

## **Sexual Misconduct Policy**

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing [accessiblepolicy@wcupa.edu](mailto:accessiblepolicy@wcupa.edu)

### **Purpose and Scope**

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 long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access 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.

---

<sup>1</sup> The full text of the Final Rule and its extensive Preamble is available here: [Title IX - US Dept of Education](#)

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.

Please reference the link for the most current [Sexual Misconduct Policy](#).

### **Policy Statement**

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.

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 reported 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

---

<sup>2</sup> The text of Act 16 of 2019 is available here: <https://bit.ly/3f7DAr6>

may be required to dismiss the Formal Complaint for a lack of jurisdiction. See the Jurisdiction and Dismissals section.

### **Policy Framework**

The *Sexual Misconduct Policy* includes sections on:

- I. Introduction
- II. Sexual Misconduct Definitions
- III. Other Definitions
- IV. Reporting Sexual Misconduct
- V. University Reporting Obligations
- VI. Jurisdiction and Dismissals
- VII. Emergency Removal for Students
- VIII. Administrative Leave for Employees
- IX. Informal Resolution Process
- X. Sexual Misconduct Resolution Process
- XI. Rights/Responsibilities
- XII. Revision History

The *Sexual Misconduct Policy* will be reviewed annually and is intended to be consistent with other University policies that are referenced herein.

Every effort will be made to construe the Code in a manner that is consistent with such policies.

### **References**

This policy is in compliance with federal and state laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendment of 1972, Section 504 of the Rehabilitation Act of 1972, Americans With Disabilities Act of 1972, Americans With Disabilities Act of 1990, Executive Orders of the Governor of Pennsylvania, and the Pennsylvania State System of Higher Education policies.

**Reviewed by:** Office for Diversity, Equity and Inclusion

**Policy Owner:** Chief Diversity and Inclusion Officer

**Approved by:** 

John Vilella, Ed.D.

Vice President for University Affairs and Chief of Staff

**Effective Date:** August 14, 2020

**Review Date:** February 1, 2025

**History:**

**Initial Approval:** Unknown

**Review Dates:** August 2018, August 2019, August 2020, December 2022

**Amended:** August 2018, August 2019, August 2020, December 2022