

THE PENNSYLVANIA STATE UNIVERSITY

The University Faculty Senate

AGENDA

Tuesday, December 1, 2020**Via ZOOM at 1:00 p.m****ZOOM link:** <https://psu.zoom.us/j/93585910342>**Or Telephone:****Dial (for higher quality, dial a number based on your current location):****US: +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833
or +1 253 215 8782 or +1 346 248 7799****Webinar ID: 935 8591 0342****International numbers available:** <https://psu.zoom.us/j/93585910342>**Or iPhone one-tap :****US: +16468769923,,93585910342# or +13017158592,,93585910342#**

In the event of severe weather conditions or other emergencies that would necessitate the cancellation of a Senate meeting, a communication will be posted on Penn State News at <http://news.psu.edu/>.

You are encouraged to use the [Senate Plenary Agenda Feedback 12/1/2020](#) to ask questions or make comments prior to the plenary session. Note that feedback is required two working days prior to the plenary session.

A. MINUTES OF THE PRECEDING MEETING

Minutes of the October 20, 2020 Meeting

B. COMMUNICATIONS TO THE SENATESenate Curriculum Report of November 10, 2020
2021-2022 Senate CalendarAppendix A
Appendix B**C. REPORT OF SENATE COUNCIL – Meeting of November 10, 2020****D. ANNOUNCEMENTS BY THE CHAIR****E. COMMENTS BY THE PRESIDENT OF THE UNIVERSITY**

F. COMMENTS BY THE EXECUTIVE VICE PRESIDENT AND PROVOST OF THE UNIVERSITY

G. FORENSIC BUSINESS

Senate Council

Impacts of Cutbacks to Libraries Collections Budgets

Appendix C

Senate Committee on Committees and Rules

Discussion of the Reorganization of Human Resources
And the Adoption of WorkDay

Appendix D

H. UNFINISHED BUSINESS

None

I. LEGISLATIVE REPORTS

Senate Committee on Committees and Rules

Revisions to Senate By-Laws, Article VII –
Delegation of Authority, Section 2

Appendix E

Revisions to Bylaws; Article IV, Section 1 and 2, Committees

Appendix F

J. ADVISORY/CONSULTATIVE REPORTS

None

K. INFORMATIONAL REPORTS

Senate Committee on Educational Equity and Campus Environment

Important Changes to Title IX
[30 minutes allocated for presentation and discussion]

Appendix G

Senate Committee on Libraries, Information Systems, and Technology

Faculty Response to the Shift to Remote Teaching:
Enabling Technologies for Remote Learning
[5 minutes allocated for presentation and discussion]

Appendix H

Penn State Relationship with BOX Application
[10 minutes allocated for presentation and discussion]

Appendix I

L. NEW LEGISLATIVE BUSINESS

None

M. COMMENTS AND RECOMMENDATIONS FOR THE GOOD OF THE UNIVERSITY

The next meeting of the University Faculty Senate will be held on Tuesday, January 26, 2021, 1:00 p.m., ZOOM link TBA.

Senators are reminded to wait to be unmuted and identify themselves and their voting unit before speaking on the floor. Members of the University community, who are not Senators, may not speak at a Senate meeting unless they request and are granted the privilege of the floor from the Senate Chair at least five days in advance of the meeting.



MINUTES OF SENATE COUNCIL
Tuesday, November 10, 2020 1:30 p.m.
Remote via Zoom

Members Present: R. Bishop-Pierce, A. Clements, C. Eckhardt, M. Jones, N. Jones, B. King, J. Kirby, L. Mangel, F. Marko, S. Maximova, K. McKinney Marvasti, J. Ozment, L. Posey, N. Rowland, B. Szczygiel, E. Seymour, K. Shapiro, A. Sinha, S. Snyder, M. Stephens, M. Strickland, N. Tallman, K. Vrana

Guests/Others: K. Bieschke, D. Blasko, E. Eckley, R. Egolf, R. Engel, M. Hanes, R. Pangborn, A. Tapia, K. Shapiro, S. Silverman, L. Zhong

Absent: M. Whitehurst, M.B. Williams

Chair Seymour called the meeting to order at 1:30 p.m. on Tuesday, November 10, 2020.

APPROVAL OF THE MINUTES

The minutes from Senate Council's October 6, 2020 meeting were approved on a Rowland/Ozment motion.

ANNOUNCEMENTS AND REMARKS

The Faculty Advisory Committee met with the President and Provost on November 10, 2020 and discussed the following topics: Election Aftermath, Next year's Budget, Post COVID Balancing remote/in-person work, SRTEs

The next FAC meeting is scheduled for January 12, 2020. Please submit any topics for FAC consideration to any of the Senate Officers or the elected FAC members, Renee Bishop-Pierce, Carey Eckhardt, or Judy Ozment.

COMMENTS FROM THE CHAIR:

Chair Seymour began by recognizing the efforts of the Senate Office. She also recognized the important work of Senate Councilors in communicating with the faculty in their units.

Vice Presidents' and Vice Provosts' Comments

Provost Jones discussed issues surrounding Covid 19. With plans to return to remote learning 10 days away we are pleased that we have not exceeded hospital space. To our knowledge there

has been zero transmission in the classroom and none in quarantine. The biggest disappointment was the increase in cases in the first three weeks of class. For Spring, the approach will need modifications. Testing is available for students, faculty, and staff as we move to remote learning. The exponential growth of COVID-19 across the country is deeply concerning and capacity issues will be a challenge across the country. Progress on vaccine development gives us hope for the future. Councilor Marko asked about timelines for alternative grading. The team is facing serious challenges in implementation. Jeff Adams in Undergraduate Education office is working on issues including academic processes and student aid, and appeals process. There can be serious consequences to student's choices.

Councilor Tallman asked for an update on vaccine distribution. We are unsure where Penn State will fall in priority for vaccine. First it will be given to health care workers and vulnerable people such as those in nursing homes. Penn State will be ready to participate in any vaccine program. In the spring we will improve procedures as national trends change. We will probably test anyone returning, or at least a much larger number, since its impossible to target counties with widespread transmission. Some of it will depend on the supply chain.

Councilor Stephens asked whether Penn State Health employees are able to go to the University health care center for testing. Faculty are covered in different ways depending on their primary appointment. Admissions and enrollment as of the census is down 2%, All campuses are up a little. Application pool for next year shows numbers that are less positive. Nov 7th applications are down 28 %, but applications that were started are up 37%. There will be follow-up with those partial applications.

Vice Provost for Faculty Affairs, Kathy Bieschke

Faye Chadwell, currently Dean of the Libraries at Oregon State University, will be joining us as Dean of the University Libraries and Scholarly Communications on March 1, 2021. We are grateful to Barbara Dewey who stayed on as dean past her retirement date because the search was delayed due to the COVID pandemic; Dean Dewey will retire on December 31, 2020. Diane Zabel will serve as Interim Dean between January 1-February 28, 2020.

Rob Pangborn, Vice President and Dean of Undergraduate Education announced his retirement, effective December 31, 2020. Marie Hardin, Dean of the Bellisario College of Communications, will chair the search for Penn State's next Vice President and Dean of Undergraduate Education. The search committee has been formed and will be charged tomorrow. Review of applications will begin in mid-December.

Peggy Johnson, Dean of the Schreyer Honors College, announced her retirement effective July 1, 2021. We are in the process of identifying a chair and search committee.

Penn State is one of 19 universities joining a three-year institutional change effort to develop inclusive faculty recruitment, hiring and retention practices; and ensuring that their teaching, advising, and mentoring is inclusive. The Association of Public and Land-grant Universities (APLU) co-leads the effort, known as [Aspire: The National Alliance for Inclusive & Diverse STEM Faculty](#). Peggy Johnson, Dean of the Schreyer Honors College, led the team that

developed the proposal, and she and Tracy Langkilde, Dean of the Eberly College of Science will co-lead Penn State's participation.

As the Provost announced at the last Senate meeting, we have revised SRTEs for this fall semester. In regard to use of SRTEs for annual reviews, SRTEs may not be used for spring or summer 2020, consistent with the Senate resolution passed in March of 2020. For Fall 2020, use of SRTEs will be optional. Rather, faculty will be required to demonstrate how they made a "good faith effort" to teach their courses. Faculty may submit a self-assessment to document their efforts in spring and summer 2020 and will be required for fall of 2020. I've presented on these decisions several times and will publish guidance about the approach by the end of the week and post it to my website (vpfa.psu.edu).

Senior Vice President and Executive Chancellor for Commonwealth Campuses, Madlyn Hanes

We are working on developing processes for students that need to remain on a campus after the University goes to remote learning. We must provide support services in all areas of campus life. Campuses are also continuing to work on faculty, staff and student testing and contact tracing. The Chair of the Task Force on Promotion to Professor will be talking with IRC, FA and EECE. Frank Marko organized a Commonwealth Caucus meeting to hear the report of the committee.

Vice President and Dean of Undergraduate Education, Robert Pangborn: (unable to attend)

Chair Seymour expressed her thanks to Dr. Pangborn for his long service to the Senate and wished him well in retirement.

Vice Provost for Educational Equity, Marcus Whitehurst (unable to attend-provided remarks)

The Office of Educational Equity, WPSU, and the Division of Development & Alumni Relations recently completed a three-part series titled: Toward Racial Equity at Penn State. To view all three Roundtable discussions, please feel free to visit: <https://www.watch.psu.edu/toward-racial-equity/index-jun8.html>

Vice Provost of Online Education, Renata Engel

World Campus trends early in the application process for the Spring Semester show that undergraduate applications are down for the spring while the graduate applications are continuing the trend we saw in the Fall Semester and showing a substantial increase. We believe that the shift in calendar for the spring applications and start of the semester are factors influencing the undergraduate trend. Because this early in the process, an update at next Senate Council will be provided.

There are two particular items that are underway for the Spring 2021 Semester that fall under the university's response to COVID-19. The Wellness Day programming is underway. Andrea Dowhower (Associate Vice President for Student Affairs), Beth Seymour (Chair of the Faculty Senate), and Michael Verderame (Senior Associate Dean of the Graduate School) have been leading the effort and have tasked subgroups to work on a variety of implementation issues, including the identification of the wellness programming. Another Spring 2021 Semester planning group is looking at possible approaches for embedded study away programs for the Spring Semester, if they are deemed permitted from a health and safety standpoint. Roger Brindley, Vice Provost for Global Programs, is leading that effort, in the event that it is safe to have study away—domestic or international—content tethered at the end of the spring semester.

This week is the Military Appreciation Week and tomorrow is Veterans Day and it is fitting that I bring to your attention a website that was created for the Senior Director of Veterans Affairs and Services, Eugene McFeely, to address a unified approach to support military learners. The site <https://veterans.psu.edu/> was created with the vision of Eugene McFeely, and the expertise of WPSU and World Campus to present easy access to the breadth of support for veterans across all campuses. Consistent with One Penn State 2025 vision and Penn State's longstanding support of military learners and their families, this site will serve those who serve our nation. I also want to take a moment to acknowledge the support that the Faculty Senate has given to military learners through the thoughtful application of policy, particularly to address the circumstances when a military learner is deployed.

Senate Officers: None

Executive Director: None

ACTION ITEM

2021-2022 Senate Calendar.

Memo from Liberal Arts Caucus.

Chair Seymour asked Carey Eckhardt to work with the Liberal Arts caucus to draft a forensic report for Senate Council to consider sponsoring for the December 1 plenary meeting. The forensic report was sent to Council November 9, 2020 for review.

The Forensic was placed on the agenda by a Ozment/Rowland motion.
15 minutes were allotted.

GRADUATE COUNCIL

Kent Vrana reported that the Graduate Council voted by a margin of 87% to explore ways to open up the Graduate Council meetings outside guests. The Committee on Procedures to charged to work on rules for open meetings.

Item G. SENATE AGENDA ITEMS FOR DECEMBER 1, 2020

FORENSIC BUSINESS

Senate Committee on Committees and Rules. “Discussion of the Reorganization of Human Resources and the Adoption of WorkDay.” On a Rowland/Tallman motion the reports was placed on the agenda. 15 minutes was allotted.

LEGISLATIVE REPORTS

Senate Committee on Committees and Rules, Revisions to Senate By-Laws; Article VII – Delegation of Authority, Section 2. On a Rowland/Szczygiel motion the report was placed on the agenda.

Senate Committee on Committees and Rules, Revisions to Bylaws; Article IV, Section 1 and 2, Committees. On a Szczygiel/Eckhardt motion the report was placed on the agenda.

ADVISORY/CONSULTATIVE REPORTS: NONE

INFORMATIONAL REPORTS

Senate Committee on Educational Equity and Campus Environment, Important Changes to Title IX. On a Strickland/Szczygiel motion the report was placed on the agenda. Thirty minutes has been allotted for presentation.

Senate Committee on Libraries, Information Systems and Technology. Faculty Response to the Shift to Remote Teaching: Enabling Technologies for Remote Learning. This also includes the TLT infographic in your agenda. On a Szczygiel/Ozment motion the report was placed on the agenda. Five minutes has been allocated for presentation.

Senate Committee on Libraries, Information Systems and Technology. Penn State relationship with Box application. On a Eckhardt/Szczygiel motion the report was placed on the agenda. Ten minutes has been allotted for presentation.

APPROVAL OF THE AGENDA

Senate Council approved the December 1, 2020 Senate Agenda.

COMMENTS FOR THE GOOD OF THE ORDER

NEW BUSINESS: NONE

ADJOURNMENT: On a Eckhardt/Kirby motion, the meeting was adjourned at 3:20 pm.

Dawn G. Blasko, Executive Director



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University Faculty Senate

101 Kern Graduate Building
University Park, PA 16802
Phone: 814-863-0221

COMMUNICATION TO THE SENATE

DATE: November 13, 2020

TO: Elizabeth Seymour, Chair, University Faculty Senate

FROM: Mary Beth Williams, Chair, Senate Committee on Curricular Affairs

The *Senate Curriculum Report* dated November 10, 2020 has been circulated throughout the University. Objections to any of the items in the report must be submitted to Kadi Corter, Curriculum Coordinator, 101 Kern Graduate Building, 814-863-0996, kkw2@psu.edu, on or before **December 8, 2020**.

The *Senate Curriculum Report* is available on the web and may be found at:
<http://senate.psu.edu/curriculum/senate-curriculum-reports/>

2021-2022 Senate Calendar

Curriculum Proposals Due	Council Reports Due	Senate Council Meetings and Curriculum Report Publication Date	Senate Meetings
June 4, 2021	June 8, 2021	June 22, 2021	*July 13, 2021
August 13, 2021	August 17, 2021	August 31, 2021	September 14, 2021
September 17, 2021	September 21, 2021	October 5, 2021	October 19, 2021
October 22, 2021	October 27, 2021	November 9, 2021	November 30, 2021
December 10, 2021	December 14, 2021	January 11, 2022	January 25, 2022
January 28, 2022	February 1, 2022	February 15, 2022	March 15, 2022
March 18, 2022	March 22, 2022	April 5, 2022	April 26, 2022
June 3, 2022	June 7, 2022	June 21, 2022	*July 12, 2022

*Tentative Summer Meeting

Meeting the Moment: A Progress Report



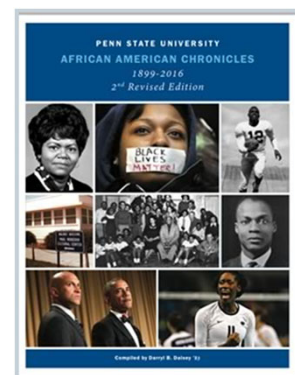
A Discussion with the Faculty Senate on Diversity, Inclusion and Equity
December 1, 2020



1

Diversity and Inclusion Foundation

- Penn State has long recognized the importance of making the university a more diverse and welcoming.
- Office of the Vice Provost for Educational Equity provides leadership at an institutional level.
- In 2014, we focused on diversity as a moral, educational and business imperative.
- One of six foundations of our Strategic Plan.
- Articulated commitment in the Penn State Statement on Diversity, Equity and Inclusion.



2

A New Urgency to Act

- Death of George Floyd and other senseless tragedies.
- Black Lives Matter Movement and global focus on the fight for freedom, liberation and justice.
- From June through present, Penn State received about 4,200 emails from our community related to diversity, racism, and hate speech – most urging action.



3

Plan for Action Announced June 10

1. Convene a task force to initiate a full review of the Student Code of Conduct.
2. Work across the university to initiate mandatory bias training for all employees.
3. Support student leaders request for required racism and bias coursework.
4. Continue to develop improved policies, procedures and expectations that will increase the hiring and retention of faculty in underrepresented groups.
5. Work the Board of Trustees on educational and employment equity.
6. Reconvene Task Force on Policing and Communities of Color.
7. Prioritize the well-being of the Penn State community.
8. Name a Select Penn State Presidential Commission on Racism, Bias and Community Safety.



4

Progress on Key Initiatives

- Select Presidential Commission Recommendations
- Student Code of Conduct Revisions
- Policing and Communities of Color Actions
- Other University Work Underway



5

Select Presidential Commission on Racism, Bias and Community Safety

Co-chairs:

- **Danielle M. Conway**, dean and Donald J. Farage Professor of Law, Penn State Dickinson Law
- **Clarence Lang**, Susan Welch Dean of the College of the Liberal Arts, professor of African American studies
- **Beth Seymour**, chair, University Faculty Senate, associate teaching professor of anthropology, communications, history, and women's, gender and sexuality studies, Penn State Altoona

Membership:

Broad representation of leaders and scholars at all levels of the University, including the leadership of the current University Presidential Commissions, as well as alumni.



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Overarching Strategy

- Enterprise Approach
 - Networked DEI Strategy: Investing in all the initiatives related to Diversity, Inclusion and Equity.
 - Coherence between University-level units including Affirmative Action, Educational Equity and Human Resources; Commission subgroups are doing an audit of current DEI activities.
 - Direct reporting line to the president.



7

Recommendation One:

Truth and Reconciliation Process

Establish Penn State as the vanguard institution of Antiracist work

Establish a transparent plan of operation, engaging independent third-party professional mediators who work alongside internal leaders from the office of:

The purpose of the T&R Commission:

Affirmative Action

Educational Equity

General Counsel

Human Resources

Address past and present policies and practices

Provide a University-wide framework for rehabilitation and reparations

Issue recommendations aimed at healing communities



8

Recommendation Two:

Research, Teaching & Learning that Furthers Antiracist Scholarship, Pedagogy, and Culture



Create and fund an Antiracist Scholarship Center linking the 24 campuses with a unified fellowship program as a primary focus



Make Antiracism central to a Penn State education



Remove bias as a barrier to the success of students, staff, and faculty of color in research, teaching, and extension environments



Optimize existing tools and create novel resources to promote a welcoming and safe culture on Penn State's campuses



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Recommendation Three:

University-wide Onboarding and Mentorship of Students, Staff, Faculty, and Administration

Assess how community entrants are attracted and invited

- Enrollment Management
- Talent Sourcing
- Skills Requirements
- Budget Models

Assess what cultural components reflect and effect change

- Curricular requirements
- Open, public discourse about structural barriers
- Acknowledgment of intersectional identities and DEI challenges
- Individual and Collective Accountability for DEI
- Resourcing DEI

Assess what is created by the institution

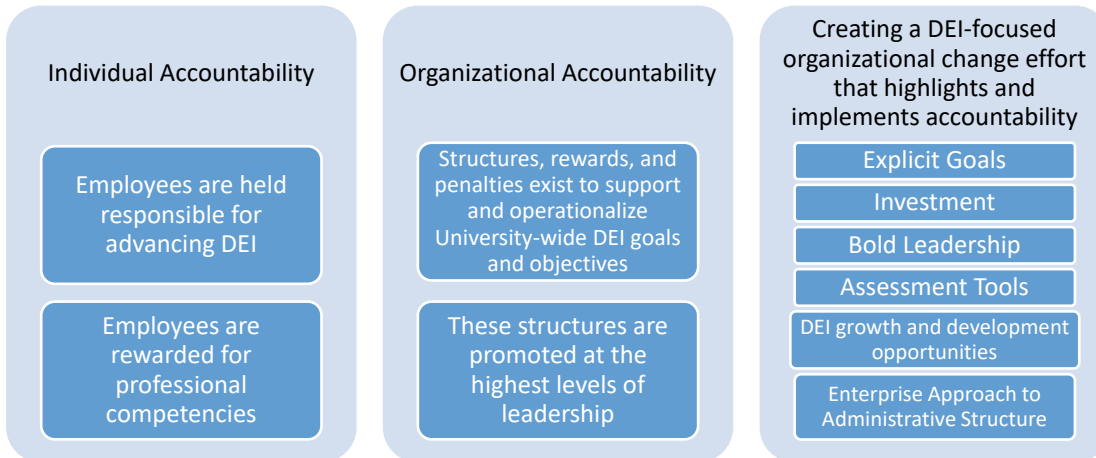
- Inclusive, welcoming communities
- Alumni activation
- Change in Culture



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Recommendation Four:



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Student Code of Conduct Review Committee

- **Co-chairs:**
 - Nyla Holland, undergraduate student and President of Penn State Black Caucus and
 - Shoba Sivaprasad Wadhia, Clinical Professor of Law and Associate Dean for Diversity, Equity and Inclusion at Penn State Law
- **Membership**
 - Undergraduate and graduate students, faculty, and administrators from Student Affairs, General Counsel, University Police and Public Safety, and Educational Equity.



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Process

- Committee convened in mid-July to initiate a full review of the Student Code of Conduct.
- ActionTogether website invited ideas, input and suggestions from the community.
- Committee focused on promoting equity and removing ambiguous language throughout the code.
- Committee benchmarked Penn State's Student Code of Conduct against other codes within the Big Ten Conference.



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Student Code of Conduct Major Recommendations

- 1) Modify purpose and introduction that includes a mandatory module for students about the Code of Conduct.
- 2) Reimagine and modify "substantial university interest" to expand scope for off-campus conduct.
- 3) Include acts of bias as a Code violation.
- 4) Align language from AD91 into the Code of Conduct.
- 5) Create more equitable conduct procedures for students.
- 6) Include restorative justice practices.
- 7) Diversify staff and volunteers for the Office of Student Conduct.
- 8) Incorporate explicit public reporting requirements to improve transparency.



