respond to reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may not serve as a Decision Maker or Appeals Officer.

**21. Volunteer** – A recognized volunteer or any individual who represents or acts on behalf of the University or whose actions may bind the University, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors, and unpaid camps and conference personnel will be considered volunteers.

**22. Witness** – A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.

## **REPORTING SEXUAL MISCONDUCT**

Any individual, including a third party, may make a report of sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

The Title IX Coordinator and the University President, Provost, Vice President for Student Affairs, Vice President for Administration and Finance, Deans, Athletic Director, and others designated by the President have authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers, and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University’s electronic and anonymous reporting systems or by filing a Formal Complaint.

### **1. Reports to the Title IX Coordinator**

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, through the University’s on-line reporting system, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Contact Information for the Indiana University of Pennsylvania Title IX Coordinator:

Elise Glenn, Chief Diversity and Inclusion Officer/Title IX Coordinator  
B-17 Delaney Hall, 920 Grant Street  
Indiana, PA 15705  
Email: [title-ix@iup.edu](mailto:title-ix@iup.edu); [social-equity@iup.edu](mailto:social-equity@iup.edu); [eglenn@iup.edu](mailto:eglenn@iup.edu)  
Telephone: 724-357-3402

Such a report may be made at any time (including during non-business hours) by using the online reporting form (below) or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals who report sexual misconduct and have knowledge about resources and services, both on and off campus, including the availability of Supportive Measures.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

**Please Note:** Title IX Coordinators are not a confidential source of support. While they will address matters reported with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individual(s) designated as having confidentiality, please contact the IUP Counseling Center, 724-357-2621.

(See also, "Individuals Appointed with Confidentiality" document at <https://www.iup.edu/social-equity/policies/sexual-discrimination-and-sexual-misconduct-resources/>.)

**Please Also Note:** Making a report is different from filing a Formal Complaint (see the section titled **Filing a Formal Complaint**). A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator or a Title IX Deputy Coordinator by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) a request to initiate an informal resolution process; and/or (4) filing a Formal Complaint. Filing a Formal Complaint initiates the University's formal investigation process. (See **Sexual Misconduct Resolution Process**).

## 2. Electronic and Anonymous Reporting

You may also file a report about sexual misconduct using the Incident of Concern reporting form(s): <https://www.iup.edu/incidentreport/>. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited.

## 3. Filing a Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner provided that the Process may be extended for a good reason as set forth more fully in the **Continuances and Granting Extensions** section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written complaint with a signature or other indication that the Complainant is the person filing the Formal Complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing and the Complainant will not be required to participate in the process further but will receive all notices issued under this Sexual Misconduct Resolution Process. **Please Note:** The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the **Informal Resolution** section below).

#### **4. Criminal Reporting Options**

A Complainant may also seek to initiate a criminal complaint independent of or parallel with any report made to the University:

Indiana University Police: 724-357-2141

Indiana Borough Police: 724-349-2121

Pennsylvania State Police: 724-357-1960

**Please Note:** The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with a Formal Complaint even during the time of a pending law enforcement investigation.

#### **5. External Reporting Options**

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or calling 1-800-421-3481 : 1-877-521-2172 TTY or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

#### **6. Truthfulness**

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint, or making intentional misrepresentations of facts. If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint, or made intentional misrepresentations of fact as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Student Conduct in the case of Students or other relevant University policy and collective bargaining agreements in the case of Officials, Employees, or Volunteers.

#### **7. Multiple Party Complaints**

The Title IX Coordinator may consolidate Formal Complaints involving multiple parties where the allegations of sexual misconduct arise from the same facts or circumstances. In such consolidated matters, the Sexual Misconduct Resolution Process applies to more than one Complainant and/or more than one Respondent, but each party is still an "individual" and not a group or organization. The decision of the Title IX Coordinator to consolidate Formal Complaints is not subject to appeal.