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Student Code of Conduct Next Steps

- Student Affairs and General Council review completed with green light with some changes to language for implementation.
- Intent is to adopt Code for Spring Semester and test its effectiveness with our students and their behavior.
- The goal is to ensure Penn State values are part of and reflected by the Code of Conduct.



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Task Force on Policing and Communities of Color

- Task Force Chair, Emil L. Cunningham, Director for Diversity and Inclusion for Finance and Business
- Representation includes:
 - Penn State administrators, faculty, students and staff;
 - The municipalities of State College Borough, Ferguson and Patton townships;
 - University and local municipal police departments;
 - Chamber of Business and Industry in Centre County.



Emil L. Cunningham



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Background of Task Force

- First organized in 2015 with the goal of improving the relationship among law enforcement and underrepresented racial and ethnic minority communities.
- Reconvened and charged by David Gray and Tom Fontaine on Oct. 7.



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Current Focus Overview

- Understand the state-of-affairs related to policing and communities of color.
 - identifying accomplishments from the previous report (as well as report updates),
 - identifying areas that still needed to be addressed,
 - offering recommendations for future work that might still lie ahead for the task force.



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Initial Steps and Outreach

1. Obtain a consistent and holistic update from local municipalities and Penn State University Park regarding progress made on all 2015 Task Force recommendations.
2. Review and reflect on what the data –from local municipalities and UP– suggests regarding the current climate between police and communities of color.
3. Engage in benchmarking and look to the literature/scholarship concerning what are the current best practices to help position this task force to provide new and updated recommendations.

As we enter the second month of the task force's work, the task force is requesting information from local municipalities and UP to inform the work.



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Other University Police and Public Safety Initiatives

- Appointed Iris Richardson as the department's first director of diversity, equity and inclusion.
- Committed to purchase body-worn cameras for all police officers at 22 campuses.



Iris Richardson



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Other University Police and Public Safety Initiatives

- New transparency report
 - Policies
 - Training
 - Statistics
- Committed to “8 Can’t Wait”



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Other Actions Underway at Penn State

- Three-part livestream series titled “Toward Racial Equity at Penn State” featuring university leaders and students.
- Equal Opportunity Planning Committee is providing seed funding for innovative pilot programs promoting equity.



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Board of Trustees Actions

- Created oversight task force on racism, bias and community safety led by trustee Brandon Short.
- Set a goal of at least 50% underrepresented groups on the board by 2025.
- Repurposed the standing Compensation Committee as the Equity and Human Resources Committee with a focus on advancing equity, inclusion and diversity at Penn State.



23

Philanthropy: Educational Equity Matching Program

- Established Four Matching Opportunities: 2:1 match University-wide; 2:1 match Millennium Scholars; 2:1 match Bunton-Waller; and 1:1 match Unit designation.
- As of October 15, 2020, there have been 115 committed gifts worth \$7.63M.
- When combined with the University matching funds, the total impact of the committed gifts will be \$24.6M.



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EDUCATIONAL EQUITY MATCHING PROGRAM

AS OF OCTOBER 15, 2020

Matching Program	Committed Donor Gifts	Donor Gifts	Total Impact	Proposals Outstanding	Amount Solicited	Potential Total Impact
2:1 match University-wide	17	\$1,081,333	\$3,243,999	16	\$1,195,000	\$3,585,000
2:1 match Millennium Scholars	5	\$235,000	\$705,000	4	\$188,000	\$564,000
2:1 match Burton-Waller	4	\$375,000	\$1,125,000	1	\$50,000	\$150,000
1:1 match Unit Designation	87	\$5,884,495	\$11,768,990	92	\$7,250,100	\$14,500,200
2:1 match Grad Scholarship	2	\$49,785	\$149,355	0	\$0	\$0



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Addressing Racial Bias Through Scholarly Work

- Build on 2019 example of the College of the Liberal Arts cluster hire of 9 new faculty members with a shared expertise in African American and African Diaspora life and culture.
- Build a culture of inclusion in all disciplines:
 - Clinical and Translational Science Institute presents “Cultivating a Climate of Diversity, Equity and Inclusion.
 - Arts events at the Center for Performing Arts and the Palmer Museum of Art focusing on diversity, equity, inclusion and belonging.
 - McCourtney Institute for Democracy virtual book club examine antiracism.



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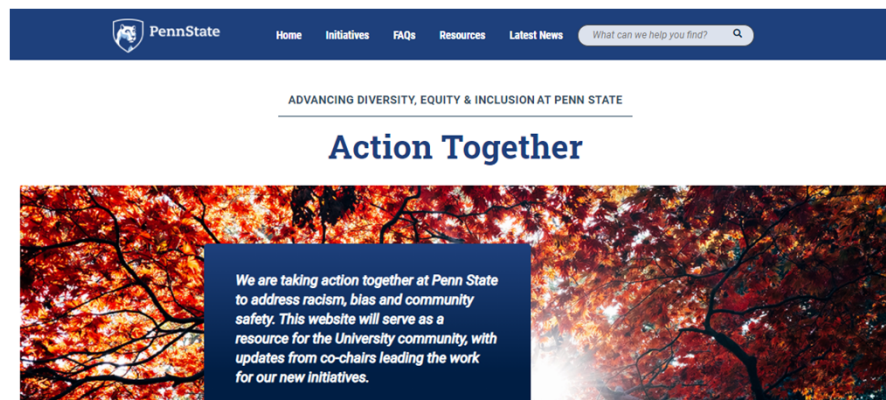
Review and Rethink Hiring Practices

- University Faculty Senate passed landmark legislation to update full-time hiring policy for the first time in 20 years to advance diversity, equity and inclusion.
- New Hires: Assistant vice president for diversity, inclusion and belonging in the office of Human Resources (national search underway); New associate deans for diversity, equity and inclusion hired at Penn State Law; other colleges in process.



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A New Website to Chart Progress actiontogether.psu.edu



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Summary

- *We face a profound challenge in university communities across the nation.*
- *Our very mission is to serve and advance the citizens of our commonwealth and nation through education.*
- *It's a mission that fails if we are not diverse and inclusive.*
- *Together we can create a more just society.*



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COVID-19 Operations Update and Spring 2021 Objectives

University Faculty Senate
Tuesday, December 1, 2020



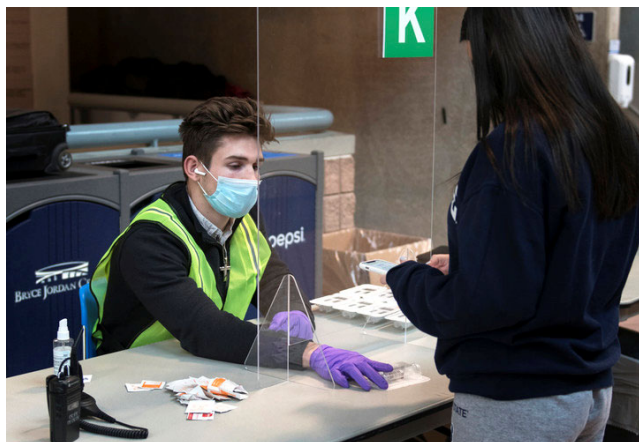
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COVID-19 OPERATIONS CONTROL CENTER (COCC)

1

Today's Topics

- Snapshot of Key Data
 - Testing
 - Positive Cases
 - Quarantine and Isolation
- “Return Home” Debrief
- Year-End Plans
- Spring 2021 Objectives



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COVID-19 OPERATIONS CONTROL CENTER (COCC)

2

2

Snapshot of Key Data (through Nov. 19)

- **Tests: 134,348 University-wide**
 - 97,000+ Vault tests (includes Pre-Arrival and Departure)
- **University Park students**
 - 4,587 positive cases; 318 “active”
 - 31 in quarantine
 - 48 in Isolation
 - **Campuses Outside UP:** 549 confirmed student cases total
- **Departure Tests: 17,783** conducted from Nov. 12-20
- **Contact Tracing: 12,100** interactions identified
- **Call Center: 962** calls during first 5 weeks; 249 last week



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COVID-19 OPERATIONS CONTROL CENTER (COCC)

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University COVID-19 Dashboard: Friday, Nov. 20

University Park Student Data Summary



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COVID-19 OPERATIONS CONTROL CENTER (COCC)

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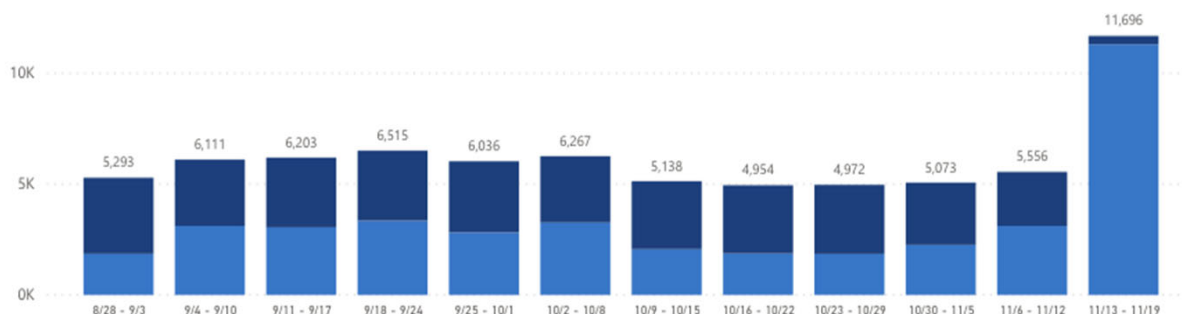
Tests Performed by Week – University Park Students

Data from August 28 through November 19

light blue = on-demand testing; dark blue = random/surveillance testing

Tests Performed by Week

● On-Demand Testing ● Random Testing



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COVID-19 OPERATIONS CONTROL CENTER (COCC)

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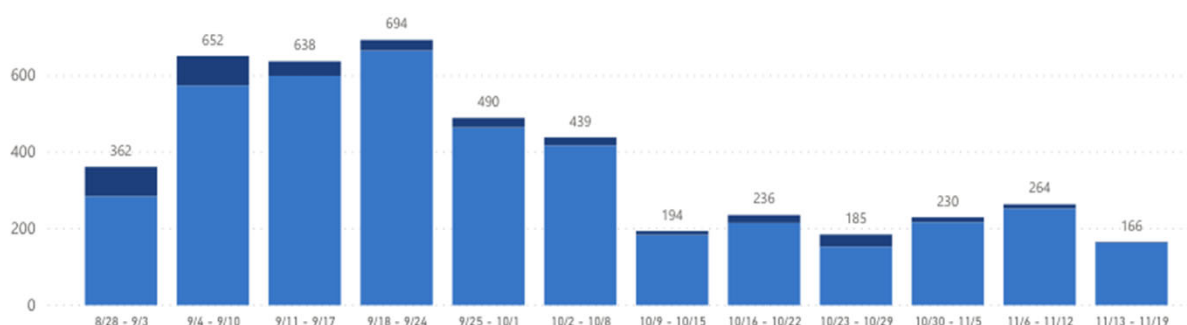
Positive Cases by Week – University Park Students

Data from August 28 through November 19

light blue = on-demand testing; dark blue = random/surveillance testing

Positive Cases by Week

● On-Demand Testing ● Random Testing



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COVID-19 OPERATIONS CONTROL CENTER (COCC)

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Quarantine and Isolation Data

- **Fall Semester Quarantine and Isolation**
 - University Park: Ranged from 13% to 45% of capacity (400)
 - Commonwealth Campuses: Ranged from 2% to 38% of capacity (244)
- **Current Quarantine and Isolation**
 - University Park: 11% of capacity
 - Commonwealth Campuses: 14% of capacity
 - 9 campuses impacted: Abington, Altoona, Beaver, Berks, Erie, Harrisburg, Hazleton, Mont Alto, and Schuylkill



“Return Home” Debrief

- **Voluntary student departure testing**
 - Tests conducted Nov. 12-19 at University Park and Nov. 16-20 at other campuses
 - 17,783 test appointments scheduled University-wide as of Nov. 19; nearly 15,000 of them at UP
 - **Results (see chart):** 325 positive cases; 237 at UP – overall positivity rate less than 2%
 - Still analyzing data
- **Successful communications, execution**

University Park	14,949	237
Abington	174	9
Altoona	345	15
Beaver	62	2
Berks	172	4
Brandywine	83	1
DuBois	35	2
Erie	697	38
Fayette	29	0
Greater Allegheny	41	0
Harrisburg	395	9
Hazleton	58	0
Hershey	339	3
Lehigh Valley	32	2
Mont Alto	76	0
New Kensington	47	0
Schuylkill	38	1
Scranton	51	0
Shenango	11	0
Wilkes-Barre	27	0
York	21	0
Great Valley	13	0
Dickinson Law	47	0
World Campus	41	2
	17,783	325



Year-End Plans

- Monitoring Pennsylvania restrictions, guidance (latest on Nov. 17)
 - Testing, Quarantining, Masking
- Campus operations through Dec. 23
- Opt-in testing availability
- Access to campus facilities
- Call Center
- Salesforce Phase 1 implementation
- CLIA Laboratory Certification for TASC
- Rapid-test vendor negotiations



PennState

COVID-19 OPERATIONS CONTROL CENTER (COCC)

9

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Spring 2021 Objectives

1. Continue to prioritize health and safety of our students, of our faculty and staff, as well as of the communities that are home to our campuses, our employees and our students.
2. Assure that campus-related cases do not overwhelm local medical/health infrastructures and that acute-care support remains available at all campus locations.
3. Minimize number of positive returning/initial student cases through comprehensive pre-arrival and post-arrival testing.



PennState

COVID-19 OPERATIONS CONTROL CENTER (COCC)

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Spring 2021 Objectives, continued

4. Enhanced detection, reduction, and management of the number of positive student cases during the semester through compliance management and process improvement , including enhanced testing regimens, data fidelity, contact tracing processes, and quarantine/isolation (Q/I) strategies.
5. Continue to provide sufficient quarantine and isolation capacity for students, minimize delays of students transitioning into Q/I space, and improve the Q/I experience.
6. Support faculty and staff return-to-workplace activities and continue to meet the testing needs of our faculty and staff at all campus locations.
7. Emphasize academic excellence and continue to provide highest level of student engagement on campuses as possible.



PennState

COVID-19 OPERATIONS CONTROL CENTER (COCC)

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Spring 2021

- Required pre-arrival testing for all students
- On-arrival testing backup strategy (rapid)
- Entire student body retested (rapid) within two weeks of semester start
- Ongoing semester surveillance/screening
 - Up to 2% per day with CLIA laboratory support
- Walkup with rapid testing
- Remain flexible for possible delay or shift due to changing public health conditions/guidelines

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Confirmed Cases: Employees and Students by Campus

Campus	Employee		Student	
	Confirmed Cases Active	Total Confirmed Cases	Confirmed Cases Active	Total Confirmed Cases
Abington (AB)	1	3	12	22
Altoona (AL)	1	6	26	276
Beaver (BR)	0	0	2	5
Berks (BK)	2	2	3	16
Brandywine (BW)	0	0	4	10
College of Medicine (Hershey) (HY)	1	2	4	28
Dickinson Law (Carlisle) (CR)	0	1	0	0
DuBois (DS)	0	1	4	5
Erie (ER)	3	5	61	116
Fayette (FE)	0	0	0	4
Great Valley (GV)	0	0	0	0
Greater Allegheny (GA)	0	0	0	1
Harrisburg (HB)	1	2	18	46
Hazleton (HN)	1	1	0	4
Lehigh Valley (LV)	0	0	2	4
Mont Alto (MA)	1	1	1	9
New Kensington (NK)	0	1	0	3
Schuylkill (SL)	0	0	5	11
Scranton (WS)	0	0	0	15
Shenango (SH)	0	0	0	0
University Park (UP)	6	29	318	4,587
Wilkes-Barre (WB)	0	0	0	1
York (YK)	0	1	0	1



PennState

COVID-19 OPERATIONS CONTROL CENTER (COCC)

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SENATE COUNCIL

Impacts of Cutbacks to Libraries Collections Budgets

(Forensic)

Rationale/Background

We invite forensic discussion about an issue that affects faculty and students throughout the University—the stringent cuts to the Libraries’ budgets for collections acquisitions, especially in the humanities and social sciences.

As Senators we would like to acknowledge and express our gratitude for the longstanding partnership between the Libraries and the University Faculty Senate, which has been visible in several Senate contexts and is formalized especially through the Senate’s Committee on Libraries, Information Systems, and Technology (LIST), a committee that includes representation of faculty and student Senators and Libraries administrators. We also acknowledge that in our current environment, where budget units throughout the University must absorb cuts, yet strive to avoid job losses, the non-payroll components of budgets often must bear most of the reductions. Further, we realize that budgetary decisions are not within the purview of the University Faculty Senate—although the Senate does consider their academic impact, which is what we would like to emphasize here.

Within this context, we note that for the 2020-2021 fiscal year, the Libraries’ collections

budget will be reduced by \$2.2 million (see Penn State News, July 2, 2020, <https://news.psu.edu/story/624778/2020/07/02/research/penn-state-libraries-reducing-collections-budget-2020-21-fiscal>) . We are very concerned that a disproportionate amount of that cut will be borne by collections that are central to the missions of the humanities (and related arts fields) and social sciences throughout the University. We have heard that these fields will be assigned approximately a quarter of the total reduction (about \$400,000 in the humanities and \$200,000 in the social sciences). We acknowledge that though these cuts are prompted by an ongoing emergency, they also respond to other financial and facilities-related concerns. Moreover, we understand that the University Libraries are obligated to continue their ongoing commitments that cannot immediately be cut. However, in following that principle, our information is that these cuts entirely excluded the multiyear contracts with publishers from consideration, and instead fell only upon the yearly approval plans. As disciplines in the humanities and social sciences receive the majority of their acquisitions through the latter, and other disciplines primarily through the former, in this process the arts, humanities, and social sciences have been disproportionately impacted by cuts that could otherwise be shared equitably by all. Further, we

are concerned by indications that these cuts may become permanent, rather than implemented only for 2020-21.

To date, there has not been extensive faculty consultation about this situation, which means that many faculty have unanswered questions and concerns. The academic impact on the availability of humanities databases and monographs, for example, may be substantial. Is it correct that individual faculty across the University will be expected to take on greater responsibility for identifying specific books to purchase, on their students' behalf as well as their own, if general purchase orders or approval plans are discontinued? If so, this approach could be a significant addition to faculty workload. It could also result in patchy or inequitable outcomes, if some faculty were able to give more attention to this task than others. As another example, we welcome the availability of online resources, but we do not know whether online resources that are important to us are among those to be cut. Also, in our fields not everything is available online. For print-only materials we definitely understand the advantages of pooling library resources not only across Penn State but also with our Big 10 Academic Alliance partners and other libraries, yet an over-reliance on Interlibrary Loan can inhibit research. Further, assurances that acquisition shortfalls in our disciplines can be "made up" through future purchase orders are not convincing since that funding is not guaranteed and could be similarly (and potentially, also unequally) cut in the future.

More generally, what are the implications of such cuts to a library system designated as a congressional depository in an era in which humanists and social scientists, among their other research topics, are responding to a unique set of coordinates between the resurgence of far-right movements, black solidarity movements, and COVID 19 globally? And even were the budget to return to normal allocations post COVID 19, what is the plan for catching up on the materials which have been lost to the collections during the financial gap? What is the strategy for discerning what resources, such as online journals, can best be shared with other universities, and which materials, such as monographs and rare journals related to Penn State specialties, are less accessible through shared, online resources?

The University Libraries are the essential and central resource for teaching, research, and service in multiple fields at all Penn State locations. We welcome broad Senate engagement with this concern. The potential impacts should be discussed soon, so that Faculty Senators and the constituencies they represent can provide substantial consultation before decisions and processes related to the cuts are in place.

Responses are invited to the following questions:

1. What short-term impacts on faculty and students are the proposed cuts to the Libraries' acquisition budgets likely to have? How can those impacts be mitigated?

2. What roles can (or should) the faculty play in setting priorities for acquiring and maintaining Libraries collections in various fields?

3. For the longer run, how could these changes in library acquisitions impact future collaborations with the Libraries, curriculum development, and department/ program missions?

SENATE COUNCIL

- Ann Clements
- Carey Eckhardt
- Maureen Jones
- Brian King
- Josh Kirby
- Lisa Mangel
- Frantisek Marko
- Siela Maximova
- Karyn McKinney-Marvasti
- Judy Ozment
- Lisa Posey
- Nicholas Rowland
- Beth Seymour
- Alok Sinha
- Stephen Snyder
- Mark Stephens
- Martha Strickland
- Bonj Szczygiel
- Nathan Tallman
- Mary Beth Williams

SENATE COMMITTEE ON COMMITTEES AND RULES

Discussion of the Reorganization of Human Resources and the Adoption of WorkDay

(Forensic)

Rationale/Background

Over the last five years, the University has upgraded many of its core software systems and the processes facilitated by these systems. Among these was the adoption of the Workday software system for managing human resources within the WorkLion Human Resources portal at Penn State. During the adoption period for WorkDay, the Office of Human Resources also underwent a re-organization that centralized HR personnel. Since the reorganization of HR and adoption of WorkDay, some academic administrators, faculty, and staff report an increase in workload and responsibilities. The Senate Committee on Committees and Rules could find no evidence of University-wide or Unit assessment of the effectiveness of WorkDay or the restructuring of HR. Further, there has been no assessment of the effects these changes may have had on faculty workload. To facilitate assessment of how these changes have impacted faculty, the Senate Committee on Committees and Rules wishes to gather input from Senators and their constituent faculty on the following questions:

1. How has faculty workload changed due to the WorkDay adoption?
2. What challenges for faculty have resulted from the HR reorganization?

SENATE COMMITTEE ON COMMITTEES AND RULES

- Renee Borromeo
- Victor Brunsden, Chair
- Jeffrey Laman
- Lisa Mangel
- Eric Novotny
- Nicholas Rowland
- Elizabeth Seymour
- Rob Shannon
- Keith Shapiro
- Amit Sharma
- Martin Skladany
- Bonj Szczygiel
- Anne Taylor, Vice Chair
- Kent Vrana

SENATE COMMITTEE ON COMMITTEES AND RULES

Revisions to Senate By-Laws, Article VII – Delegation of Authority, Section 2

(Legislative)

Implementation: Upon approval by the Senate

Introduction and Rationale

The Graduate Council is the faculty governance organization to which the University Faculty Senate delegates the authority for and the work of maintaining graduate curriculum. As such, the Senate has required that it receive reports on graduate curriculum in fulfillment of its role as the body that manages the curriculum for the University and has required the Dean of the Graduate School to present a report on both the curricular and non-curricular aspects of the state of graduate education at Penn State. Now that the Graduate Council is chaired by an elected faculty member, it is more appropriate that Graduate Council's chair be the one to deliver the curricular report. However, there is still a need for the Senate to receive regular reports regarding all aspects of graduate education so there is a continuing need for information to be presented by the Dean of the Graduate School. It should be noted that there is no reason that these reports cannot be combined if this is agreeable to both the Graduate Council and the Dean of the Graduate School. The purpose of this legislation is to modify the relevant By-Laws so as to accomplish this.

Recommendation

Recommendation 1: That Article VII, Section 2 of the Senate By-Laws be amended as follows:

Please note that the following contains ~~striketrough~~ text for deletions and **bold** text for additions. Additionally, deleted text is delimited with *[Delete][End Delete]*, while added text is delimited with *[Add][End Add]*.

Section 2

The faculty of the Graduate School, as represented by the Graduate Council, is delegated authority for the interests of the Graduate School except in those matters that have University-wide implications; it shall administer its own affairs subject to review by the Senate.

(a) The review process shall include a report of actions of the Graduate Council to the Senate through the Senate Council. On special motion of the Senate Council, any of those actions may be placed on the agenda of the Senate for appropriate action.

(b) The Senate Council will provide for liaison with the Graduate Council.

*[Add]***(c) The Chair of the Graduate Council shall present an annual report to the University Faculty Senate.***[End Add]*

*[Delete](c)[End Delete]**[Add](d)[End Add]* The Dean of the Graduate School shall present an annual report to the University Faculty Senate.

Revised Policy (Clean Copy)

Section 2

The faculty of the Graduate School, as represented by the Graduate Council, is delegated authority for the interests of the Graduate School except in those matters that have University-wide implications; it shall administer its own affairs subject to review by the Senate.

(a) The review process shall include a report of actions of the Graduate Council to the Senate through the Senate Council. On special motion of the Senate Council, any of those actions may be placed on the agenda of the Senate for appropriate action.

(b) The Senate Council will provide for liaison with the Graduate Council.

(c) The Chair of the Graduate Council shall present an annual report to the University Faculty Senate.

(d) The Dean of the Graduate School shall present an annual report to the University Faculty Senate.

SENATE COMMITTEE ON COMMITTEES AND RULES

- Renee Borromeo
- Victor Brunsden, Chair
- Jeffrey Laman
- Lisa Mangel
- Eric Novotny
- Nicholas Rowland
- Elizabeth Seymour
- Rob Shannon
- Keith Shapiro
- Amit Sharma
- Martin Skladany
- Bonj Szczygiel
- Anne Taylor, Vice Chair
- Kent Vrana

SENATE COMMITTEE ON COMMITTEES AND RULES

Revisions to Bylaws; Article IV, Section 1 and 2, Committees

(Legislative)

Implementation: Upon approval by the Senate

Introduction and Rationale

Since the University Faculty Senate Constitution Article 1 Section IV authorizes Senate committees to act for and in the name of the Senate, voting on these committees should express the views of Senators. CC&R therefore recommends amending the Bylaws Article IV Section 1 to add consistency and clarity to the voting membership so that the same voting rules apply for standing and special committees as they do for plenary sessions. This further clarifies the rule in Section 2, which becomes redundant. This change will allow us to remove the confusing asterisks after some appointed members in the Standing Committees rules by clarifying that any senator, whether elected or appointed, has equal voting rights in any standing, special or plenary meeting.

Recommendation

*Please note that the following contains **bold** text for additions and ~~strikeouts~~ indicating deleted text. Deleted text is notated with [Delete] [End Delete]. Added text is notated with [Add] [End Add].*

Recommended changes to Bylaws; Article IV, Section 1, Committees are as follows:

Bylaws Article IV – Committees

Section 1

The Senate shall determine its committee structure and composition with only the following stipulations:

- (a) Any University personnel or any student of the University may be appointed to a committee.
- (b) Chairs of Standing Committees must be elected faculty senators.
- (c) **[Add] The voting membership of Senate standing committees, special committees, and subcommittees consists of elected faculty, ex-officio, student, or appointed senators.[End Add]**

[Add] **(d)** *[End Add]* A majority of the voting membership of a Senate standing or special committee must be elected faculty senators.

[Delete] **Section 2**

~~Persons who are appointed to committees and standing subcommittees who are also members of the University Faculty Senate have full voting privileges on the committee or subcommittee on which they serve whether elected faculty, ex-officio, student, or appointed senators~~

~~Section 3.~~*[End Delete]* *[Add]* **Section 2***[End Add]*

All members of Standing Committees who are not members of the Senate shall have nonvoting privileges of the floor when the subject of discussion pertains specifically to the work of their respective committees.

Revised Policy/Policies (Clean Copy)

Bylaws Article IV – Committees

Section 1

The Senate shall determine its committee structure and composition with only the following stipulations:

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- (b) Chairs of Standing Committees must be elected faculty senators.
- (c) The voting membership of Senate standing committees, special committees, and subcommittees consists of elected faculty, ex-officio, student, or appointed senators.
- (d) A majority of the voting membership of a Senate standing or special committee must be elected faculty senators.

Section 2

All members of Standing Committees who are not members of the Senate shall have nonvoting privileges of the floor when the subject of discussion pertains specifically to the work of their respective committees.

SENATE COMMITTEE ON COMMITTEES AND RULES

- Johnathan Abel
- Michael Berube
- Renee Borromeo
- Victor Brunsden, Chair
- Beth King
- Jeffrey Laman
- Binh Le
- Judith Ozment
- Nicholas Rowland
- Elizabeth Seymour
- Keith Shapiro
- Anne Taylor, Vice Chair
- Rodney Troester
- Kent Vrana

SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT

Important Changes to Title IX

(Informational)

Background

Chris Harris, Penn State's Title IX Coordinator and Suzanne Adair, Associate Vice President for Affirmative Action, will attend the December 1, 2020 Faculty Senate meeting to present an summary of the Department of Education's new Title IX Regulations, which went into effect on August 14, 2020. This presentation will include an overview of Penn State's response to the new regulations and highlight changes to the University's policies and procedures.

SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT

- Douglass Bird
- Kimberly Blockett, Chair
- Artemio Cardenas
- Felecia Davis
- Sibusiwe Dube, Vice Chair
- Kaitlin Farnan
- Ranier Foley-Defiore
- Karly Ford
- C. Libby
- Dajiang Liu
- Bratoljub Milosavljevic
- Brian Patchcoski
- Andrew Sandoval-Strausz
- Cori Smith
- Marcus Whitehurst
- Arpan Yagnik

**SENATE COMMITTEE ON
EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT**

**New Penn State Title IX Policy
(Informational)**

Introduction

On May 6, 2020, the U.S. Department of Education announced new Title IX regulations for schools, colleges and universities that receive federal funding. The 2020 Title IX regulations require recipients to define sexual harassment using a definition established by the U.S. Supreme Court. The Title IX regulations also require recipients to implement specific due process requirements for investigating and resolving sexual harassment cases. The regulations apply equally to students, faculty, and staff.

The Title IX Oversight team consisting of administrators from the Affirmative Action Office, Student Affairs and the Office of General Counsel, briefed President Barron and other University leaders on May 18, 2020 regarding the new regulations and their impact on existing University policies and procedures. After the briefing, an implementation committee consisting of key internal stakeholders was assembled to provide feedback and guidance to the oversight team as they worked to develop new University policies and procedures to meet the August 14, 2020 deadline for implementing the new Title IX regulations.

On June 2, 2020, the University's Title IX Implementation Committee met to discuss the new regulations and assess their impact on existing University policies and procedures. The committee included representation from University Park and the Commonwealth Campuses. Members of the committee included:

- Suzanne Adair, Associate Vice President, Affirmative Action*
- Chris Harris, Title IX Coordinator, Affirmative Action*
- Sarah Ades, Associate Dean, Graduate Student Affairs, Graduate School
- Katherine Allen, Associate General Counsel, Office of General Counsel
- Mark Belkowski, Chair, University Staff Advisory Council
- Tracie Bogus, Clery Compliance Manager, University Police & Public Safety
- Bob Boland, Athletics Integrity Officer, Ethics and Compliance
- Todd Clark, Senior Director, Student Services, Penn State Harrisburg
- Holly Cline, Associate General Counsel, Office of General Counsel

- Maureen Cooper, Director, Commonwealth Campus Athletics
- Stephanie Delaney, Deputy Chief, University Police & Public Safety
- Kenya Faulkner, Chief Ethics and Compliance Officer, Ethics and Compliance
- Karen Feldbaum, Interim Senior Director, Student Conduct*
- Tracy Garnick, Director, Student Services & Engagement, Penn State Hazleton
- Charmelle Green, Associate Athletic Director; Deputy Title IX Coordinator
- Robert Hartman, Sr. Director, Labor and Employment Relations
- Audra Hixson Director, Gender Equity Center
- Amanda Jones, Senior Director, Human Resources-Academic Units
- Tamla Lewis, Associate General Counsel, Office of General Counsel*
- Cody Meixner, Assistant General Counsel, Office of General Counsel*
- Brian Patchcoski, Director, Center for Sexual and Gender Diversity
- Spencer Peters, Director, Office of Sexual Misconduct Prevention and Response*
- Stephanie Preston, Associate Dean, Graduate Educational Equity, Graduate School
- Beth Seymour, Chair, Faculty Senate
- Danny Shaha, Assistant Vice President, Student Affairs*
- Jennifer Wilkes, Assistant Vice President, Commonwealth Campuses
- Kim Yoder, Deputy Title IX Coordinator, Penn State College of Medicine
- Tanya Pasko, Committee Staff Support, Affirmative Action Office

** member of the Title IX Oversight team*

The committee provided recommendations to the Oversight Team to consider when drafting new policy or revising existing policies. These recommendations included provisions for providing support to the parties (complainants and respondents) during the fact-finding hearing phase of the University's Title IX grievance process. The committee also provided the Oversight team with feedback regarding the potential impact of the regulations on the reporting of instances of sexual harassment and misconduct.

Background

The U.S. Department of Education's rulemaking process began approximately two years ago. The Office for Civil Rights (OCR) for the department administered Title IX enforcement within a mixed framework of regulatory and sub-regulatory guidance. Under this framework, OCR periodically released the yield of their investigations into alleged violations of Title IX. The guidance served to provide colleges, universities, and K-12 with greater understanding of the appropriate application of Title IX. OCR also periodically released "Dear Colleague" letters. These letters were often responses to questions posed to OCR regarding various facets of Title IX compliance. The written guidance provided by OCR was not binding and did not carry with it the full force and effect of law. In September 2017, the Department of Education retracted several years of guidance documents, including pivotal guidance provided to schools in 2011. The 2011 guidance provided a broad interpretation of a college or university's "education

program and activity.” This was intended, in part, to address the wide range of impacts experienced by victims/complainants.

Under the current administration, the department determined that such a broad interpretation of Title IX went beyond the original intent of the law. The department cited the inconsistent application of Title IX and an increase in the number of due process federal lawsuits, filed predominately by respondents against colleges and universities, as factors in its decision to retract previous guidance and replace that guidance with regulations. After a two-year rule-making period, including a public comment period, the Department of Education publicly announced the new Title IX regulations on May 6, 2020. The regulations and accompanying summary of public comments submitted to and responses from the Department of Education, were publicized in the Federal Register on May 19, 2020. The 2020 Title IX regulations contain 13 major provisions:

- Notice to the School, College or University; Actual Knowledge
- Definition of Sexual Harassment for Title IX purposes
- Sexual Harassment Occurring in a School’s “Education Program or Activity” in the United States
- Accessible reporting to TIX Coordinator; adoption and publication of TIX procedures
- School’s Mandatory Response Obligations: Deliberate Indifferent Standard
- School’s Mandatory Response Obligations: Defining complainant, respondent, formal complaint, supportive measures
- Grievance process: General requirements
- Investigations
- Hearings
- Standard of Evidence & Written Determination
- Appeals
- Informal Resolution
- Retaliation Prohibited

To ensure that Penn State developed policy that reflected the many requirements of the new regulations, numerous University officials worked in concert with the Oversight team to appropriately balance the University’s commitment to address sexual harassment with the requirements of the new regulations.

Discussion and Conclusion

The definition of sexual harassment and jurisdictional requirements significantly decreases the scope of Title IX’s jurisdiction. The Title IX regulations can only be applied to a matter if the alleged behavior occurred within the University’s education program or activity. “Education program or activity” is limited to those locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the prohibited conduct occurred. Additionally,

the department specified that the alleged prohibited conduct must occur against a person in the United States. These jurisdictional limitations presented potential challenges for colleges and universities like Penn State, that previously applied their Title IX policies to behavior that is outside the narrow jurisdiction provided in the 2020 regulations. In response to this concern, the Department of Education noted that colleges and universities have institutional choice to either apply the various provisions in the Title IX regulations to all sexual harassment cases or develop separate policies and procedures to address behavior that may fall outside of Title IX's jurisdiction. Penn State's Title IX Oversight team determined that such a two-prong approach was consistent with the University's commitment to addressing sexual harassment. The decision to adopt this two-prong approach led to the creation of a new comprehensive Title IX Policy (AD85) and revisions to the University's Discrimination and Harassment Policy (AD91) to include provisions to address prohibited sex and/or gender-based harassment that may fall outside of Title IX's jurisdiction.

The University's Title IX Policy went into effect on August 14, 2020 and is provided below. In summary, readers will note that the policy is accompanied by the procedures that will be applied in all Title IX sexual harassment matters. The new policy also specifically defines pertinent terms and provides specific steps that are to be followed to process formal complaints of Title IX sexual harassment, including provisions for informal resolution of such matters. The new policy also identifies University resources where one can seek information and support and outlines the possible sanctions for students, faculty, and staff.

Additionally, readers will note that the "responsible employee" designation previously included in AD85 has been removed. Although the department permitted institutions to retain a mandatory reporting requirement for non-confidential employees, the Oversight Team determined that it would adopt the "actual knowledge" standard established in the regulations. This standard means that the University will have actual knowledge of suspected prohibited Title IX sexual harassment only when a person with the authority to take corrective measures on behalf of the University is notified of such behavior. Those with such authority include the Title IX Coordinator, Deputy Title IX Coordinator, Title IX investigators, student conduct officers, police, human resources, and University employees with supervisory authority as defined in the policy.

As a result of the Department of Education's finding in March 2020 that Penn State previously violated Title IX policy, the University signed a Resolution Agreement with the Department, which outlines corrective actions that will be taken to comply with the new law. One of the requirements of that agreement is that the Department must approve the University's new Title IX policies and procedures. AD85 was submitted to the Department at the end of July 2020 as required, but to date, the Department has not yet provided any feedback or approval to the University. Therefore, the policies and procedures outlined in AD85 are not final and revisions may be made to AD85 once the University receives the Department's feedback.

AD85 Title IX Sexual Harassment

Policy Status: Active

Subject Matter Expert: Chris Harris, 814-863-0471, cjh41@psu.edu

Policy Steward: Vice President for Administration

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Effective August 14, 2020, the University will implement the specific procedural requirements described below to address complaints of sexual harassment as defined under Title IX. These procedures apply equally to both parties, whether the party is a University student, faculty, staff member or other individual participating or seeking to participate in a University education program or activity. Parties to a matter are encouraged to contact the Title IX Coordinator directly with any questions or concerns regarding the application of these procedures or rights contained herein.

PURPOSE

To establish The Pennsylvania State University's ("Penn State" or the "University") policy prohibiting sexual harassment and misconduct, including, but not limited to, acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking, in accordance with

Title IX of the Education Amendments of 1972 (“Title IX”). This Policy references other University policies which may be implicated in University disciplinary procedures related to conduct that falls outside the scope of this Policy.

NON-DISCRIMINATION STATEMENT

Penn State is committed to equal access to programs, facilities, admission and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, gender expression, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated. Gender-based and sexual harassment, including sexual violence, are forms of gender discrimination in that they deny or limit an individual’s ability to participate in or benefit from University programs or activities.

POLICY STATEMENT

Conduct prohibited by this Policy may also violate Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, as well as other applicable federal and state laws. It is the responsibility of the University’s Title IX Coordinator to ensure that the University meets its obligations under Title IX. Title IX is a civil rights law that prohibits discrimination on the basis of sex in public and private educational institutions that receive Federal funds. Because Penn State is a recipient of Federal funds, the University must fully comply with the provisions of Title IX and its regulations.

The University will provide regular, mandatory training for all University employees related to issues covered under this Policy. All University employees will be required to complete Title IX training within the first 30 days of employment at the University. In addition, all University employees will be required to complete an annual Compliance Training as a reminder of reporting requirements and procedures.

The University will publish training materials on titleix.psu.edu which are up to date and reflect the latest training provided to Title IX personnel.

APPLICABILITY

All students, faculty, staff, affiliates, and other individuals participating or attempting to participate in University programs and activities are subject to this Policy. This Policy applies to conduct which occurs within the United States, either on Penn State property or off campus in a Penn State-sanctioned education program or activity.

FREE EXPRESSION AND ACADEMIC FREEDOM

The University is committed to its long-standing tradition of academic freedom and free expression. The University is an institution whose members may express themselves, while protecting and respecting the rights of others to learn, to conduct research, and to carry out the essential functions of the University free from interference or obstruction. When addressing complaints of alleged violations of this Policy, the University will take all permissible actions to respond appropriately while respecting the rights of free expression and academic freedom. See Penn State Policies [AC64](#), [AC47](#) and [AD51](#).

AMNESTY FOR STUDENTS

The University strongly encourages students to report incidents that may violate Title IX. Therefore, students who act responsibly by reporting to the appropriate authorities information about conduct violating this Policy typically will not face University disciplinary action for their own drug or alcohol possession or consumption in connection with the reported incident.

RETALIATION PROHIBITED AND CORRECTIVE ACTION

This Policy prohibits intimidation, threats, coercion, and discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or 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.

Pursuant to Penn State Policy AD67 and this Policy, Retaliation is, in itself, a violation of this Policy and the law, and is a serious separate offense. See Penn State Policy [AD67](#). Complaints alleging Retaliation for exercising rights pursuant to or engaging in the process set forth in this Policy shall be handled in accordance with the grievance procedures set forth herein.

Furthermore, the Title IX Coordinator will ensure that prompt corrective action is taken if either party experiences retaliation or if the complainant is subjected to further violations or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant or other members of the University community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as overseeing the implementation of trainings and disseminating informational materials.

FALSE REPORTS

Willfully making a false report of Title IX Prohibited Conduct is a violation of University Policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report under this Policy may be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

PRIVACY AND DISCLOSURE

To provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the Title IX process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Formal Complaint, the investigative report, the notices of hearing, and any prehearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceedings. In particular, in order to respect the reasonable privacy of all participants, no party, Advisor, or witness may record Title IX hearing(s) or disclose any recording of the hearing(s) or any portion thereof. A recording of the hearing will be created and maintained by the University. Any violation of these confidentiality requirements may result in sanctions.

Neither party will be required to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the final outcome of the grievance process or appeal process.

TITLE IX TERMS AND DEFINITIONS

Advisor

An individual who has agreed to serve as an informal provider of support and advice for a Complainant or Respondent. Both parties may select an individual of their choice to serve as their Advisor. Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. The University will appoint an Advisor for parties who have not selected their own. The role of the Advisor is to assist and guide the party during all related University Title IX proceedings. The Advisor, upon a party's request may (1) accompany the party in any related meeting/proceeding, (2) advise the party in the preparation and presentation of sharing of information, (3) conduct cross-examination in Title IX hearings on behalf of the party they represent, and (4) advise the party in the preparation of any appeals. The Advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party, other than at the Title IX hearing. If, at any point, an Advisor becomes disruptive or fails to follow the rules for participation as set forth in this Policy, the University reserves the absolute and non-appealable right to remove the Advisor from the proceeding, and, if appropriate, any future meetings/proceedings. If a party's Advisor is removed, that party may choose another Advisor or otherwise will have one appointed for them by the University. For additional information on the role of an Advisor, see Section XIII of this Policy.

Complainant

A Complainant is an individual who is alleged to be the victim of conduct that could constitute Title IX Prohibited Conduct. A Complainant who files a Formal Complaint must be participating in, or attempting to participate in, the education program or activity of the University.

Consent

Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Days

Days refer to business days, excluding weekends and those days which are designated as holidays by the official University calendar or by action of the University President or Provost, unless otherwise specified herein.

Education Program or Activity

Education Program or Activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Emergency Removal

The University may remove a Respondent from the University's education program or activity, on an emergency basis, after undertaking an individualized safety and risk analysis, if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual (including the Respondent themselves) arising from the allegations of Prohibited Conduct. In the case of such removal, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The process for an emergency removal of students is described in the [Office of Student Conduct's Interim Suspension procedures](#) document. The process for administrative leave for employees will be managed consistent with HR and departmental policies.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct (as defined herein) against a Respondent and requesting that the University investigate the allegation of Prohibited Conduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in one of the University's programs or activities. A Formal Complaint filed by a Complainant may be a document or electronic submission (such as by e-mail or through an online portal) but must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

Hearing Panel

The mixed-gender, three (3)-person panel who are members of the University's Title IX Hearing Board (i.e., the full pool of trained Title IX hearing officers) charged with adjudicating alleged violations of this Policy. Only individuals who have participated in Title IX Hearing Panel training conducted by Penn State or comparable in-depth panel training will be permitted to serve on Title IX Hearing Panels. Students are not permitted to serve on Title IX Hearing Panels.