## **UNIVERSITY REPORTING OBLIGATIONS**

### **1. Mandated Reporting Obligations of University Officials, Volunteers, and Employees**

All University Officials, Volunteers, and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless: 1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see **Statement on Privacy and Confidentiality**); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

**Please Note:** These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was or is a child (a person under 18 years of age) when the alleged abuse occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all University Employees, Officials, and Volunteers are required to notify the University police and the ChildLine run by the Pennsylvania Department of Human Services (1-800-932-0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine  
<https://www.iup.edu/humanresources/policies/protection-of-minors/>

University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

### **2. University Obligations Regarding Timely Warnings**

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

## **JURISDICTION AND DISMISSALS**

In certain circumstances where charges defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo or Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements, the University must dismiss those charges contained in the Formal Complaint.

In certain circumstances the Title IX Coordinator may dismiss a Formal Complaint, or any specific allegations raised in the Formal Complaint at any time during the investigation or hearing.

Any Party may appeal a dismissal determination. See the **Determining Jurisdiction and Mandatory Dismissal for Certain Allegations** under the **Sexual Misconduct Resolution Process** section for more information.

## **EMERGENCY REMOVAL FOR STUDENTS**

**1.** The University retains the authority to remove a Respondent from its Education Programs or Activities on an emergency basis. This action is also referred to as an emergency removal.

2. Before imposing an emergency removal on a student Respondent, the University will:
  - A. undertake an individualized safety and risk analysis; and
  - B. determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct justifies a removal.
3. If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - A. The University will provide written notice of the emergency removal and applicable charges.
  - B. The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.
  - C. The designated University Hearing Officer will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any member(s) of the University community arising from the allegations of sexual misconduct and that, based on that threat, removal is the appropriate course of action.
4. If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.
5. All emergency removals will also comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

#### **ADMINISTRATIVE LEAVE FOR EMPLOYEES**

The University retains the authority to place Employees on administrative leave consistent with applicable requirements of relevant University policies and collective bargaining agreements.

#### **INFORMAL RESOLUTION PROCESS**

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used as an alternative to the formal investigation and hearing procedures only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached, documented, and signed by all parties, the resolution cannot be appealed.

Informal resolution may not be utilized when a Student files a Formal Complaint against a University Employee, Volunteer, or Official under this Policy.

#### **SEXUAL MISCONDUCT RESOLUTION PROCESS**

##### **1. Formal Complaint**

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator with a Formal Complaint with a signature or other indication that the Complainant is the

person filing the Formal Complaint describing the facts alleged. See the section titled **Filing a Formal Complaint** above.

## **2. Notice of Allegations**

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Notice of Allegations will include the following:

- A.** Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a link to a copy of the process.
- B.** Notice of the allegations potentially constituting violations of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of the alleged incident, if known.
- C.** A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- D.** A statement that the Parties may have an Advisor of their choice.
- E.** A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- F.** Individuals are prohibited from knowingly filing a false report or making misrepresentations. Following an investigation and hearing under applicable policy, if a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees, or Volunteers.

The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither. Once a notice is emailed or otherwise reasonably sent, it is presumptively delivered.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

## **3. Determining Jurisdiction and Mandatory Dismissal for Certain Allegations**

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) contained in a Formal Complaint, the Title IX Coordinator will determine if:

- A.** The conduct is alleged to have occurred in the United States;
- B.** The conduct is alleged to have occurred in the University's Education Program or Activity; and
- C.** The alleged conduct, if true, would constitute Regulatory Prohibited Conduct, as defined in this Policy.

If all the above criteria are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional

requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the **Appeals** section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

#### **4. Discretionary Dismissals for All Allegations**

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A.** A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- B.** The Respondent is no longer enrolled in, associated with, or employed by the University; or,
- C.** Specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the **Appeals** section below.

#### **5. Allegations Potentially Falling Under Two Policies**

If a Formal Complaint against a Respondent who is a **Student** contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the Code of Student Conduct, the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Code of Student Conduct, the matter may be referred for further action by the University's Office of Student Support and Community Standards, as appropriate.

If a Formal Complaint against a Respondent who is an **Employee** contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policy and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an **Official** or **Volunteer** contains any allegations under this policy, the University or System will follow applicable requirements in University or System policy or procedure/standard for resolution of the allegations contained in the Formal Complaint.

#### **6. Notice of Dismissal**

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts. Once a notice is emailed or otherwise reasonably sent, it is presumptively delivered.