Notice Triggering the University's Response Obligation

Notice to the Title IX Coordinator, or to an official with authority to institute corrective measures on the University's behalf, triggers the University's response obligations under this Policy. Such officials include the Title IX Coordinator, Deputy Title IX Coordinators, the Office of Sexual Misconduct Prevention & Response, the Office of Student Conduct, the Affirmative Action Office, Human Resources, and other employees with Supervisory Authority.

Prohibited Conduct

Sexual harassment under Title IX ("Prohibited Conduct") means conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity ("Title IX Sexual Harassment").
2. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct ("Quid Pro Quo Harassment").
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking:
 1. *Sexual Assault* (as defined in Clery Act - 20 U.S.C. § 1092(f)(6)(A)(v)). The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
 2. *Dating Violence* (as defined in VAWA - 34 U.S.C. § 12291(a)(10)). The term "dating violence" means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and,
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. the length of the relationship;
 2. the type of relationship; and,
 3. the frequency of interaction between the persons involved in the relationship.
3. *Domestic Violence* (as defined in VAWA - 34 U.S.C. § 12291(a)(8)). The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
4. *Stalking* (as defined in VAWA - 34 U.S.C. § 12291(a)(30)). The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. fear for their safety or the safety of others; or
 2. suffer substantial emotional distress.

Remedies

Remedies are provided to a Complainant where a determination of responsibility for Prohibited Conduct has been made against the Respondent, following a grievance process that complies with this Policy. Remedies must be designed to restore or preserve access to the University’s Education Program or Activity. Remedies may include disciplinary sanctions or other actions against a Respondent, such as individualized Supportive Measures as defined below; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Title IX Coordinator is responsible for ensuring effective implementation of any Remedies.

Respondent

A Respondent is an individual who has been alleged to be the perpetrator of conduct that could constitute Title IX Prohibited Conduct.

Retaliation

Retaliation means any adverse action taken by a member of the University faculty, staff, or student body against any individual on the basis of a complaint made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the

University, or participation in a court proceeding relating to suspected Prohibited Conduct at the University. Retaliation shall include, but not be limited to, harassment, discrimination, threats of physical harm, job termination, punitive work schedule or research assignments, decrease in pay or responsibilities, or negative impact on academic progress. See Penn State Policy [AD67](#).

Supervisor / Supervisory Authority

A University employee who has the power to control or influence another person's academic advancement, employment, or extracurricular participation, including but not limited to, admission, grades, assignments, evaluations, hiring, athletic participation, work conditions, compensation, promotion, discipline, supervision of dissertations/theses, recommendations, financial support, or participation in extracurricular programs.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter Prohibited Conduct.

Time Periods

The University will make every reasonable effort to resolve complaints in reasonably prompt timeframes. Stated timelines are not binding and create no rights for the parties. The University can extend the deadlines at its discretion.

There is no time limit on a Complainant's decision to bring a report or file a Formal Complaint, but at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education program or activity.

REPORTING

The Title IX Coordinator is the individual designated by the University to coordinate its efforts to comply with Title IX responsibilities.

Any person may report sex discrimination, including sexual harassment (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.[\[1\]](#)

Title IX Coordinator

Chris Harris, Title IX Coordinator

328 Boucke Building

University Park, PA 16802

(814) 863-0471

titleix@psu.edu

Deputy Title IX Coordinators

The Title IX Coordinator may delegate responsibility for handling a report to a Deputy Title IX Coordinator, as appropriate, or may refer the matter to another office or individual in the event the matter reported falls outside of the scope of this Policy:

Title IX Matters Involving Student Respondents

Office of Sexual Misconduct Prevention & Response

220 Boucke Building

University Park, PA 16802

(814) 867-0099

Title IX Matters Involving Employees (faculty and staff) or Third-Party Respondents

Affirmative Action Office

328 Boucke Building

University Park, PA 16802

(814) 863-0471

Reports to Law Enforcement

If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911. For conduct that could also constitute a crime under Pennsylvania law, a Complainant is encouraged—but not required—to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SART exam if needed, which may be helpful if a decision is made to pursue criminal charges.

University officials will assist you in contacting local law enforcement authorities, if you request assistance. If you believe that there is an ongoing threat to your safety from a particular individual, you may request an emergency [Protection from Abuse Order \(PFA\)](#) or [Sexual Violence Protection Order \(SVPO\)](#). If the alleged incident occurred on the Penn State campus (and the alleged incident is not ongoing), individuals may contact Penn State University Police and Public Safety at its non-emergency telephone number (814) 863-1111.

Supportive Measures

Throughout the processes and procedures outlined in this Policy, the Complainant(s) and Respondent(s) shall be offered appropriate Supportive Measures and protection from retaliation. See Penn State Policy [AD67](#). The Complainant(s) shall also be informed by the Title IX Coordinator or their designee how to make a Formal Complaint to the University under Title IX, and/or a criminal report, and how to file a complaint with the appropriate state or federal agency.

Supportive Measures are designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Upon notice that any person has allegedly experienced actions that could constitute Title IX Prohibited Conduct, the Title IX Coordinator or their designee will respond promptly by offering Supportive Measures and an explanation of the Complainant's option to file a Formal Complaint that will initiate a formal investigation.

The party is not required to file a Formal Complaint to receive Supportive Measures. The provision of Supportive Measures will not be conditioned on the Complainant's participation in any formal investigation, whether the investigation is initiated by a Formal Complaint made by the Complainant or by the Title IX Coordinator. Additionally, the Complainant may report the alleged conduct solely for the purposes of receiving Supportive Measures and may choose to file a Formal Complaint at a later date, if at all.

Supportive Measures are not designed or permitted to be punitive or disciplinary measures (sanctions) imposed against a Respondent. The Respondent is presumed to be not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process. Both a Complainant and a Respondent may have good-faith bases for requesting Supportive Measures. The University will consider the request of either party for Supportive Measures and implement them where it is deemed reasonable and appropriate.

Supportive Measures may include emotional support and counseling with a confidential resource, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, no-contact directives, emergency removal and other similar measures. The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Emergency Removal / Individualized Safety and Risk Analysis

In rare circumstances, the University may remove a Respondent from the University's education program or activity, on an emergency basis but only after undertaking an individualized safety and risk analysis and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations of Prohibited Conduct (including the Respondent themselves). In matters that involve student Respondents, the Senior Director, Office of Student Conduct, will complete the individualized safety and risk assessment. If the Senior Director or designee reasonably believes that such a threat is posed, an interim suspension may be assigned. In the case of such removal the University will provide the student Respondent with notice and an opportunity to challenge the decision immediately following the removal. See [Interim Suspension procedures](#).

For matters involving employee Respondents, the Affirmative Action Office (AAO), in consultation with the employee's Supervisor and other relevant University officials, will undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an imminent threat to the physical health or safety of any person arising from the allegations of Prohibited Conduct. If the University determines administrative leave is appropriate, the employee Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

Informal Report

Notice to a Title IX Coordinator or to an official with authority to institute corrective measures on the University's behalf triggers the University's response obligations.

Upon receipt of notice of an allegation of Prohibited Conduct (which may come from any individual), the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. A Complainant's wishes with respect to whether the University investigates should be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.

Formal Complaint

A Formal Complaint alleges Prohibited Conduct against a Respondent and requests that the University investigate the allegation. There is no deadline for a Complainant to file a Formal Complaint alleging Prohibited Conduct and requesting that the University invoke the formal investigatory process; however, the Complainant must be participating or attempting to participate in the University's education program or activity at the time the Formal Complaint is

filed. The passage of time may impact the University's ability to gather information related to the incident.

A Formal Complaint must be signed and must include a description of the alleged Prohibited Conduct, including the name or names of persons allegedly responsible for the alleged misconduct, the time, date and location of the alleged misconduct, if known, and the names of any potential witnesses, if known. The Formal Complaint can be submitted in person, online via email or by using the University's online reporting form: <https://titleix.psu.edu/>. The signature on the Formal Complaint can be electronic (i.e., an email signature containing the first and last name of the Complainant). The signature can be on a written document submitted in person to the Title IX Coordinator. In some circumstances, it is the Title IX Coordinator who will file the Formal Complaint. Under those circumstances, the Title IX Coordinator will sign the Formal Complaint.

1. Initial Assessment

The Title IX Coordinator shall make an initial assessment as to whether the Formal Complaint on its face alleges an act of Prohibited Conduct and whether the Prohibited Conduct is covered by this Policy. If not, Title IX requires that the University dismiss the matter as described below.

If such a determination is reached, the Complainant will receive an explanation in writing, including information regarding the appeal process, referrals to other appropriate administrative units, University officials, or resources to assist the Complainant. A required dismissal under Title IX does not mean that the University cannot or will not review and respond to the alleged behavior under other applicable federal regulations or University policies. These include Title VII and relevant University policies such as the Code of Conduct and the University's Discrimination, Harassment, and Related Inappropriate Conduct Policy (Penn State Policy [AD91](#)). In those cases, the Title IX Coordinator will refer the matter to the appropriate office for management.

2. Dismissal Prior to Investigation

Mandatory

If the initial assessment determines that the conduct alleged in the Formal Complaint would not constitute Prohibited Conduct even if true, did not occur in the University's Education Program or Activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of this Policy as required by Title IX.

1. **Written Notice of Dismissal before Investigation.** Upon dismissal, the University shall promptly send written notice of the dismissal, rationale, and information regarding the appeal process simultaneously to the parties.
2. **Referral.** Dismissal does not preclude action under another applicable University Policy. In the event of dismissal for purposes of this Policy, the Title IX Coordinator may refer the matter to the appropriate office for consideration under another University Policy. Matters will be referred as follows:

1. Matters in which the Respondent is a student will be referred to the Office of Student Conduct.
2. Matters in which the Respondent is an employee (faculty and staff) or third party will be referred to Affirmative Action Office.

Discretionary

The Complainant may request a dismissal of the Formal Complaint. The Complainant must notify the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegation(s) therein. Upon receipt and review of the request for dismissal, the Title IX Coordinator may dismiss the Formal Complaint. A Complainant may re-file the complaint at a later date and request a continuation of the formal investigation process or voluntarily agree to an informal resolution process.

Under certain circumstances, the Title IX Coordinator may determine that a Complainant's request for a dismissal cannot be granted because of the presence of aggravating factors. In those circumstances, the University may choose to proceed with the investigation despite the request by the Complainant(s) for a dismissal of the Formal Complaint. If such a decision is made, the Complainant(s) will be notified in writing regarding the reason(s) for the decision. Aggravating factors include, but are not limited to:

- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the role of drugs and/or alcohol in the incident;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional harassment or violence;
- whether there have been other reports of misconduct or other verified misconduct by the Respondent;
- whether the report reveals a pattern of related misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and,
- any other available and relevant information.

A Formal Complaint also may be dismissed if the Respondent is no longer enrolled at or employed by the University, or if there are specific circumstances that prevent the University from gathering evidence necessary to make a determination or carry out the grievance process (for example, the identities of the people involved are not known). In all cases, the Title IX Coordinator will notify the parties in writing regarding any dismissal, including the reason(s) for the dismissal and the parties' right to appeal.

3. Appeal from Dismissal

If a Formal Complaint is dismissed, both parties will have the equal right to appeal consistent with the procedures outlined in Section XVI of this Policy.

VOLUNTARY INFORMAL RESOLUTION

At any time after a Formal Complaint has been submitted, but before a final determination regarding responsibility has been made, the parties may enter a voluntary, informal resolution process. A Formal Complaint must be filed before informal resolution can be considered. An informal resolution process cannot be applied in matters where an employee is accused of sexually harassing a student. If the parties agree to participate in an informal resolution process, it is the University's responsibility to ensure that the matter is resolved within a reasonably prompt timeframe. Further, the University cannot compel a party to participate in an informal resolution process.

To participate in a voluntary informal resolution process, both parties must:

- Provide voluntary written consent acknowledging that they are willingly entering into an informal resolution process.
- Agree, in writing, that all sanctions or other conditions designed to address the behavior will be applied by the Respondent's immediate Supervisor and/or the Associate Vice President for Affirmative Action in consultation with the Title IX Coordinator for all employee and third-party matters. For cases that involve student Respondents, the sanctions or other conditions designed to address the behavior will be applied by the Senior Director, Office of Student Conduct, in consultation with the Title IX Coordinator.
- Acknowledge, in writing, that they are aware of their right to withdraw from the informal resolution process and resume the formal investigation process at any time prior to agreeing to a resolution.

The voluntary informal resolution process will be managed by the Affirmative Action Office (AAO) for employee and third party-related matters and by the Office of Sexual Misconduct Prevention and Response (OSMPR) for student-related matters.

INVESTIGATION OF FORMAL COMPLAINT

The University must conduct an adequate, reliable, objective, and impartial investigation of all Formal Complaints. This means that the University is committed to providing both parties with appropriate and adequate notice at all phases of the process and an equal opportunity to provide information to the investigator(s) during the investigatory process and review documents gathered as part of the investigation. Each party will be provided with an equal opportunity to review and respond to such information. In all cases, the Respondent is presumed to be not responsible for the alleged conduct unless and until a determination is made of responsibility at the conclusion of the grievance process.

During the investigative process, the University investigator(s) will gather and review all relevant evidence, taking into consideration both the inculpatory (incriminating) and exculpatory (information that demonstrates no wrongdoing) aspects of that information prior to rendering a final decision. While the parties are encouraged to provide all pertinent information to the investigators, the burden of gathering evidence remains at all times on the University. Such information may include the names of potential witnesses and documentary evidence such as emails, text messages or other similar electronic communications. The information may also include, in some cases, medical, psychological, or other treatment records, provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation. If the party provides the investigator with written consent, the treatment documents will become part of the evidentiary file, which both parties have the right to review.

The University will take reasonable steps to gather initial facts and evidence by providing both parties with an opportunity to meet with the investigator. The investigator may request additional interviews with a party or parties based on information gathered during the investigation. During every interview, the Complainant and Respondent will have opportunities to provide the investigator with their recollection of the alleged incident(s), the names of witnesses and copies of documents. Providing information to the investigator, whether submitted verbally or by the submission of documents, or both, is voluntary for all parties. The University cannot compel a party or witness to answer any questions during the interview or submit documents or otherwise make any statements; however, the parties are encouraged to provide relevant information to the investigator. A party or witness's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report.

The University will seek to complete the investigation and any additional necessary processes within a prompt and reasonable amount of time, typically not to exceed 120 days. This timeline is not binding and creates no rights for the parties. The University can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay. The parties will be notified, in writing, when the investigation resumes, if there was a temporary pause.

The University may, in its discretion, consolidate Formal Complaints where the allegations arise out of the same facts. The University will investigate the allegations in any Formal Complaint not subject to dismissal. The Title IX Coordinator will designate an individual (who will not be the Title IX Coordinator) to conduct an investigation of a Formal Complaint, when a decision is made not to dismiss such complaint and when informal resolution is not appropriate or both parties do not give voluntary, informed, written consent to informal resolution in accordance with the processes below. The burden of gathering evidence and the burden of proof is on the University.

Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. An Advisor should not be selected with the actual or effective purpose of disrupting or attempting to disrupt the Title IX grievance process, or of causing emotional distress to any party. Parties may consult with their Advisors quietly or in writing during any meetings, but the Advisor may not speak on behalf of the advisee

or directly participate otherwise in the proceedings, other than at the Title IX hearing. Delays in the conduct process will not normally be allowed due to scheduling conflicts with Advisors.

Investigation Process

1. Notice of Allegations and Investigation

Both parties will simultaneously receive written notification of the allegations and notice that the University has initiated a formal investigation. The “Notice of Allegations and Investigation” will include:

1. A reasonably detailed description of the alleged behavior including the names of relevant parties, description of the alleged offending behavior(s) and the date, time, and locations of the incident(s), if known. It will also include 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 grievance process.
2. A statement regarding the standard of evidence to be used in considering the facts and evidence. A “preponderance” standard means that it is more likely than not, based upon the totality of all relevant evidence and reasonable inferences from the evidence, that the Respondent engaged in the Prohibited Conduct.
3. A statement apprising the party of their opportunity to present relevant facts and witnesses. In all formal investigations, both parties will have an equal opportunity to present information to the investigator, including the names of witnesses and other relevant information.
4. A description of the University’s investigative procedures and a list of the parties’ rights, including the right to inspect and review all evidence obtained by the investigator(s) (including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility), and the right for each party to have an Advisor of their choice present at any grievance proceeding or any related meeting.
5. The range of possible sanctions and remedies.
6. The bases for appeal and procedures associated with the appeal process.
7. Information regarding Supportive Measures available to both Complainants and Respondents.
8. A statement regarding the University Policy prohibiting Retaliation (See Penn State Policy [AD67](#)).
9. A statement regarding the University’s requirement for all parties that they will not make false statements or knowingly submit false information as prohibited by University rules and regulations.

Within five days of receipt of the Notice of Allegations and Investigation, both parties shall provide the Title IX Coordinator written notice of their Advisor’s name and contact information.

2. Amended Notice

If, during the course of the investigation, the University acquires information previously unknown or unavailable to the investigator at the time of the original notice (e.g. names of

previously unknown relevant parties, dates of incident(s), the times or locations of incident(s), or additional allegations of misconduct involving the Respondent), the University will revise the Notice of Allegations and Investigation to include this information and simultaneously provide the parties with an amended copy of the notice.

If the University acquires information that suggests that additional Title IX Prohibited Conduct may have occurred, in addition to the alleged Title IX Prohibited Conduct raised in the initial complaint, the University may investigate the additional allegations concurrently with the initial allegation. All parties will be provided with a reasonable amount of time to respond to the new allegations, including the right to present relevant information to the investigator.

3. Preliminary Investigative Report

At the conclusion of the initial investigation, the investigator will draft a preliminary investigative report that includes all evidence gathered, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory and exculpatory evidence, and all evidence obtained as a part of the investigation that is directly related to the allegations in the formal complaint. The investigator will send the preliminary investigative report to the Title IX Coordinator for review within five (5) days of receipt. The investigator will send the preliminary investigative report to each party and their Advisors in an electronic format other than email, such as a secure file-sharing platform of the University's choosing, with at least ten (10) days for the parties to submit a written response.

The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the preliminary investigative report.

At the conclusion of the review period, the University will remove the parties' electronic access to the preliminary investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, the investigator will provide the parties with a hard copy of the evidence in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient's signature. Parties who receive a hard copy of the preliminary investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

The investigator will consider the parties' responses to the preliminary investigative report and, if warranted, shall conduct additional investigation based thereon. The parties recognize that such additional information may cause the timelines for the completion of the investigation and grievance process to be extended.

4. Final Investigative Report

The investigator, after reviewing and considering the parties' responses to the preliminary investigative report and conducting any additional investigation, will complete the final Investigative report that fairly summarizes the relevant evidence and will send the report to the Title IX Coordinator.

Within five (5) days of receipt of the final investigative report, the Title IX Coordinator will make a determination that: (1) the University will convene a hearing before an impartial fact-finding Hearing Panel who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility **OR** (2) the matter will be dismissed because the investigation revealed facts that either: (a) require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX Prohibited Conduct, even if true, did not occur in the University's Education Program or Activity, or did not occur in the United States); or, (b) allow for a dismissal (e.g., if the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the University, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein). If a determination is made to dismiss the Formal Complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate University Hearing Panel for disposition.

The investigator will send to each party and their Advisors the final investigative report (including the Title IX Coordinator's determination) for their inspection and review using a secure file-sharing platform of the University's choice.

The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the final investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, a hard copy of the evidence will be provided to the parties in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient's signature. The same restrictions regarding copying, photographing or otherwise making attempts to retain a copy of the preliminary investigative report apply to the final investigative report. Parties who receive a hard copy of the final investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

FORMAL HEARING PROCESS

A. Receipt of Final Investigative Report. Within five (5) days of receipt of the final investigative report, the Title IX Coordinator or their designee will select the members of the Title IX Hearing Panel and will provide a copy of the final investigative report to the members of the Hearing Panel. Promptly after selection of the Hearing Panel members, the Title IX Coordinator or their designee will provide concurrent written notice to the parties of the date, time and location of the hearing.

B. Responsibilities of Hearing Panel & Parties. The Hearing Panel is required to objectively evaluate all relevant evidence both inculpatory and exculpatory, and to independently reach a determination regarding responsibility. The University may provide an attorney from its Office of General Counsel, or outside counsel, to advise the Hearing Panel.

Responsibilities of the Hearing Panel:

1. Ensure that only relevant cross-examination questions must be answered by a party or witness before the party or witness answers. The Hearing Panel may exclude questions that are irrelevant or duplicative.
2. Ensure that the hearing process is administered in a fair and impartial manner and that all participants observe basic standards of decorum and that all questions are asked and answered in a respectful, non-argumentative, and non-abusive way. The Hearing Panel will be responsible for ensuring that all parties and witnesses are protected from answering questions designed to be harassing, intimidating, or abusive.
3. Render a decision using a preponderance of the evidence standard using the facts as presented through careful examination of the final investigative report, witness testimony, including cross-examination, and the review of all relevant evidence.

Responsibilities of the Parties at the Hearing (Complainant and Respondent):

1. Truthfully answer questions posed by the Hearing Panel.
2. Truthfully answer relevant questions posed by the other party via their Advisor.
3. Attend the hearing in its entirety, being present for all witness testimony.
4. Adhere to basic standards of decorum by answering questions posed by the Hearing Panel or a party's Advisor in a respectful, non-argumentative, and non-abusive way.

C. General Rules for the Hearing

1. Technical rules of process and evidence, such as those applied in criminal or civil court, are not used in these proceedings. Evidence permitted at the live hearing is limited to only that which is relevant to the allegations in the Formal Complaint. Evidence is relevant if: **(a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and, **(b)** the fact is of consequence in determining the action. Evidence not previously provided in advance of the hearing may be accepted for consideration at the discretion of the Hearing Panel.
2. Per Title IX requirements for live cross-examination, parties have the right to cross-examine any witness, including the investigator, and present both fact and expert witnesses which may include investigators. Only Advisors can conduct cross-examination on behalf of a party; there is no right of self-representation, however, the party should be an active participant in informing the questions posed by their Advisor.
3. Cross-examination is designed to allow a party to challenge the consistency, accuracy, memory and credibility of the opposing party or witness. Cross-examination must be relevant, respectful, and conducted in a non-abusive way. The University retains discretion under Title IX to apply rules of decorum at a live hearing that require participants (including parties, witnesses, and Advisors) to refrain from engaging in abusive, aggressive, or disruptive behavior. Failure to adhere to the rules outlined by the Hearing Panel may result in a decision to cease the hearing and reconvene once the disruptive behavior has been addressed.
4. Parties, through their Advisors, will ask each question one at a time and allow the Hearing Panel to determine the relevance of the question before the other party or witness

is asked to answer. This process will be strictly adhered to throughout the entire hearing process. Submission of written questions for the purpose of ascertaining relevance is not permitted.

5. At the request of one or both parties, the Complainant and Respondent will be permitted to participate in the hearing in separate rooms, assisted by technology that allows each party to see, hear, and ask questions of the other party live and in real-time. Witnesses may also appear in separate rooms, but also must be clearly visible and audibly clear to the Hearing Panel, the parties, and their Advisors.
6. All witnesses will be considered the University's witnesses. Names of witnesses may be provided by either party or others who may have been involved with the case. To assist this process, those who have not met with the investigator will be requested to provide a brief statement to the Title IX Coordinator or their designee outlining the relevant information they will share at least three (3) days in advance of the hearing.
7. There shall be a single audio record of all Title IX hearings which will be available to the parties for inspection and review. The parties are not permitted to record the hearing. The recording shall be the property of the University and will be maintained with all records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct for no fewer than seven (7) years. Accordingly, documents prepared in anticipation of the hearings (including the Formal Complaint, the preliminary investigative report, the final investigative report, the notices of hearing, and any prehearing submissions) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceeding. In particular, to respect the reasonable privacy of all participants, no party (or representative), nor any witness, may record the hearing or disclose any recording of the hearing or any portion thereof. Any violation of privacy requirements shall constitute a violation of this Policy, which may result in disciplinary action.
8. Per Title IX requirements, if a party or witness, with notice, does not appear before the Hearing Panel, the hearing will take place in their absence. All statements previously made by the absent party or witness as part of the investigation or contained in evidence gathered during the investigation, will be stricken from the record, and cannot be relied upon by the Hearing Panel in making a finding. If a party or witness, with notice, appears at the hearing but refuses to answer questions posed to them by the other party's Advisor, all statements provided by that party will be stricken and the Hearing Panel will not be permitted to consider the information in making a finding. The Hearing Panel will reach the determination using the remaining evidence available to them even if a party or witness refuses to undergo cross-examination. The Hearing Panel may not draw any inference as to the responsibility of the Respondent based on any party or witness's absence or refusal to undergo cross-examination. If a party's Advisor does not appear at the time of the hearing, the University will provide an Advisor for that party without fee or charge, to conduct cross-examination on behalf of that party.
9. If the matter involves more than one Respondent, the Title IX Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

D. Conclusion of the Hearing. Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the final investigative report, the parties' written statements, if any, the evidence presented at the hearing, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. The Hearing Panel will typically submit its finding of responsibility or non-responsibility and rationale in writing to the Title IX Coordinator within five (5) days of the hearing. Decisions made by the Hearing Panel are final pending the normal review and appeal process.

SANCTIONS

Within five (5) days of receipt of the Hearing Panel's finding, the Title IX Coordinator or their designee will review the finding and provide a copy of the finding to the appropriate sanctioning authority, if applicable. The sanctioning body will assign sanctions within five (5) days of receipt of the finding in both student cases and employee cases.

1. **For Student Respondents.** If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Senior Director, Office of Student Conduct, will assign sanctions, giving consideration to whether a sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, and any record of prior student discipline, if applicable. Sanctions may include, without limitation, written reprimand, conduct probation, suspension or expulsion from the University, expulsion from campus housing, mandated counseling, and/or other educational sanctions as deemed appropriate, including No Contact orders. Imposition of the appropriate remedy and/or sanction will be implemented only after all appeals have been exhausted.
2. **For Employee Respondents.** If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Title IX Coordinator or their designee will provide a copy of the Hearing Panel's finding to the Associate Vice President for Affirmative Action, the Respondent's immediate Supervisor, and other appropriate University officials. The Supervisor, in consultation with the relevant University officials will determine the appropriate remedy and/or sanction to be imposed. If disciplinary action is imposed, the Supervisor will notify the Affirmative Action Office, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). Sanction(s) may include written warning, loss of privileges, mandatory training or education, No Contact order, loss of salary increase, administrative leave, recommended revocation of tenure, and/or termination of employment depending on the circumstances and severity of the violation.

When the Respondent is an employee subject to the terms of a collective bargaining agreement, the matter shall be referred to Labor and Employee Relations to ensure that any discipline and/or sanctions are imposed in accordance with the collective bargaining agreement applicable to the Respondent.

When the Respondent is a tenured or tenure-eligible faculty member, and the sanction imposed is recommended dismissal of the Respondent's employment and/or revocation of tenure, the matter shall be referred to the appropriate academic administrator to initiate dismissal pursuant to Penn State Policy [AC70](#).

WRITTEN NOTICE OF OUTCOME AND SANCTIONS

Within five (5) days of receipt of the notice of sanctions issued by the sanctioning body, the Title IX Coordinator will review the decision of the Hearing Panel and the sanctions, if applicable, and will send written notice ("Notice of Outcome") of both simultaneously to the parties. The Notice of Outcome from the Title IX Coordinator or their designee will include:

1. If the Respondent is found responsible, the specific behaviors concluded to be Title IX Prohibited Conduct.
2. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the University's Student Code of Conduct (for student-related matters) or employee handbooks and other applicable University policies (for employee-related matters).
5. Statement of, and rationale for, the result of each allegation, including a determination regarding responsibility, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to Complainant.
6. Sanctions, if applicable.
7. Procedures and bases for the Complainant and Respondent to appeal.

APPEAL RIGHTS OF PARTIES

The University offers to both parties appeal rights from either: (a) a determination regarding responsibility, or (b) the University's dismissal of a Formal Complaint or any allegations therein at any stage.

For **students**, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light 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 Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter; and/or,
4. The sanction(s) imposed was/were outside the University's sanction range for such violations and/or not justified by the nature of the violation.

For **employees and third parties**, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light 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 Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter.

Appeals must be submitted in writing to the Title IX Coordinator or their designee within five (5) business days of the date of the Notice of Outcome or Notice of Dismissal. The Title IX Coordinator or their designee shall immediately provide notice of the appeal to the non-appealing party, who has five (5) days to submit a written response to the appeal which addresses solely the ground(s) alleged for the appeal. The non-appealing party shall be limited to one and only one written response to the appeal. Upon receipt of the non-appealing party's response to the appeal, the Title IX Coordinator or their designee will submit the appeal and the non-appealing party's response to the appeal officer, who shall not be the same individual who issued the Dismissal, Finding of Responsibility, or Sanction.

The appeal officer for undergraduate students is the Associate Vice President for Undergraduate Education or their designee.

The appeal officer for graduate students is the Vice Provost for Graduate Education and Dean of the Graduate School or their designee.

The appeal officer for staff is the Vice President for Human Resources or their designee.

The appeal officer for faculty and postdoctoral scholars/fellows is the Vice Provost for Faculty Affairs or their designee.

The appeal officer's review will be based only on the written record, which shall consist of the final investigative report, Notice of Outcome, written appeal and written appeal response (if any), and will not include meetings or discussions with the parties or Title IX personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal, including any alleged new evidence that was not available at the time of the hearing that may have affected the outcome. The appeal officer may consult with the Title IX Coordinator regarding matters of procedure, as appropriate.

For an appeal related to the dismissal of a Formal Complaint based on the limited grounds above, the appeal officer will decide whether to approve or reject the decision of the Title IX Coordinator. If rejected, the appeal officer will return the Formal Complaint to the Title IX Coordinator, and the complaint process shall proceed consistent with Section XII of this Policy. If approved, the matter is closed.

For the appeal of a finding of the Title IX Hearing Panel based on the limited grounds above, the appeal officer will decide whether to approve, reject, or modify the decision and/or sanctions or to remand the case to the Hearing Panel for clarification or a completely new hearing. The appeal officer's decision will confirm and correct any identified procedural irregularities, conflicts of interest or bias, and/or ensure that any newly discovered evidence is included in their decision.

Within five (5) days of receipt of the appeal packet, the appeal officer will issue a final written decision simultaneously to both parties and the Title IX Coordinator describing the result of the appeal and the rationale for the result. The decision of the appeal officer is final.

RECORD-KEEPING PROVISION

The University will retain a full record of all complaints filed under these provisions for a period of no less than seven (7) years from the date of the initial report or Formal Complaint, whichever is earlier. This includes records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Prohibited Conduct. The parties may request to inspect and review the records for a closed matter at any time during the retention period. The University will provide the parties with access to the records within a reasonable timeframe, not to exceed forty-five (45) days from the date of the request.

OCR REVIEW RIGHTS

Although parties are encouraged to resolve their grievances related to Title IX matters by utilizing this Policy, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

FURTHER INFORMATION

For questions, additional detail, or to request changes to this policy, please contact the Title IX Coordinator.

[1] Note that due to shelter-in-place and other restrictions related to Covid-19, currently in-person access is restricted. Please contact the Title IX Coordinator by any of the other methods listed.

CROSS REFERENCES

[Affirmative Action Office Website](#)

[Code of Conduct & Student Conduct Procedures Manual](#)

[Penn State College of Medicine Web Site](#)

[Sexual Harassment and Assault Reporting and Education \(SHARE\)](#)

[University Title IX Website](#)

[AC76](#) - Faculty Rights and Responsibilities

[AD29](#) - Statement on Intolerance,

[AD47](#) - General Standards of Professional Ethics

[AD51](#) - Use of Outdoor Areas for Expressive Activities

[AD67](#) - Disclosure of Wrongful Conduct and Protection From Retaliation

[AD72](#) - Reporting Suspected Child Abuse

[AD74](#) - Compliance With the Clery Act

[AD91](#) – Discrimination and Harassment, and Related Inappropriate Conduct

[HR01](#) - Fair Employment Practices

[HR11](#) - Affirmative Action in Employment at The Pennsylvania State University

[HR79](#) - Staff Grievance Procedure

Most Recent Changes:

- August 14, 2020 – Revision of University policy and procedures to comply with new Title IX regulations.

Revision History (and effective dates):

- April 22, 2019 - Edited definition of sexual harassment in item "a" under the section CONDUCT THAT IS PROHIBITED BY THIS POLICY.
- October 23, 2018 - Editorial changes to update contact information for Title IX Coordinator and Associate Vice President for Affirmative Action.
- August 13, 2018 - Editorial changes to update personnel information for the Title IX Coordinator and the Title IX Deputy Coordinators.
- June 1, 2018 - Editorial change to add gender expression to the list in the first paragraph of the policy statement.
- April 27, 2018 - Editorial changes to update broken links.
- August 17, 2017 - Personnel changes in the Title IX Coordinator and Deputy Title IX Coordinators positions.
- September 29, 2016 - Major edits to the entire policy. This policy has been re-titled and revised to address gender-based harassment and sexual harassment/sexual misconduct.

Verbiage addressing general discrimination and harassment and related inappropriate conduct has been moved to new policy AD91, Discrimination and Harassment, and Related Inappropriate Conduct.

- January 27, 2014 - New Policy, replacing AD12 (Sexual Assault, Relationship and Domestic Violence, and Stalking), AD41 (Sexual Harassment) and AD42 (Statement on Nondiscrimination and Harassment).

Date Approved:

August 14, 2020

Date Published:

August 14, 2020

Effective Date:

August 14, 2020

TITLE IX

2020 Title IX
Regulations & Changes
to Penn State Policies
and Procedures

- Chris Harris, Title IX Coordinator, Penn State
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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

- Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in any federally funded education program or activity.
- Administration of regulations enforced by Office for Civil Rights, Dept. of Education
- Largely administered through a mix of regulations and quasi-regulatory guidance since 1975.
- Federal courts and the Dept. of ED clarified what is sexual harassment under TIX --the 90's, early 2000's through the Obama administration (2011 DCL).

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FROM GUIDANCE TO REGULATION

- Title IX applied to behavior on and off-campus—broad interpretation of educational program or activity.
- Mandatory reporting requirements for “responsible employees.”
- Provisions for providing resources and support to complainants.
- Training requirements for TIX coordinators and investigators.
- All governed by quasi-regulatory guidance which was sometimes unclear.
- Challenges in federal court, many by respondents who argued that their due process rights were violated.
- DoE retracted several years of guidance (2011 DCL); decided to implement regulations. Two-year process.
- New regulations publicized May 19, 2020
- Implementation date August 14, 2020

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13 MAJOR PROVISIONS

- Actual Knowledge
- Definition of Sexual Harassment
- Sexual Harassment Occurring in a School’s “Education Program or Activity” in the United States
- Accessible reporting to TIX Coordinator; adoption and publication of TIX procedures
- School’s Mandatory Response Obligations: Deliberate Indifferent Standard
- School’s Mandatory Response Obligations: Defining complainant, respondent, formal complaint, supportive measures
- Grievance process: General requirements
- Investigations
- Hearings
- Standard of Evidence & Written Determination
- Appeals
- Informal Resolution
- Retaliation Prohibited

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THE “MAJOR” MAJOR PROVISIONS

Major Provision	Impact	University Response
Actual Knowledge	University on has knowledge if someone with ability to take corrective measures on University’s behalf (TIX Coordinator, HR, Supervisors)	Adopted Actual Knowledge standard; “responsible employee” language removed from AD85.
Definition of Sexual Harassment	Regulations adopt standard in Davis; narrow definition of SH; severe, pervasive and objectively offensive	University adopted definition as required by regulations. Revised AD91 to address behaviors outside TIX
Jurisdiction	Harassment must occur within education program or activity in the United States	Made provisions to address behavior that falls outside of narrow jurisdiction
Grievance Process	Regulations apply equally to students, faculty and staff; single-investigator model for employee cases is out; hearings for employees	One Title IX policy that applies equally to students, faculty and staff (AD85); Procedures embedded in the policy

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DEFINITION OF SEXUAL HARASSMENT

- Definition of Sexual Harassment based on Davis—Unwelcomed conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school’s educational program or activity; quid pro quo, sexual assault, dating/domestic violence and stalking.

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ACTUAL KNOWLEDGE STANDARD

Adopted the “actual knowledge” standard found in the regulations. The University will respond when a University official with the authority to take corrective measures on behalf of the University receives notice of suspected Prohibited Behavior.

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JURISDICTION UNDER TITLE IX

- Jurisdiction— Prohibited Conduct must occur within “education program or activity.” Harassment must be against someone in the United States. Behavior that does not meet the definition, even if true, cannot be considered under TIX
- Under the Title IX Rule, recipients must promptly respond to a report that an individual has been allegedly victimized by sexual harassment, whether the alleged victim is presently a student or not, in a manner that is not “deliberately indifferent,” or clearly unreasonable in light of known circumstances. Students and others who are participating or attempting to participate in the school’s program or activity also have the right to file a formal complaint.

Q: Does this mean the University can no longer address off-campus sexual misconduct involving students, for example?

A: No; the regulations provide some institutional choice.

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REVISED POLICIES AND PROCEDURES

- [AD85](#)—revised and is now the University's Title IX Policy. Procedures that are regulatory compliant also appear in the policy.
- [AD91](#)—is the policy applied to all non-TIX sexual harassment behavior, including gender-based harassment protections.
- Student Affairs developed separate procedures to address behavior outside of the Title IX jurisdiction.
- The Affirmative Action Office developed separate procedures to address behavior outside of the Title IX jurisdiction.

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HEARINGS

- Title IX Regulations apply equally to students, faculty and staff
- This includes all of the due process provisions included in the regulations
- We must provide for a live-hearing
- We must allow the parties to have an advisor of their choice
- Must provide the parties to cross-examine the other party and witnesses in real-time.

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ADVISORS OF EQUIVALENT BACKGROUND OR KNOWLEDGE



- **Provide advisors of equivalent background/knowledge.** The regulations require that we allow the parties to choose an advisor of their choice. If the matter proceeds to a hearing and a party does not have an advisor, the regulations require that we provide an advisor of the University's choice, without cost to the party. The advisor may be, but is not required to be, an attorney, who will conduct cross-examination on behalf of the party. **The University will provide an advisor of equivalent educational and/or professional background as compared to the other party's advisor.** Therefore, if one party has an attorney as their advisor and the other party does not have an advisor, the University will provide that party with an attorney as well to serve as their advisor to ensure a more equitable cross-examination process.

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RETAINED PREPONDERANCE OF THE EVIDENCE STANDARD

Retain preponderance of the evidence as the University's standard of evidence for sexual harassment allegations. The regulations provide the option to use one of two standards (preponderance of the evidence or clear and convincing). **The regulations stipulate that whatever standard we choose must be applied to both student and employee sexual harassment matters.** The team recommends that the University retain preponderance of the evidence as the standard of evidence for all sexual harassment allegations, whether they fall within the narrow scope of Title IX's jurisdiction or outside of Title IX's jurisdiction. This is the standard that is currently used for both student and employee cases and we believe that it is the appropriate standard for our community as we continue to address sexual misconduct across the University.

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QUESTIONS?

Chris Harris, Title IX Coordinator
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Official copy of the Title IX regulations can be accessed here:

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

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SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT

Important Changes to Title IX

(Informational)

Background

Chris Harris, Penn State's Title IX Coordinator and Suzanne Adair, Associate Vice President for Affirmative Action, will attend the December 1, 2020 Faculty Senate meeting to present an summary of the Department of Education's new Title IX Regulations, which went into effect on August 14, 2020. This presentation will include an overview of Penn State's response to the new regulations and highlight changes to the University's policies and procedures.

SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT

- Douglass Bird
- Kimberly Blockett, Chair
- Artemio Cardenas
- Felecia Davis
- Sibusiwe Dube, Vice Chair
- Kaitlin Farnan
- Ranier Foley-Defiore
- Karly Ford
- C. Libby
- Dajiang Liu
- Bratoljub Milosavljevic
- Brian Patchcoski
- Andrew Sandoval-Strausz
- Cori Smith
- Marcus Whitehurst
- Arpan Yagnik

**SENATE COMMITTEE ON
EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT**

**New Penn State Title IX Policy
(Informational)**

Introduction

On May 6, 2020, the U.S. Department of Education announced new Title IX regulations for schools, colleges and universities that receive federal funding. The 2020 Title IX regulations require recipients to define sexual harassment using a definition established by the U.S. Supreme Court. The Title IX regulations also require recipients to implement specific due process requirements for investigating and resolving sexual harassment cases. The regulations apply equally to students, faculty, and staff.

The Title IX Oversight team consisting of administrators from the Affirmative Action Office, Student Affairs and the Office of General Counsel, briefed President Barron and other University leaders on May 18, 2020 regarding the new regulations and their impact on existing University policies and procedures. After the briefing, an implementation committee consisting of key internal stakeholders was assembled to provide feedback and guidance to the oversight team as they worked to develop new University policies and procedures to meet the August 14, 2020 deadline for implementing the new Title IX regulations.

On June 2, 2020, the University's Title IX Implementation Committee met to discuss the new regulations and assess their impact on existing University policies and procedures. The committee included representation from University Park and the Commonwealth Campuses. Members of the committee included:

- Suzanne Adair, Associate Vice President, Affirmative Action*
- Chris Harris, Title IX Coordinator, Affirmative Action*
- Sarah Ades, Associate Dean, Graduate Student Affairs, Graduate School
- Katherine Allen, Associate General Counsel, Office of General Counsel
- Mark Belkowski, Chair, University Staff Advisory Council
- Tracie Bogus, Clery Compliance Manager, University Police & Public Safety
- Bob Boland, Athletics Integrity Officer, Ethics and Compliance
- Todd Clark, Senior Director, Student Services, Penn State Harrisburg
- Holly Cline, Associate General Counsel, Office of General Counsel

- Maureen Cooper, Director, Commonwealth Campus Athletics
- Stephanie Delaney, Deputy Chief, University Police & Public Safety
- Kenya Faulkner, Chief Ethics and Compliance Officer, Ethics and Compliance
- Karen Feldbaum, Interim Senior Director, Student Conduct*
- Tracy Garnick, Director, Student Services & Engagement, Penn State Hazleton
- Charmelle Green, Associate Athletic Director; Deputy Title IX Coordinator
- Robert Hartman, Sr. Director, Labor and Employment Relations
- Audra Hixson Director, Gender Equity Center
- Amanda Jones, Senior Director, Human Resources-Academic Units
- Tamla Lewis, Associate General Counsel, Office of General Counsel*
- Cody Meixner, Assistant General Counsel, Office of General Counsel*
- Brian Patchcoski, Director, Center for Sexual and Gender Diversity
- Spencer Peters, Director, Office of Sexual Misconduct Prevention and Response*
- Stephanie Preston, Associate Dean, Graduate Educational Equity, Graduate School
- Beth Seymour, Chair, Faculty Senate
- Danny Shaha, Assistant Vice President, Student Affairs*
- Jennifer Wilkes, Assistant Vice President, Commonwealth Campuses
- Kim Yoder, Deputy Title IX Coordinator, Penn State College of Medicine
- Tanya Pasko, Committee Staff Support, Affirmative Action Office

** member of the Title IX Oversight team*

The committee provided recommendations to the Oversight Team to consider when drafting new policy or revising existing policies. These recommendations included provisions for providing support to the parties (complainants and respondents) during the fact-finding hearing phase of the University's Title IX grievance process. The committee also provided the Oversight team with feedback regarding the potential impact of the regulations on the reporting of instances of sexual harassment and misconduct.