#### **7. Investigation**

##### **A. General Rules of Investigations**

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

The University, not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and cannot be used to determine responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations respectively). See **Inspection and Review of Evidence** section below.

## **B. Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to issuance of the investigation report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- 1) Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s) in making a determination regarding responsibility;
- 2) Inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations respectively) that is directly related to the allegations, whether obtained from a Party or other source.

The University will send the evidence to each Party and each Party's Advisor, if any, to inspect and review through an electronic format or a hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and submit a written response to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied in the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report after the responses to additional evidence are due or, alternatively, may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by

the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

### **C. Investigative Report**

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations respectively - relevant evidence) will be referenced in the Investigative Report.

### **D. Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means. Once a notice is emailed or otherwise reasonably sent, it is presumptively delivered.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

## **8. General Rules of Hearings**

### **A. Notice of Hearing**

No less than 10 days prior to the hearing, the Hearing Chair or other designee will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- 1) A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- 2) The time, date, and location of the hearing.
- 3) Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s) and Parties to see and hear a Party or Witness answering questions. Parties must inform the Hearing Chair or other designee of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.
- 4) Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.
- 5) A copy of the University's Statement of Affirmation for participation in a resolution process.
- 6) A list of the Decision Maker(s) who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of the Decision Maker(s) prior to the hearing.
- 7) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker(s).

- 8) Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Hearing Chair or other designee in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.
- 9) A copy of all the materials provided to the Decision Maker(s) about the matter and the opportunity to provide a written response in advance of the hearing.
- 10) Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.
- 11) For compelling reasons, the Hearing Chair or other designee may reschedule the hearing.

## **B. Hearing**

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy.

If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing. The University may still proceed with the hearing in the absence of a Party and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against a Party in an attempt to secure a Party's participation.

If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s) may not rely on any "statement" by that Party. See **Cross Examination** section below.

The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing due to technological errors or for other reasonable issues or accommodations.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

## **C. Continuances or Granting Extensions**

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

## **D. Participants in the Hearing**

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- 1) Decision Maker(s)
- 2) Hearing Facilitator
- 3) Conduct administrator or designee or IT personnel or other University personnel

- 4) Parties
- 5) Advisor of choice or provided by the University for each Party
- 6) Witnesses
- 7) Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

The Decision Maker(s) and Hearing Chair will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing.

Parties and Witnesses cannot be compelled to participate in the hearing and have the right not to participate in the hearing free from retaliation.

#### **E. Hearing Procedures**

For all hearings conducted under this Policy, the procedure will be as follows:

- 1) The Decision Maker(s) or hearing facilitator will open and establish rules and expectations for the hearing.
- 2) The Investigator will present a summary of the final investigation report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings, or determinations. If such information is introduced, the Decision Maker(s) or hearing facilitator will direct that it be disregarded.
- 3) Decision Maker(s) will ask questions of the Parties and Witnesses.
- 4) Parties will be given the opportunity for cross-examination after the Decision Maker(s) conduct(s) its initial round of questioning. See **Cross-Examination Procedure** below.
- 5) During the Parties' cross-examination, the Decision Maker(s) or hearing facilitator will have the authority to pause cross-examination at any time for the purposes of asking follow up questions; and any time necessary in order to enforce order for the hearing or the established rules of decorum.
- 6) Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s) or hearing facilitator. A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s) to use statements made by the Party.

#### **F. Relevant Evidence and Questions**

"Relevant" evidence and questions are those questions and evidence that tend to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions:

- 1) Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - a) They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - b) They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- 2) Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege including attorney-client privilege; or
- 3) Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.



## **G. Cross-Examination**

- 1) Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.
- 2) Parties will not be permitted to personally cross-examine each other.
- 3) If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.
- 4) If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.
- 5) Before any cross-examination question is answered, the Decision Maker(s) or hearing facilitator will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision Maker(s) may be deemed irrelevant if they have been asked and answered.
- 6) The Decision Maker(s) or hearing facilitator must explain to the Party proposing the question any decision to exclude a question as not relevant.
- 7) If a Party or Witness does not submit to cross-examination at the hearing, the Decision Maker(s) may not rely on any statement of that Party or Witness in reaching a determination regarding responsibility.
- 8) The Decision Maker(s) may not draw an inference about a determination regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

## **9. Decisions**

### **A. Timeline for Decision**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

### **B. Finality**

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the **Appeals** section below.

## **10. Disciplinary Sanctions Against Students**

### **A. Possible Disciplinary Sanctions**

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination: Disciplinary Warning, Disciplinary Probation, Ban from University Owned/Operated Residence Halls, Suspension, Expulsion, or any educational or supportive sanction deemed appropriate by the Decision Maker(s).

### **B. Previous Disciplinary Sanctions**

Previous Disciplinary Sanctions of any kind involving the Respondent may only be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and may not be considered to determine whether or not an alleged violation occurred.

### **C. Timing**

The Disciplinary 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.

## **11. Disciplinary Sanctions Against Employees, Officials and Volunteers**

### **A. Possible Disciplinary Sanctions**

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement or University/System policies, may include a penalty up to and including separation from employment. Disciplinary Sanctions imposed on an Official or Volunteer may include a penalty up to removal or the request for removal of the Official or Volunteer from their respective position.

### **B. Timing**

The Disciplinary 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.

## **12. Appeals by Where the Respondent is a Student**

- A.** Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
- 1)** A procedural irregularity under the University policy or procedures that affected the hearing outcome.
  - 2)** New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
  - 3)** The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
  - 4)** The Disciplinary Sanction imposed was arbitrary or capricious
- B.** Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C.** The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
- D.** If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal .
- E.** Appeals will be decided by an Appeal Panel who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
- F.** The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the Appeal Panel is not to reweigh the evidence. The Appeal Panel will confine their review to the basis of appeal alleged and may require the Decision Maker(s) to consider any new evidence and make a finding, require a new Decision Maker(s) to re-hear the case, or modify the sanction.
- G.** The outcome of appeal will be provided in writing simultaneously to both Parties and include rationale for the decision.

## **13. Appeals Where the Respondent is an Employee**

- A.** Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
- 1)** A procedural irregularity under the University policy or procedures that affected the hearing outcome.

- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
  - 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
  - C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures remain available during the pendency of the appeal.
  - D. If a Party appeals, the University will notify the other Party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.
  - E. Appeals will be decided by the President or by an Appeal Panel whose members will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
  - F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the Appeal Panel is not to reweigh the evidence. The Appeal Panel will confine their review to the basis of appeal alleged.
  - G. The outcome of appeal will be provided in writing simultaneously to both parties and include rationale for the decision.

#### **RIGHTS/RESPONSIBILITIES**

1. Reports and Formal Complaints have different meanings. An individual has a right to make a report of sexual misconduct to the University, which may be accompanied by a request for Supportive Measures. An individual also has a right to make a Formal Complaint of sexual misconduct, which is a request to initiate the University's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a hearing.
2. Prior to the conclusion of a sexual misconduct investigation, the Complainant may request to withdraw the Formal Complaint by contacting the Title IX Coordinator/designee in writing. The Title IX Coordinator/designee will determine whether to close the case or conclude the investigation without the Complainant's continued participation.
3. An individual also has the right to report sexual misconduct to law enforcement, separate and apart from any report or Formal Complaint made to the University.
4. Victims and witnesses of sexual misconduct have the right to be assisted by the University in notifying law enforcement authorities of sexual misconduct or they can decline to notify such authorities.
5. Witnesses and Parties cannot be compelled to participate in the hearing, and they have the right not to participate in the hearing free from retaliation.
6. Each Party who is charged with a violation of this Policy where jurisdiction is appropriate has a right to a hearing and for an Advisor to cross-examine Parties and Witnesses.

- 7.** At the time a report is made, the reporting party does not have to decide whether to file a Formal Complaint or make a report of sexual misconduct to law enforcement.
- 8.** An affected party has the right to request Supportive Measures from the University, which may include interim contact restrictions.
- 9.** The reporting party has the right to seek medical treatment to address physical and mental health and to preserve evidence.
- 10.** Parties may also have options to file civil actions in court or with administrative agencies.
- 11.** To file a Formal Complaint, please contact the Title IX Coordinator/designee.