Background

The U.S. Department of Education's rulemaking process began approximately two years ago. The Office for Civil Rights (OCR) for the department administered Title IX enforcement within a mixed framework of regulatory and sub-regulatory guidance. Under this framework, OCR periodically released the yield of their investigations into alleged violations of Title IX. The guidance served to provide colleges, universities, and K-12 with greater understanding of the appropriate application of Title IX. OCR also periodically released "Dear Colleague" letters. These letters were often responses to questions posed to OCR regarding various facets of Title IX compliance. The written guidance provided by OCR was not binding and did not carry with it the full force and effect of law. In September 2017, the Department of Education retracted several years of guidance documents, including pivotal guidance provided to schools in 2011. The 2011 guidance provided a broad interpretation of a college or university's "education

program and activity.” This was intended, in part, to address the wide range of impacts experienced by victims/complainants.

Under the current administration, the department determined that such a broad interpretation of Title IX went beyond the original intent of the law. The department cited the inconsistent application of Title IX and an increase in the number of due process federal lawsuits, filed predominately by respondents against colleges and universities, as factors in its decision to retract previous guidance and replace that guidance with regulations. After a two-year rule-making period, including a public comment period, the Department of Education publicly announced the new Title IX regulations on May 6, 2020. The regulations and accompanying summary of public comments submitted to and responses from the Department of Education, were publicized in the Federal Register on May 19, 2020. The 2020 Title IX regulations contain 13 major provisions:

- Notice to the School, College or University; Actual Knowledge
- Definition of Sexual Harassment for Title IX purposes
- Sexual Harassment Occurring in a School’s “Education Program or Activity” in the United States
- Accessible reporting to TIX Coordinator; adoption and publication of TIX procedures
- School’s Mandatory Response Obligations: Deliberate Indifferent Standard
- School’s Mandatory Response Obligations: Defining complainant, respondent, formal complaint, supportive measures
- Grievance process: General requirements
- Investigations
- Hearings
- Standard of Evidence & Written Determination
- Appeals
- Informal Resolution
- Retaliation Prohibited

To ensure that Penn State developed policy that reflected the many requirements of the new regulations, numerous University officials worked in concert with the Oversight team to appropriately balance the University’s commitment to address sexual harassment with the requirements of the new regulations.

Discussion and Conclusion

The definition of sexual harassment and jurisdictional requirements significantly decreases the scope of Title IX’s jurisdiction. The Title IX regulations can only be applied to a matter if the alleged behavior occurred within the University’s education program or activity. “Education program or activity” is limited to those locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the prohibited conduct occurred. Additionally,

the department specified that the alleged prohibited conduct must occur against a person in the United States. These jurisdictional limitations presented potential challenges for colleges and universities like Penn State, that previously applied their Title IX policies to behavior that is outside the narrow jurisdiction provided in the 2020 regulations. In response to this concern, the Department of Education noted that colleges and universities have institutional choice to either apply the various provisions in the Title IX regulations to all sexual harassment cases or develop separate policies and procedures to address behavior that may fall outside of Title IX's jurisdiction. Penn State's Title IX Oversight team determined that such a two-prong approach was consistent with the University's commitment to addressing sexual harassment. The decision to adopt this two-prong approach led to the creation of a new comprehensive Title IX Policy (AD85) and revisions to the University's Discrimination and Harassment Policy (AD91) to include provisions to address prohibited sex and/or gender-based harassment that may fall outside of Title IX's jurisdiction.

The University's Title IX Policy went into effect on August 14, 2020 and is provided below. In summary, readers will note that the policy is accompanied by the procedures that will be applied in all Title IX sexual harassment matters. The new policy also specifically defines pertinent terms and provides specific steps that are to be followed to process formal complaints of Title IX sexual harassment, including provisions for informal resolution of such matters. The new policy also identifies University resources where one can seek information and support and outlines the possible sanctions for students, faculty, and staff.

Additionally, readers will note that the "responsible employee" designation previously included in AD85 has been removed. Although the department permitted institutions to retain a mandatory reporting requirement for non-confidential employees, the Oversight Team determined that it would adopt the "actual knowledge" standard established in the regulations. This standard means that the University will have actual knowledge of suspected prohibited Title IX sexual harassment only when a person with the authority to take corrective measures on behalf of the University is notified of such behavior. Those with such authority include the Title IX Coordinator, Deputy Title IX Coordinator, Title IX investigators, student conduct officers, police, human resources, and University employees with supervisory authority as defined in the policy.

As a result of the Department of Education's finding in March 2020 that Penn State previously violated Title IX policy, the University signed a Resolution Agreement with the Department, which outlines corrective actions that will be taken to comply with the new law. One of the requirements of that agreement is that the Department must approve the University's new Title IX policies and procedures. AD85 was submitted to the Department at the end of July 2020 as required, but to date, the Department has not yet provided any feedback or approval to the University. Therefore, the policies and procedures outlined in AD85 are not final and revisions may be made to AD85 once the University receives the Department's feedback.

AD85 Title IX Sexual Harassment

Policy Status: Active

Subject Matter Expert: Chris Harris, 814-863-0471, cjh41@psu.edu

Policy Steward: Vice President for Administration

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Effective August 14, 2020, the University will implement the specific procedural requirements described below to address complaints of sexual harassment as defined under Title IX. These procedures apply equally to both parties, whether the party is a University student, faculty, staff member or other individual participating or seeking to participate in a University education program or activity. Parties to a matter are encouraged to contact the Title IX Coordinator directly with any questions or concerns regarding the application of these procedures or rights contained herein.

PURPOSE

To establish The Pennsylvania State University's ("Penn State" or the "University") policy prohibiting sexual harassment and misconduct, including, but not limited to, acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking, in accordance with

Title IX of the Education Amendments of 1972 (“Title IX”). This Policy references other University policies which may be implicated in University disciplinary procedures related to conduct that falls outside the scope of this Policy.

NON-DISCRIMINATION STATEMENT

Penn State is committed to equal access to programs, facilities, admission and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, gender expression, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated. Gender-based and sexual harassment, including sexual violence, are forms of gender discrimination in that they deny or limit an individual’s ability to participate in or benefit from University programs or activities.

POLICY STATEMENT

Conduct prohibited by this Policy may also violate Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, as well as other applicable federal and state laws. It is the responsibility of the University’s Title IX Coordinator to ensure that the University meets its obligations under Title IX. Title IX is a civil rights law that prohibits discrimination on the basis of sex in public and private educational institutions that receive Federal funds. Because Penn State is a recipient of Federal funds, the University must fully comply with the provisions of Title IX and its regulations.

The University will provide regular, mandatory training for all University employees related to issues covered under this Policy. All University employees will be required to complete Title IX training within the first 30 days of employment at the University. In addition, all University employees will be required to complete an annual Compliance Training as a reminder of reporting requirements and procedures.

The University will publish training materials on titleix.psu.edu which are up to date and reflect the latest training provided to Title IX personnel.

APPLICABILITY

All students, faculty, staff, affiliates, and other individuals participating or attempting to participate in University programs and activities are subject to this Policy. This Policy applies to conduct which occurs within the United States, either on Penn State property or off campus in a Penn State-sanctioned education program or activity.

FREE EXPRESSION AND ACADEMIC FREEDOM

The University is committed to its long-standing tradition of academic freedom and free expression. The University is an institution whose members may express themselves, while protecting and respecting the rights of others to learn, to conduct research, and to carry out the essential functions of the University free from interference or obstruction. When addressing complaints of alleged violations of this Policy, the University will take all permissible actions to respond appropriately while respecting the rights of free expression and academic freedom. See Penn State Policies [AC64](#), [AC47](#) and [AD51](#).

AMNESTY FOR STUDENTS

The University strongly encourages students to report incidents that may violate Title IX. Therefore, students who act responsibly by reporting to the appropriate authorities information about conduct violating this Policy typically will not face University disciplinary action for their own drug or alcohol possession or consumption in connection with the reported incident.

RETALIATION PROHIBITED AND CORRECTIVE ACTION

This Policy prohibits intimidation, threats, coercion, and discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or 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.

Pursuant to Penn State Policy AD67 and this Policy, Retaliation is, in itself, a violation of this Policy and the law, and is a serious separate offense. See Penn State Policy [AD67](#). Complaints alleging Retaliation for exercising rights pursuant to or engaging in the process set forth in this Policy shall be handled in accordance with the grievance procedures set forth herein.

Furthermore, the Title IX Coordinator will ensure that prompt corrective action is taken if either party experiences retaliation or if the complainant is subjected to further violations or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant or other members of the University community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as overseeing the implementation of trainings and disseminating informational materials.

FALSE REPORTS

Willfully making a false report of Title IX Prohibited Conduct is a violation of University Policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report under this Policy may be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

PRIVACY AND DISCLOSURE

To provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the Title IX process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Formal Complaint, the investigative report, the notices of hearing, and any prehearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceedings. In particular, in order to respect the reasonable privacy of all participants, no party, Advisor, or witness may record Title IX hearing(s) or disclose any recording of the hearing(s) or any portion thereof. A recording of the hearing will be created and maintained by the University. Any violation of these confidentiality requirements may result in sanctions.

Neither party will be required to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the final outcome of the grievance process or appeal process.

TITLE IX TERMS AND DEFINITIONS

Advisor

An individual who has agreed to serve as an informal provider of support and advice for a Complainant or Respondent. Both parties may select an individual of their choice to serve as their Advisor. Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. The University will appoint an Advisor for parties who have not selected their own. The role of the Advisor is to assist and guide the party during all related University Title IX proceedings. The Advisor, upon a party's request may (1) accompany the party in any related meeting/proceeding, (2) advise the party in the preparation and presentation of sharing of information, (3) conduct cross-examination in Title IX hearings on behalf of the party they represent, and (4) advise the party in the preparation of any appeals. The Advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party, other than at the Title IX hearing. If, at any point, an Advisor becomes disruptive or fails to follow the rules for participation as set forth in this Policy, the University reserves the absolute and non-appealable right to remove the Advisor from the proceeding, and, if appropriate, any future meetings/proceedings. If a party's Advisor is removed, that party may choose another Advisor or otherwise will have one appointed for them by the University. For additional information on the role of an Advisor, see Section XIII of this Policy.

Complainant

A Complainant is an individual who is alleged to be the victim of conduct that could constitute Title IX Prohibited Conduct. A Complainant who files a Formal Complaint must be participating in, or attempting to participate in, the education program or activity of the University.

Consent

Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Days

Days refer to business days, excluding weekends and those days which are designated as holidays by the official University calendar or by action of the University President or Provost, unless otherwise specified herein.

Education Program or Activity

Education Program or Activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Emergency Removal

The University may remove a Respondent from the University's education program or activity, on an emergency basis, after undertaking an individualized safety and risk analysis, if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual (including the Respondent themselves) arising from the allegations of Prohibited Conduct. In the case of such removal, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The process for an emergency removal of students is described in the [Office of Student Conduct's Interim Suspension procedures](#) document. The process for administrative leave for employees will be managed consistent with HR and departmental policies.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct (as defined herein) against a Respondent and requesting that the University investigate the allegation of Prohibited Conduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in one of the University's programs or activities. A Formal Complaint filed by a Complainant may be a document or electronic submission (such as by e-mail or through an online portal) but must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

Hearing Panel

The mixed-gender, three (3)-person panel who are members of the University's Title IX Hearing Board (i.e., the full pool of trained Title IX hearing officers) charged with adjudicating alleged violations of this Policy. Only individuals who have participated in Title IX Hearing Panel training conducted by Penn State or comparable in-depth panel training will be permitted to serve on Title IX Hearing Panels. Students are not permitted to serve on Title IX Hearing Panels.

Notice Triggering the University's Response Obligation

Notice to the Title IX Coordinator, or to an official with authority to institute corrective measures on the University's behalf, triggers the University's response obligations under this Policy. Such officials include the Title IX Coordinator, Deputy Title IX Coordinators, the Office of Sexual Misconduct Prevention & Response, the Office of Student Conduct, the Affirmative Action Office, Human Resources, and other employees with Supervisory Authority.

Prohibited Conduct

Sexual harassment under Title IX ("Prohibited Conduct") means conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity ("Title IX Sexual Harassment").
2. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct ("Quid Pro Quo Harassment").
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking:
 1. *Sexual Assault* (as defined in Clery Act - 20 U.S.C. § 1092(f)(6)(A)(v)). The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
 2. *Dating Violence* (as defined in VAWA - 34 U.S.C. § 12291(a)(10)). The term "dating violence" means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and,
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. the length of the relationship;
 2. the type of relationship; and,
 3. the frequency of interaction between the persons involved in the relationship.
3. *Domestic Violence* (as defined in VAWA - 34 U.S.C. § 12291(a)(8)). The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
4. *Stalking* (as defined in VAWA - 34 U.S.C. § 12291(a)(30)). The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. fear for their safety or the safety of others; or
 2. suffer substantial emotional distress.

Remedies

Remedies are provided to a Complainant where a determination of responsibility for Prohibited Conduct has been made against the Respondent, following a grievance process that complies with this Policy. Remedies must be designed to restore or preserve access to the University’s Education Program or Activity. Remedies may include disciplinary sanctions or other actions against a Respondent, such as individualized Supportive Measures as defined below; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Title IX Coordinator is responsible for ensuring effective implementation of any Remedies.

Respondent

A Respondent is an individual who has been alleged to be the perpetrator of conduct that could constitute Title IX Prohibited Conduct.

Retaliation

Retaliation means any adverse action taken by a member of the University faculty, staff, or student body against any individual on the basis of a complaint made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the

University, or participation in a court proceeding relating to suspected Prohibited Conduct at the University. Retaliation shall include, but not be limited to, harassment, discrimination, threats of physical harm, job termination, punitive work schedule or research assignments, decrease in pay or responsibilities, or negative impact on academic progress. See Penn State Policy [AD67](#).

Supervisor / Supervisory Authority

A University employee who has the power to control or influence another person's academic advancement, employment, or extracurricular participation, including but not limited to, admission, grades, assignments, evaluations, hiring, athletic participation, work conditions, compensation, promotion, discipline, supervision of dissertations/theses, recommendations, financial support, or participation in extracurricular programs.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter Prohibited Conduct.

Time Periods

The University will make every reasonable effort to resolve complaints in reasonably prompt timeframes. Stated timelines are not binding and create no rights for the parties. The University can extend the deadlines at its discretion.

There is no time limit on a Complainant's decision to bring a report or file a Formal Complaint, but at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education program or activity.

REPORTING

The Title IX Coordinator is the individual designated by the University to coordinate its efforts to comply with Title IX responsibilities.

Any person may report sex discrimination, including sexual harassment (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.[\[1\]](#)

Title IX Coordinator

Chris Harris, Title IX Coordinator

328 Boucke Building

University Park, PA 16802

(814) 863-0471

titleix@psu.edu

Deputy Title IX Coordinators

The Title IX Coordinator may delegate responsibility for handling a report to a Deputy Title IX Coordinator, as appropriate, or may refer the matter to another office or individual in the event the matter reported falls outside of the scope of this Policy:

Title IX Matters Involving Student Respondents

Office of Sexual Misconduct Prevention & Response

220 Boucke Building

University Park, PA 16802

(814) 867-0099

Title IX Matters Involving Employees (faculty and staff) or Third-Party Respondents

Affirmative Action Office

328 Boucke Building

University Park, PA 16802

(814) 863-0471

Reports to Law Enforcement

If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911. For conduct that could also constitute a crime under Pennsylvania law, a Complainant is encouraged—but not required—to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SART exam if needed, which may be helpful if a decision is made to pursue criminal charges.

University officials will assist you in contacting local law enforcement authorities, if you request assistance. If you believe that there is an ongoing threat to your safety from a particular individual, you may request an emergency [Protection from Abuse Order \(PFA\)](#) or [Sexual Violence Protection Order \(SVPO\)](#). If the alleged incident occurred on the Penn State campus (and the alleged incident is not ongoing), individuals may contact Penn State University Police and Public Safety at its non-emergency telephone number (814) 863-1111.

Supportive Measures

Throughout the processes and procedures outlined in this Policy, the Complainant(s) and Respondent(s) shall be offered appropriate Supportive Measures and protection from retaliation. See Penn State Policy [AD67](#). The Complainant(s) shall also be informed by the Title IX Coordinator or their designee how to make a Formal Complaint to the University under Title IX, and/or a criminal report, and how to file a complaint with the appropriate state or federal agency.

Supportive Measures are designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Upon notice that any person has allegedly experienced actions that could constitute Title IX Prohibited Conduct, the Title IX Coordinator or their designee will respond promptly by offering Supportive Measures and an explanation of the Complainant's option to file a Formal Complaint that will initiate a formal investigation.

The party is not required to file a Formal Complaint to receive Supportive Measures. The provision of Supportive Measures will not be conditioned on the Complainant's participation in any formal investigation, whether the investigation is initiated by a Formal Complaint made by the Complainant or by the Title IX Coordinator. Additionally, the Complainant may report the alleged conduct solely for the purposes of receiving Supportive Measures and may choose to file a Formal Complaint at a later date, if at all.

Supportive Measures are not designed or permitted to be punitive or disciplinary measures (sanctions) imposed against a Respondent. The Respondent is presumed to be not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process. Both a Complainant and a Respondent may have good-faith bases for requesting Supportive Measures. The University will consider the request of either party for Supportive Measures and implement them where it is deemed reasonable and appropriate.

Supportive Measures may include emotional support and counseling with a confidential resource, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, no-contact directives, emergency removal and other similar measures. The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Emergency Removal / Individualized Safety and Risk Analysis

In rare circumstances, the University may remove a Respondent from the University's education program or activity, on an emergency basis but only after undertaking an individualized safety and risk analysis and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations of Prohibited Conduct (including the Respondent themselves). In matters that involve student Respondents, the Senior Director, Office of Student Conduct, will complete the individualized safety and risk assessment. If the Senior Director or designee reasonably believes that such a threat is posed, an interim suspension may be assigned. In the case of such removal the University will provide the student Respondent with notice and an opportunity to challenge the decision immediately following the removal. See [Interim Suspension procedures](#).

For matters involving employee Respondents, the Affirmative Action Office (AAO), in consultation with the employee's Supervisor and other relevant University officials, will undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an imminent threat to the physical health or safety of any person arising from the allegations of Prohibited Conduct. If the University determines administrative leave is appropriate, the employee Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

Informal Report

Notice to a Title IX Coordinator or to an official with authority to institute corrective measures on the University's behalf triggers the University's response obligations.

Upon receipt of notice of an allegation of Prohibited Conduct (which may come from any individual), the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. A Complainant's wishes with respect to whether the University investigates should be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.

Formal Complaint

A Formal Complaint alleges Prohibited Conduct against a Respondent and requests that the University investigate the allegation. There is no deadline for a Complainant to file a Formal Complaint alleging Prohibited Conduct and requesting that the University invoke the formal investigatory process; however, the Complainant must be participating or attempting to participate in the University's education program or activity at the time the Formal Complaint is

filed. The passage of time may impact the University's ability to gather information related to the incident.

A Formal Complaint must be signed and must include a description of the alleged Prohibited Conduct, including the name or names of persons allegedly responsible for the alleged misconduct, the time, date and location of the alleged misconduct, if known, and the names of any potential witnesses, if known. The Formal Complaint can be submitted in person, online via email or by using the University's online reporting form: <https://titleix.psu.edu/>. The signature on the Formal Complaint can be electronic (i.e., an email signature containing the first and last name of the Complainant). The signature can be on a written document submitted in person to the Title IX Coordinator. In some circumstances, it is the Title IX Coordinator who will file the Formal Complaint. Under those circumstances, the Title IX Coordinator will sign the Formal Complaint.

1. Initial Assessment

The Title IX Coordinator shall make an initial assessment as to whether the Formal Complaint on its face alleges an act of Prohibited Conduct and whether the Prohibited Conduct is covered by this Policy. If not, Title IX requires that the University dismiss the matter as described below.

If such a determination is reached, the Complainant will receive an explanation in writing, including information regarding the appeal process, referrals to other appropriate administrative units, University officials, or resources to assist the Complainant. A required dismissal under Title IX does not mean that the University cannot or will not review and respond to the alleged behavior under other applicable federal regulations or University policies. These include Title VII and relevant University policies such as the Code of Conduct and the University's Discrimination, Harassment, and Related Inappropriate Conduct Policy (Penn State Policy [AD91](#)). In those cases, the Title IX Coordinator will refer the matter to the appropriate office for management.

2. Dismissal Prior to Investigation

Mandatory

If the initial assessment determines that the conduct alleged in the Formal Complaint would not constitute Prohibited Conduct even if true, did not occur in the University's Education Program or Activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of this Policy as required by Title IX.

1. **Written Notice of Dismissal before Investigation.** Upon dismissal, the University shall promptly send written notice of the dismissal, rationale, and information regarding the appeal process simultaneously to the parties.
2. **Referral.** Dismissal does not preclude action under another applicable University Policy. In the event of dismissal for purposes of this Policy, the Title IX Coordinator may refer the matter to the appropriate office for consideration under another University Policy. Matters will be referred as follows:

1. Matters in which the Respondent is a student will be referred to the Office of Student Conduct.
2. Matters in which the Respondent is an employee (faculty and staff) or third party will be referred to Affirmative Action Office.

Discretionary

The Complainant may request a dismissal of the Formal Complaint. The Complainant must notify the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegation(s) therein. Upon receipt and review of the request for dismissal, the Title IX Coordinator may dismiss the Formal Complaint. A Complainant may re-file the complaint at a later date and request a continuation of the formal investigation process or voluntarily agree to an informal resolution process.

Under certain circumstances, the Title IX Coordinator may determine that a Complainant's request for a dismissal cannot be granted because of the presence of aggravating factors. In those circumstances, the University may choose to proceed with the investigation despite the request by the Complainant(s) for a dismissal of the Formal Complaint. If such a decision is made, the Complainant(s) will be notified in writing regarding the reason(s) for the decision. Aggravating factors include, but are not limited to:

- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the role of drugs and/or alcohol in the incident;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional harassment or violence;
- whether there have been other reports of misconduct or other verified misconduct by the Respondent;
- whether the report reveals a pattern of related misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and,
- any other available and relevant information.

A Formal Complaint also may be dismissed if the Respondent is no longer enrolled at or employed by the University, or if there are specific circumstances that prevent the University from gathering evidence necessary to make a determination or carry out the grievance process (for example, the identities of the people involved are not known). In all cases, the Title IX Coordinator will notify the parties in writing regarding any dismissal, including the reason(s) for the dismissal and the parties' right to appeal.

3. Appeal from Dismissal

If a Formal Complaint is dismissed, both parties will have the equal right to appeal consistent with the procedures outlined in Section XVI of this Policy.

VOLUNTARY INFORMAL RESOLUTION

At any time after a Formal Complaint has been submitted, but before a final determination regarding responsibility has been made, the parties may enter a voluntary, informal resolution process. A Formal Complaint must be filed before informal resolution can be considered. An informal resolution process cannot be applied in matters where an employee is accused of sexually harassing a student. If the parties agree to participate in an informal resolution process, it is the University's responsibility to ensure that the matter is resolved within a reasonably prompt timeframe. Further, the University cannot compel a party to participate in an informal resolution process.

To participate in a voluntary informal resolution process, both parties must:

- Provide voluntary written consent acknowledging that they are willingly entering into an informal resolution process.
- Agree, in writing, that all sanctions or other conditions designed to address the behavior will be applied by the Respondent's immediate Supervisor and/or the Associate Vice President for Affirmative Action in consultation with the Title IX Coordinator for all employee and third-party matters. For cases that involve student Respondents, the sanctions or other conditions designed to address the behavior will be applied by the Senior Director, Office of Student Conduct, in consultation with the Title IX Coordinator.
- Acknowledge, in writing, that they are aware of their right to withdraw from the informal resolution process and resume the formal investigation process at any time prior to agreeing to a resolution.

The voluntary informal resolution process will be managed by the Affirmative Action Office (AAO) for employee and third party-related matters and by the Office of Sexual Misconduct Prevention and Response (OSMPR) for student-related matters.

INVESTIGATION OF FORMAL COMPLAINT

The University must conduct an adequate, reliable, objective, and impartial investigation of all Formal Complaints. This means that the University is committed to providing both parties with appropriate and adequate notice at all phases of the process and an equal opportunity to provide information to the investigator(s) during the investigatory process and review documents gathered as part of the investigation. Each party will be provided with an equal opportunity to review and respond to such information. In all cases, the Respondent is presumed to be not responsible for the alleged conduct unless and until a determination is made of responsibility at the conclusion of the grievance process.

During the investigative process, the University investigator(s) will gather and review all relevant evidence, taking into consideration both the inculpatory (incriminating) and exculpatory (information that demonstrates no wrongdoing) aspects of that information prior to rendering a final decision. While the parties are encouraged to provide all pertinent information to the investigators, the burden of gathering evidence remains at all times on the University. Such information may include the names of potential witnesses and documentary evidence such as emails, text messages or other similar electronic communications. The information may also include, in some cases, medical, psychological, or other treatment records, provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation. If the party provides the investigator with written consent, the treatment documents will become part of the evidentiary file, which both parties have the right to review.

The University will take reasonable steps to gather initial facts and evidence by providing both parties with an opportunity to meet with the investigator. The investigator may request additional interviews with a party or parties based on information gathered during the investigation. During every interview, the Complainant and Respondent will have opportunities to provide the investigator with their recollection of the alleged incident(s), the names of witnesses and copies of documents. Providing information to the investigator, whether submitted verbally or by the submission of documents, or both, is voluntary for all parties. The University cannot compel a party or witness to answer any questions during the interview or submit documents or otherwise make any statements; however, the parties are encouraged to provide relevant information to the investigator. A party or witness's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report.

The University will seek to complete the investigation and any additional necessary processes within a prompt and reasonable amount of time, typically not to exceed 120 days. This timeline is not binding and creates no rights for the parties. The University can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay. The parties will be notified, in writing, when the investigation resumes, if there was a temporary pause.

The University may, in its discretion, consolidate Formal Complaints where the allegations arise out of the same facts. The University will investigate the allegations in any Formal Complaint not subject to dismissal. The Title IX Coordinator will designate an individual (who will not be the Title IX Coordinator) to conduct an investigation of a Formal Complaint, when a decision is made not to dismiss such complaint and when informal resolution is not appropriate or both parties do not give voluntary, informed, written consent to informal resolution in accordance with the processes below. The burden of gathering evidence and the burden of proof is on the University.

Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. An Advisor should not be selected with the actual or effective purpose of disrupting or attempting to disrupt the Title IX grievance process, or of causing emotional distress to any party. Parties may consult with their Advisors quietly or in writing during any meetings, but the Advisor may not speak on behalf of the advisee

or directly participate otherwise in the proceedings, other than at the Title IX hearing. Delays in the conduct process will not normally be allowed due to scheduling conflicts with Advisors.

Investigation Process

1. Notice of Allegations and Investigation

Both parties will simultaneously receive written notification of the allegations and notice that the University has initiated a formal investigation. The “Notice of Allegations and Investigation” will include:

1. A reasonably detailed description of the alleged behavior including the names of relevant parties, description of the alleged offending behavior(s) and the date, time, and locations of the incident(s), if known. It will also include 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 grievance process.
2. A statement regarding the standard of evidence to be used in considering the facts and evidence. A “preponderance” standard means that it is more likely than not, based upon the totality of all relevant evidence and reasonable inferences from the evidence, that the Respondent engaged in the Prohibited Conduct.
3. A statement apprising the party of their opportunity to present relevant facts and witnesses. In all formal investigations, both parties will have an equal opportunity to present information to the investigator, including the names of witnesses and other relevant information.
4. A description of the University’s investigative procedures and a list of the parties’ rights, including the right to inspect and review all evidence obtained by the investigator(s) (including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility), and the right for each party to have an Advisor of their choice present at any grievance proceeding or any related meeting.
5. The range of possible sanctions and remedies.
6. The bases for appeal and procedures associated with the appeal process.
7. Information regarding Supportive Measures available to both Complainants and Respondents.
8. A statement regarding the University Policy prohibiting Retaliation (See Penn State Policy [AD67](#)).
9. A statement regarding the University’s requirement for all parties that they will not make false statements or knowingly submit false information as prohibited by University rules and regulations.

Within five days of receipt of the Notice of Allegations and Investigation, both parties shall provide the Title IX Coordinator written notice of their Advisor’s name and contact information.

2. Amended Notice

If, during the course of the investigation, the University acquires information previously unknown or unavailable to the investigator at the time of the original notice (e.g. names of

previously unknown relevant parties, dates of incident(s), the times or locations of incident(s), or additional allegations of misconduct involving the Respondent), the University will revise the Notice of Allegations and Investigation to include this information and simultaneously provide the parties with an amended copy of the notice.

If the University acquires information that suggests that additional Title IX Prohibited Conduct may have occurred, in addition to the alleged Title IX Prohibited Conduct raised in the initial complaint, the University may investigate the additional allegations concurrently with the initial allegation. All parties will be provided with a reasonable amount of time to respond to the new allegations, including the right to present relevant information to the investigator.

3. Preliminary Investigative Report

At the conclusion of the initial investigation, the investigator will draft a preliminary investigative report that includes all evidence gathered, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory and exculpatory evidence, and all evidence obtained as a part of the investigation that is directly related to the allegations in the formal complaint. The investigator will send the preliminary investigative report to the Title IX Coordinator for review within five (5) days of receipt. The investigator will send the preliminary investigative report to each party and their Advisors in an electronic format other than email, such as a secure file-sharing platform of the University's choosing, with at least ten (10) days for the parties to submit a written response.

The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the preliminary investigative report.

At the conclusion of the review period, the University will remove the parties' electronic access to the preliminary investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, the investigator will provide the parties with a hard copy of the evidence in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient's signature. Parties who receive a hard copy of the preliminary investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

The investigator will consider the parties' responses to the preliminary investigative report and, if warranted, shall conduct additional investigation based thereon. The parties recognize that such additional information may cause the timelines for the completion of the investigation and grievance process to be extended.

4. Final Investigative Report

The investigator, after reviewing and considering the parties' responses to the preliminary investigative report and conducting any additional investigation, will complete the final Investigative report that fairly summarizes the relevant evidence and will send the report to the Title IX Coordinator.

Within five (5) days of receipt of the final investigative report, the Title IX Coordinator will make a determination that: (1) the University will convene a hearing before an impartial fact-finding Hearing Panel who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility **OR** (2) the matter will be dismissed because the investigation revealed facts that either: (a) require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX Prohibited Conduct, even if true, did not occur in the University's Education Program or Activity, or did not occur in the United States); or, (b) allow for a dismissal (e.g., if the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the University, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein). If a determination is made to dismiss the Formal Complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate University Hearing Panel for disposition.

The investigator will send to each party and their Advisors the final investigative report (including the Title IX Coordinator's determination) for their inspection and review using a secure file-sharing platform of the University's choice.

The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the final investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, a hard copy of the evidence will be provided to the parties in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient's signature. The same restrictions regarding copying, photographing or otherwise making attempts to retain a copy of the preliminary investigative report apply to the final investigative report. Parties who receive a hard copy of the final investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

FORMAL HEARING PROCESS

A. Receipt of Final Investigative Report. Within five (5) days of receipt of the final investigative report, the Title IX Coordinator or their designee will select the members of the Title IX Hearing Panel and will provide a copy of the final investigative report to the members of the Hearing Panel. Promptly after selection of the Hearing Panel members, the Title IX Coordinator or their designee will provide concurrent written notice to the parties of the date, time and location of the hearing.

B. Responsibilities of Hearing Panel & Parties. The Hearing Panel is required to objectively evaluate all relevant evidence both inculpatory and exculpatory, and to independently reach a determination regarding responsibility. The University may provide an attorney from its Office of General Counsel, or outside counsel, to advise the Hearing Panel.

Responsibilities of the Hearing Panel:

1. Ensure that only relevant cross-examination questions must be answered by a party or witness before the party or witness answers. The Hearing Panel may exclude questions that are irrelevant or duplicative.
2. Ensure that the hearing process is administered in a fair and impartial manner and that all participants observe basic standards of decorum and that all questions are asked and answered in a respectful, non-argumentative, and non-abusive way. The Hearing Panel will be responsible for ensuring that all parties and witnesses are protected from answering questions designed to be harassing, intimidating, or abusive.
3. Render a decision using a preponderance of the evidence standard using the facts as presented through careful examination of the final investigative report, witness testimony, including cross-examination, and the review of all relevant evidence.

Responsibilities of the Parties at the Hearing (Complainant and Respondent):

1. Truthfully answer questions posed by the Hearing Panel.
2. Truthfully answer relevant questions posed by the other party via their Advisor.
3. Attend the hearing in its entirety, being present for all witness testimony.
4. Adhere to basic standards of decorum by answering questions posed by the Hearing Panel or a party's Advisor in a respectful, non-argumentative, and non-abusive way.

C. General Rules for the Hearing

1. Technical rules of process and evidence, such as those applied in criminal or civil court, are not used in these proceedings. Evidence permitted at the live hearing is limited to only that which is relevant to the allegations in the Formal Complaint. Evidence is relevant if: **(a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and, **(b)** the fact is of consequence in determining the action. Evidence not previously provided in advance of the hearing may be accepted for consideration at the discretion of the Hearing Panel.
2. Per Title IX requirements for live cross-examination, parties have the right to cross-examine any witness, including the investigator, and present both fact and expert witnesses which may include investigators. Only Advisors can conduct cross-examination on behalf of a party; there is no right of self-representation, however, the party should be an active participant in informing the questions posed by their Advisor.
3. Cross-examination is designed to allow a party to challenge the consistency, accuracy, memory and credibility of the opposing party or witness. Cross-examination must be relevant, respectful, and conducted in a non-abusive way. The University retains discretion under Title IX to apply rules of decorum at a live hearing that require participants (including parties, witnesses, and Advisors) to refrain from engaging in abusive, aggressive, or disruptive behavior. Failure to adhere to the rules outlined by the Hearing Panel may result in a decision to cease the hearing and reconvene once the disruptive behavior has been addressed.
4. Parties, through their Advisors, will ask each question one at a time and allow the Hearing Panel to determine the relevance of the question before the other party or witness

is asked to answer. This process will be strictly adhered to throughout the entire hearing process. Submission of written questions for the purpose of ascertaining relevance is not permitted.

5. At the request of one or both parties, the Complainant and Respondent will be permitted to participate in the hearing in separate rooms, assisted by technology that allows each party to see, hear, and ask questions of the other party live and in real-time. Witnesses may also appear in separate rooms, but also must be clearly visible and audibly clear to the Hearing Panel, the parties, and their Advisors.
6. All witnesses will be considered the University's witnesses. Names of witnesses may be provided by either party or others who may have been involved with the case. To assist this process, those who have not met with the investigator will be requested to provide a brief statement to the Title IX Coordinator or their designee outlining the relevant information they will share at least three (3) days in advance of the hearing.
7. There shall be a single audio record of all Title IX hearings which will be available to the parties for inspection and review. The parties are not permitted to record the hearing. The recording shall be the property of the University and will be maintained with all records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct for no fewer than seven (7) years. Accordingly, documents prepared in anticipation of the hearings (including the Formal Complaint, the preliminary investigative report, the final investigative report, the notices of hearing, and any prehearing submissions) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceeding. In particular, to respect the reasonable privacy of all participants, no party (or representative), nor any witness, may record the hearing or disclose any recording of the hearing or any portion thereof. Any violation of privacy requirements shall constitute a violation of this Policy, which may result in disciplinary action.
8. Per Title IX requirements, if a party or witness, with notice, does not appear before the Hearing Panel, the hearing will take place in their absence. All statements previously made by the absent party or witness as part of the investigation or contained in evidence gathered during the investigation, will be stricken from the record, and cannot be relied upon by the Hearing Panel in making a finding. If a party or witness, with notice, appears at the hearing but refuses to answer questions posed to them by the other party's Advisor, all statements provided by that party will be stricken and the Hearing Panel will not be permitted to consider the information in making a finding. The Hearing Panel will reach the determination using the remaining evidence available to them even if a party or witness refuses to undergo cross-examination. The Hearing Panel may not draw any inference as to the responsibility of the Respondent based on any party or witness's absence or refusal to undergo cross-examination. If a party's Advisor does not appear at the time of the hearing, the University will provide an Advisor for that party without fee or charge, to conduct cross-examination on behalf of that party.
9. If the matter involves more than one Respondent, the Title IX Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

D. Conclusion of the Hearing. Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the final investigative report, the parties' written statements, if any, the evidence presented at the hearing, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. The Hearing Panel will typically submit its finding of responsibility or non-responsibility and rationale in writing to the Title IX Coordinator within five (5) days of the hearing. Decisions made by the Hearing Panel are final pending the normal review and appeal process.

SANCTIONS

Within five (5) days of receipt of the Hearing Panel's finding, the Title IX Coordinator or their designee will review the finding and provide a copy of the finding to the appropriate sanctioning authority, if applicable. The sanctioning body will assign sanctions within five (5) days of receipt of the finding in both student cases and employee cases.

1. **For Student Respondents.** If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Senior Director, Office of Student Conduct, will assign sanctions, giving consideration to whether a sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, and any record of prior student discipline, if applicable. Sanctions may include, without limitation, written reprimand, conduct probation, suspension or expulsion from the University, expulsion from campus housing, mandated counseling, and/or other educational sanctions as deemed appropriate, including No Contact orders. Imposition of the appropriate remedy and/or sanction will be implemented only after all appeals have been exhausted.
2. **For Employee Respondents.** If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Title IX Coordinator or their designee will provide a copy of the Hearing Panel's finding to the Associate Vice President for Affirmative Action, the Respondent's immediate Supervisor, and other appropriate University officials. The Supervisor, in consultation with the relevant University officials will determine the appropriate remedy and/or sanction to be imposed. If disciplinary action is imposed, the Supervisor will notify the Affirmative Action Office, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). Sanction(s) may include written warning, loss of privileges, mandatory training or education, No Contact order, loss of salary increase, administrative leave, recommended revocation of tenure, and/or termination of employment depending on the circumstances and severity of the violation.

When the Respondent is an employee subject to the terms of a collective bargaining agreement, the matter shall be referred to Labor and Employee Relations to ensure that any discipline and/or sanctions are imposed in accordance with the collective bargaining agreement applicable to the Respondent.

When the Respondent is a tenured or tenure-eligible faculty member, and the sanction imposed is recommended dismissal of the Respondent's employment and/or revocation of tenure, the matter shall be referred to the appropriate academic administrator to initiate dismissal pursuant to Penn State Policy [AC70](#).

WRITTEN NOTICE OF OUTCOME AND SANCTIONS

Within five (5) days of receipt of the notice of sanctions issued by the sanctioning body, the Title IX Coordinator will review the decision of the Hearing Panel and the sanctions, if applicable, and will send written notice ("Notice of Outcome") of both simultaneously to the parties. The Notice of Outcome from the Title IX Coordinator or their designee will include:

1. If the Respondent is found responsible, the specific behaviors concluded to be Title IX Prohibited Conduct.
2. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the University's Student Code of Conduct (for student-related matters) or employee handbooks and other applicable University policies (for employee-related matters).
5. Statement of, and rationale for, the result of each allegation, including a determination regarding responsibility, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to Complainant.
6. Sanctions, if applicable.
7. Procedures and bases for the Complainant and Respondent to appeal.

APPEAL RIGHTS OF PARTIES

The University offers to both parties appeal rights from either: (a) a determination regarding responsibility, or (b) the University's dismissal of a Formal Complaint or any allegations therein at any stage.

For **students**, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light 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 Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter; and/or,
4. The sanction(s) imposed was/were outside the University's sanction range for such violations and/or not justified by the nature of the violation.

For **employees and third parties**, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light 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 Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter.

Appeals must be submitted in writing to the Title IX Coordinator or their designee within five (5) business days of the date of the Notice of Outcome or Notice of Dismissal. The Title IX Coordinator or their designee shall immediately provide notice of the appeal to the non-appealing party, who has five (5) days to submit a written response to the appeal which addresses solely the ground(s) alleged for the appeal. The non-appealing party shall be limited to one and only one written response to the appeal. Upon receipt of the non-appealing party's response to the appeal, the Title IX Coordinator or their designee will submit the appeal and the non-appealing party's response to the appeal officer, who shall not be the same individual who issued the Dismissal, Finding of Responsibility, or Sanction.

The appeal officer for undergraduate students is the Associate Vice President for Undergraduate Education or their designee.

The appeal officer for graduate students is the Vice Provost for Graduate Education and Dean of the Graduate School or their designee.

The appeal officer for staff is the Vice President for Human Resources or their designee.

The appeal officer for faculty and postdoctoral scholars/fellows is the Vice Provost for Faculty Affairs or their designee.

The appeal officer's review will be based only on the written record, which shall consist of the final investigative report, Notice of Outcome, written appeal and written appeal response (if any), and will not include meetings or discussions with the parties or Title IX personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal, including any alleged new evidence that was not available at the time of the hearing that may have affected the outcome. The appeal officer may consult with the Title IX Coordinator regarding matters of procedure, as appropriate.

For an appeal related to the dismissal of a Formal Complaint based on the limited grounds above, the appeal officer will decide whether to approve or reject the decision of the Title IX Coordinator. If rejected, the appeal officer will return the Formal Complaint to the Title IX Coordinator, and the complaint process shall proceed consistent with Section XII of this Policy. If approved, the matter is closed.

For the appeal of a finding of the Title IX Hearing Panel based on the limited grounds above, the appeal officer will decide whether to approve, reject, or modify the decision and/or sanctions or to remand the case to the Hearing Panel for clarification or a completely new hearing. The appeal officer's decision will confirm and correct any identified procedural irregularities, conflicts of interest or bias, and/or ensure that any newly discovered evidence is included in their decision.

Within five (5) days of receipt of the appeal packet, the appeal officer will issue a final written decision simultaneously to both parties and the Title IX Coordinator describing the result of the appeal and the rationale for the result. The decision of the appeal officer is final.

RECORD-KEEPING PROVISION

The University will retain a full record of all complaints filed under these provisions for a period of no less than seven (7) years from the date of the initial report or Formal Complaint, whichever is earlier. This includes records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Prohibited Conduct. The parties may request to inspect and review the records for a closed matter at any time during the retention period. The University will provide the parties with access to the records within a reasonable timeframe, not to exceed forty-five (45) days from the date of the request.

OCR REVIEW RIGHTS

Although parties are encouraged to resolve their grievances related to Title IX matters by utilizing this Policy, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

FURTHER INFORMATION

For questions, additional detail, or to request changes to this policy, please contact the Title IX Coordinator.

[1] Note that due to shelter-in-place and other restrictions related to Covid-19, currently in-person access is restricted. Please contact the Title IX Coordinator by any of the other methods listed.

CROSS REFERENCES

[Affirmative Action Office Website](#)

[Code of Conduct & Student Conduct Procedures Manual](#)

[Penn State College of Medicine Web Site](#)

[Sexual Harassment and Assault Reporting and Education \(SHARE\)](#)

[University Title IX Website](#)

[AC76](#) - Faculty Rights and Responsibilities

[AD29](#) - Statement on Intolerance,

[AD47](#) - General Standards of Professional Ethics

[AD51](#) - Use of Outdoor Areas for Expressive Activities

[AD67](#) - Disclosure of Wrongful Conduct and Protection From Retaliation

[AD72](#) - Reporting Suspected Child Abuse

[AD74](#) - Compliance With the Clery Act

[AD91](#) – Discrimination and Harassment, and Related Inappropriate Conduct

[HR01](#) - Fair Employment Practices

[HR11](#) - Affirmative Action in Employment at The Pennsylvania State University

[HR79](#) - Staff Grievance Procedure

Most Recent Changes:

- August 14, 2020 – Revision of University policy and procedures to comply with new Title IX regulations.

Revision History (and effective dates):

- April 22, 2019 - Edited definition of sexual harassment in item "a" under the section CONDUCT THAT IS PROHIBITED BY THIS POLICY.
- October 23, 2018 - Editorial changes to update contact information for Title IX Coordinator and Associate Vice President for Affirmative Action.
- August 13, 2018 - Editorial changes to update personnel information for the Title IX Coordinator and the Title IX Deputy Coordinators.
- June 1, 2018 - Editorial change to add gender expression to the list in the first paragraph of the policy statement.
- April 27, 2018 - Editorial changes to update broken links.
- August 17, 2017 - Personnel changes in the Title IX Coordinator and Deputy Title IX Coordinators positions.
- September 29, 2016 - Major edits to the entire policy. This policy has been re-titled and revised to address gender-based harassment and sexual harassment/sexual misconduct.

Verbiage addressing general discrimination and harassment and related inappropriate conduct has been moved to new policy AD91, Discrimination and Harassment, and Related Inappropriate Conduct.

- January 27, 2014 - New Policy, replacing AD12 (Sexual Assault, Relationship and Domestic Violence, and Stalking), AD41 (Sexual Harassment) and AD42 (Statement on Nondiscrimination and Harassment).

Date Approved:

August 14, 2020

Date Published:

August 14, 2020

Effective Date:

August 14, 2020

TITLE IX

2020 Title IX
Regulations & Changes
to Penn State Policies
and Procedures

- Chris Harris, Title IX Coordinator, Penn State
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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

- Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in any federally funded education program or activity.
- Administration of regulations enforced by Office for Civil Rights, Dept. of Education
- Largely administered through a mix of regulations and quasi-regulatory guidance since 1975.
- Federal courts and the Dept. of ED clarified what is sexual harassment under TIX --the 90's, early 2000's through the Obama administration (2011 DCL).

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FROM GUIDANCE TO REGULATION

- Title IX applied to behavior on and off-campus—broad interpretation of educational program or activity.
- Mandatory reporting requirements for “responsible employees.”
- Provisions for providing resources and support to complainants.
- Training requirements for TIX coordinators and investigators.
- All governed by quasi-regulatory guidance which was sometimes unclear.
- Challenges in federal court, many by respondents who argued that their due process rights were violated.
- DoE retracted several years of guidance (2011 DCL); decided to implement regulations. Two-year process.
- New regulations publicized May 19, 2020
- Implementation date August 14, 2020

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13 MAJOR PROVISIONS

- Actual Knowledge
- Definition of Sexual Harassment
- Sexual Harassment Occurring in a School’s “Education Program or Activity” in the United States
- Accessible reporting to TIX Coordinator; adoption and publication of TIX procedures
- School’s Mandatory Response Obligations: Deliberate Indifferent Standard
- School’s Mandatory Response Obligations: Defining complainant, respondent, formal complaint, supportive measures
- Grievance process: General requirements
- Investigations
- Hearings
- Standard of Evidence & Written Determination
- Appeals
- Informal Resolution
- Retaliation Prohibited

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THE “MAJOR” MAJOR PROVISIONS

Major Provision	Impact	University Response
Actual Knowledge	University on has knowledge if someone with ability to take corrective measures on University’s behalf (TIX Coordinator, HR, Supervisors)	Adopted Actual Knowledge standard; “responsible employee” language removed from AD85.
Definition of Sexual Harassment	Regulations adopt standard in Davis; narrow definition of SH; severe, pervasive and objectively offensive	University adopted definition as required by regulations. Revised AD91 to address behaviors outside TIX
Jurisdiction	Harassment must occur within education program or activity in the United States	Made provisions to address behavior that falls outside of narrow jurisdiction
Grievance Process	Regulations apply equally to students, faculty and staff; single-investigator model for employee cases is out; hearings for employees	One Title IX policy that applies equally to students, faculty and staff (AD85); Procedures embedded in the policy

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DEFINITION OF SEXUAL HARASSMENT

- Definition of Sexual Harassment based on Davis—Unwelcomed conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school’s educational program or activity; quid pro quo, sexual assault, dating/domestic violence and stalking.

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ACTUAL KNOWLEDGE STANDARD

Adopted the “actual knowledge” standard found in the regulations. The University will respond when a University official with the authority to take corrective measures on behalf of the University receives notice of suspected Prohibited Behavior.

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JURISDICTION UNDER TITLE IX

- Jurisdiction— Prohibited Conduct must occur within “education program or activity.” Harassment must be against someone in the United States. Behavior that does not meet the definition, even if true, cannot be considered under TIX
- Under the Title IX Rule, recipients must promptly respond to a report that an individual has been allegedly victimized by sexual harassment, whether the alleged victim is presently a student or not, in a manner that is not “deliberately indifferent,” or clearly unreasonable in light of known circumstances. Students and others who are participating or attempting to participate in the school’s program or activity also have the right to file a formal complaint.

Q: Does this mean the University can no longer address off-campus sexual misconduct involving students, for example?

A: No; the regulations provide some institutional choice.

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REVISED POLICIES AND PROCEDURES

- [AD85](#)—revised and is now the University's Title IX Policy. Procedures that are regulatory compliant also appear in the policy.
- [AD91](#)—is the policy applied to all non-TIX sexual harassment behavior, including gender-based harassment protections.
- Student Affairs developed separate procedures to address behavior outside of the Title IX jurisdiction.
- The Affirmative Action Office developed separate procedures to address behavior outside of the Title IX jurisdiction.

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HEARINGS

- Title IX Regulations apply equally to students, faculty and staff
- This includes all of the due process provisions included in the regulations
- We must provide for a live-hearing
- We must allow the parties to have an advisor of their choice
- Must provide the parties to cross-examine the other party and witnesses in real-time.

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ADVISORS OF EQUIVALENT BACKGROUND OR KNOWLEDGE



- **Provide advisors of equivalent background/knowledge.** The regulations require that we allow the parties to choose an advisor of their choice. If the matter proceeds to a hearing and a party does not have an advisor, the regulations require that we provide an advisor of the University's choice, without cost to the party. The advisor may be, but is not required to be, an attorney, who will conduct cross-examination on behalf of the party. **The University will provide an advisor of equivalent educational and/or professional background as compared to the other party's advisor.** Therefore, if one party has an attorney as their advisor and the other party does not have an advisor, the University will provide that party with an attorney as well to serve as their advisor to ensure a more equitable cross-examination process.

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RETAINED PREPONDERANCE OF THE EVIDENCE STANDARD

Retain preponderance of the evidence as the University's standard of evidence for sexual harassment allegations. The regulations provide the option to use one of two standards (preponderance of the evidence or clear and convincing). **The regulations stipulate that whatever standard we choose must be applied to both student and employee sexual harassment matters.** The team recommends that the University retain preponderance of the evidence as the standard of evidence for all sexual harassment allegations, whether they fall within the narrow scope of Title IX's jurisdiction or outside of Title IX's jurisdiction. This is the standard that is currently used for both student and employee cases and we believe that it is the appropriate standard for our community as we continue to address sexual misconduct across the University.

12

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QUESTIONS?

Chris Harris, Title IX Coordinator
Affirmative Action Office, 328 Boucke Building
(814) 863-0471
cjh41@psu.edu
titleix@psu.edu

Official copy of the Title IX regulations can be accessed here:

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

13

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS & TECHNOLOGY

Faculty Response to the Shift to Remote Teaching: Enabling Technologies for Remote Learning

(Informational)

Background

This informational report was requested by the Faculty Senate to provide information on the transition to remote teaching during the Spring 2020 semester. In response to the shift to remote learning precipitated by the spread of COVID-19, TLT surveyed faculty to understand their challenges and uncover opportunities to provide assistance. The survey was distributed to Penn State instructors via email and Canvas alerts beginning on April 26th, 2020. Of all the responses, 576 met the inclusion criteria that required respondents to have been teaching at least one course at the time of the survey and to have answered all closed-ended questions.

Every campus and academic discipline are represented in this report, except for World Campus. World Campus faculty members were already teaching online; as such, their experiences were significantly different from other faculty and will be utilized as a comparison group for future research. In this first iteration of analysis, close-ended items were summarized with descriptive statistics and open-ended items were coded in NVivo 12 based on word frequency. These results have been disseminated via presentations and reports across the University including the Academic Leadership Council, the Office of Planning, Assessment, and Institutional Research, and a wide variety of colleges and campuses. Further, a subset of these results is currently in submission to a special issue of *Interaction Design & Architecture(s)*.

Statistics and Interesting Facts

Demographics

Survey respondents represented both tenure-line (41% of respondents) and non-tenure-line (51% of respondents) faculty. The remaining respondents (8%) consisted of instructors in staff and administrator roles. Fifty-six percent of respondents were teaching two or fewer courses during the transition, and 44% of respondents transitioned three or more courses to remote teaching.

Adapting to Remote Teaching

Overall, 66% of respondents felt adequately supported by Penn State during the transition to remote teaching. Twenty-nine percent of respondents agreed that they struggled to adapt to remote teaching, and 61% of respondents agreed that their students struggled to adapt to remote learning. Faculty reported remote learning did not improve students' overall course satisfaction (59% of respondents), learning (66% of respondents), or engagement (76% of respondents).

The data also revealed respondents' experiences of professional growth. Thirty-five percent of faculty agreed that adapting to the remote environment improved their teaching abilities, and

58% of faculty said they would use new remote teaching practices in future classes. One faculty member stated, “I am a much better instructor now. I always tried to ask myself: what exactly do the students need to know? when I prepared my lectures. But online teaching and learning takes more time, so I feel like I have better distilled the material I wanted to communicate down to the absolute fundamentals. I am so much more flexible now. There are all different types of ways of asking a question and preventing cheating that I never thought of and now use regularly. This experience, while difficult in many ways, was very good for me professionally.”

Technological Challenges

Faculty faced various technological challenges in the remote teaching environment. The percentage of respondents to endorse each item is listed below.

- Technical troubleshooting (36%)
- Familiarity with apps (31%)
- Access to internet (23%)
- Access to specialized software (14%) or reliable hardware (12%)

Penn State IT offers virtual support for all of these challenges. For troubleshooting technical issues visit the [IT Help Desk website](#); to access supported software visit the [Software at Penn State website](#); and for hardware resources visit the new resource, [Technology Resources on the Keep Teaching website](#). Teaching and Learning with Technology (TLT) also offers [general technology training](#) for faculty, staff, and students through IT Learning and Development (ITLD). ITLD also offers technical support during synchronous class meetings via Zoom through the new [Tech TA program](#) and one-on-one training and troubleshooting for technology tools through the long-standing [Tech Tutors program](#).

Pedagogical Challenges

In addition to technical issues, the rapid transition to remote teaching generated pedagogical challenges. The top challenges for faculty and the percentage of respondents to endorse each item are listed below.

- Assessment of student learning (55%)
- Students’ responsiveness (50%)
- Replacements for face-to-face tools (e.g., whiteboards) (43%)
- Students’ availability for synchronous classes (36%)
- Students’ access to course materials (28%)
- Knowledge of options for online course delivery (26%)

Faculty expressed that, given more time, they would be interested in further exploring the following software and tools.

- Open education resources (OER) (41%)
- Online assessment tools (36%)
- Kaltura (35%)
- Blended learning (34%)

- Canvas (32%)
- Microsoft Office 365 (31%)
- Zoom (30%)
- Adobe Creative Cloud (27%)
- Accessibility tools (21%)

Training is available for [technology tools](#), [blended learning](#), and [course delivery software](#) including Canvas, Kaltura, and Zoom. For support with media projects that use programs such as Adobe Creative Cloud, visit [the Media Commons](#). To learn more about maintaining academic integrity during assessments visit the new resource, the [Academic Integrity section of the Keep Teaching website](#). Other resources for these topics include the [Open Educational Resources \(OER\) website](#) and the [Accessibility and Usability website](#). For on-going access to resources, instructors may attend the new [TLT Engaging Student Series](#) or visit websites such as [Keep Teaching](#) or [Commonwealth Campus Faculty Development](#).

Communication Tips

Faculty preferred local communication (75% of respondents), such as emails from their academic programs, as opposed to broad avenues of communications, such as news outlets (24% of respondents) and social media alerts (2% of respondents). Canvas alerts were also useful for 35% of respondents.

Most importantly, some faculty expressed a feeling of “communication overload” and felt that they had received too much information. In the future, messages should be succinct, less frequent, and come from a local source. It would also be helpful to direct faculty to the resources they found to be most useful, including local learning designers (41% of respondents), IT Help Desk (37% of respondents), and the institutional resource website (35% of respondents). Please note, at the time of the survey, faculty were using the remote teaching website, but now faculty should use the [keepteaching.psu.edu](#) website.

Other Challenges

Though this research was designed to investigate the remote teaching and technology experiences of faculty, open-ended questions elicited significant proportions of responses that described work-life balance issues, with a focus on mental health and wellness. Fifty-seven percent of respondents reported feeling challenged by limits on their personal time and energy. Faculty also reported challenges related to caring for family while responding to increased labor demands. One faculty member summarized, “We're trying to survive a global pandemic while pretending the mental health of our teachers and students is not compromised by it.” In response to the rapidly changing remote work conditions brought on by the pandemic, Penn State has developed the [Remote Work](#) website, which includes a section on [health and well-being](#). [Healthy Penn State](#) provides resources related to fitness, mindfulness, nutrition, sleep, and stress management for everyone at Penn State. Student Affairs provides a [Manage Stress Workbook](#) for students, which can be utilized by both faculty and staff as well. The [Employee Assistance Program](#) is available to all benefits-eligible Penn State employees and includes support for work/life issues.

More Information

This research is supported by Penn State Teaching and Learning with Technology Innovation. For more information contact Dr. Alex Serpi at alex.serpi@psu.edu or the principal investigator, Dr. Jenay Robert at jrr296@psu.edu.

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS & TECHNOLOGY

Ann Clements, Chair

Francesca Ruggerio, Vice Chair

Chandra Alexander

Barbara Dewey

Timothy Eden

Galen Grimes

John Messner

Julio Palma

Jacqueline Reid-Walsh

Jennifer Sparrow

Don Welch

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS, & TECHNOLOGY

Faculty response to the shift to remote teaching: Enabling technologies for remote learning



PennState
Teaching and Learning
with Technology

1

TLT Research and Evaluation



Crystal M. Ramsay, PhD
Asst Dir, TLT Innovation



Jenay Robert, PhD
Research Project Manager
(Principal investigator)



Alex Serpi, PhD
Research Project Manager

2

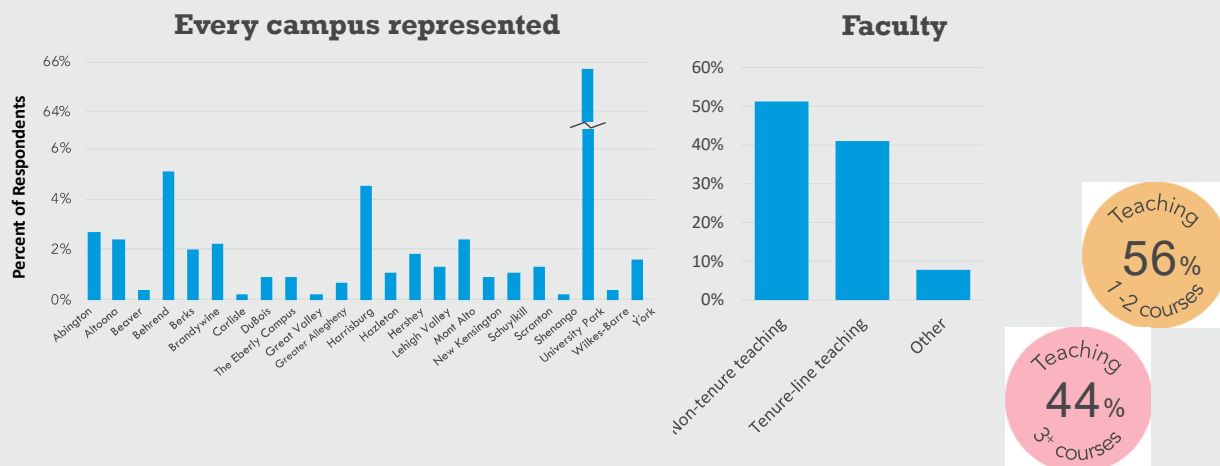
TLT Research and Evaluation conducted a university-wide survey of students and faculty

- **IRB-approved study**
- **Technology-focused**

	Student survey	Faculty survey
Dates	April 24 th – May 1 st	April 26 th – May 8 th
Distribution Method	Canvas Faculty email Penn State Go News outlets	Canvas Email
Responses	3787	576

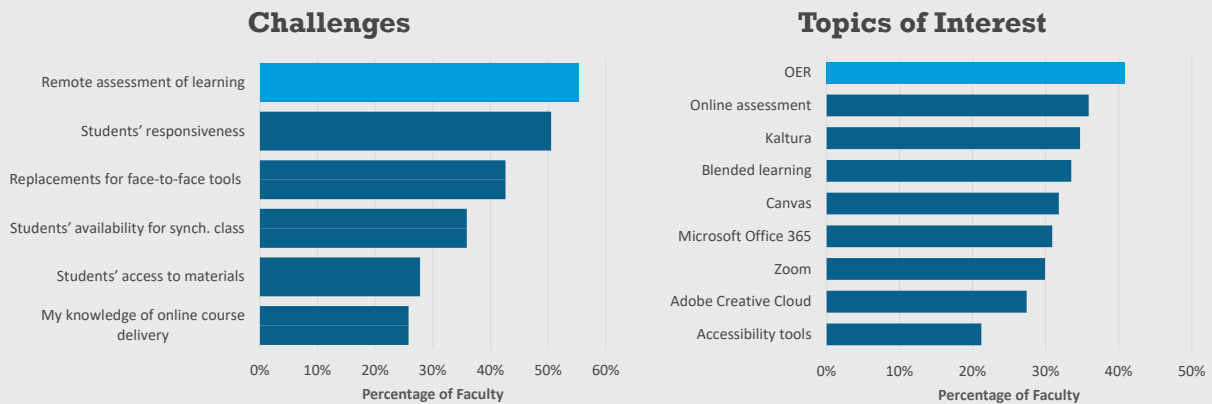
3

The respondent pool was diverse



4

Remote assessment and OER topped the list of current challenges and areas of future interest



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There are resources to help faculty meet pedagogical challenges

TLT Resources

IT Learning & Development

- Technology tools
- Course delivery software
- Tech TAs

Accessibility and Usability website

Media Commons

- Adobe Creative Cloud
- Videography

Learning Design

- Engaging Student Series

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Additional Resources

Keep Teaching website

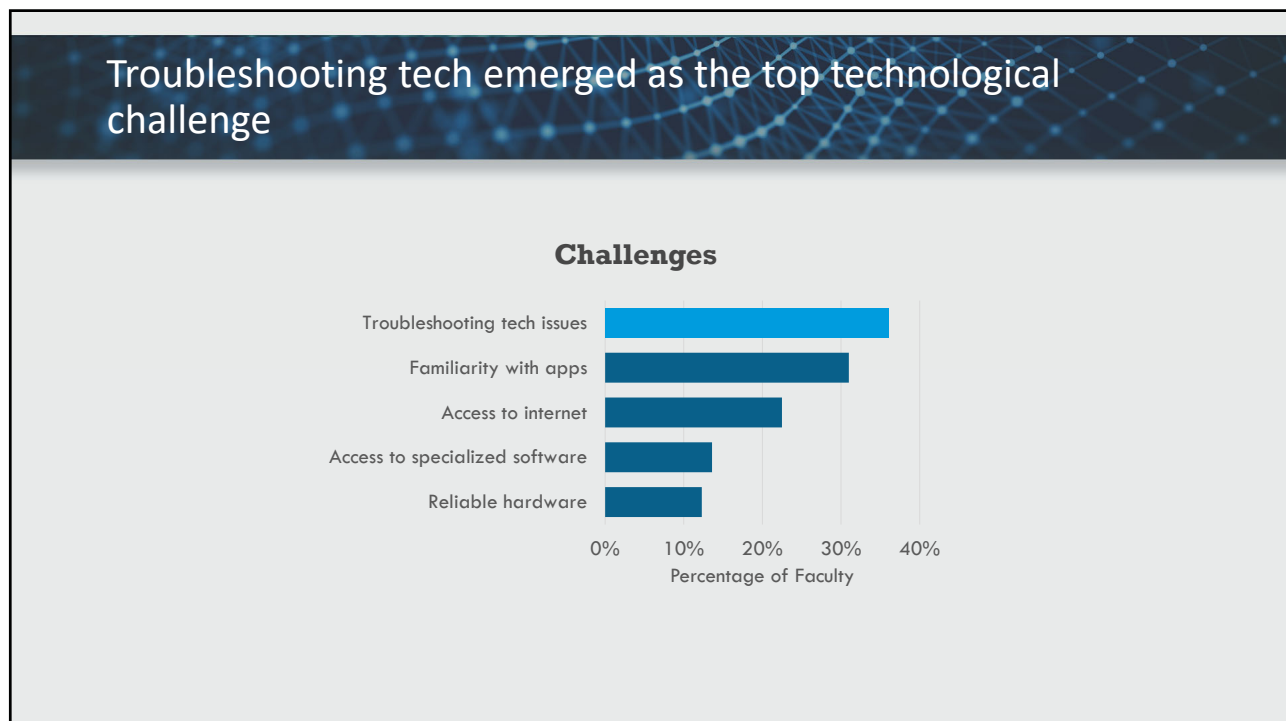
- Academic integrity
- Remote assessment
- Webinars
- Flexible Teaching Guide

Open Educational Resources website

Commonwealth Campus Faculty Development

- Organized by instructional mode
- Webinars

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There are resources to help faculty meet technological challenges

TLT Resources

Tech TAs & Tutors

IT Learning & Development

The Media Commons

Additional Resources

IT Service Desk

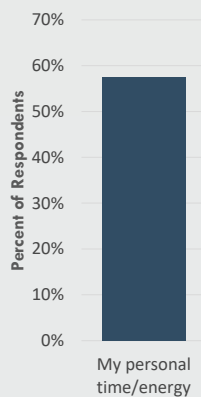
software.psu.edu

Keep Teaching website

- Technology resources

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Faculty reported challenges related to health and wellness, their own and their students'



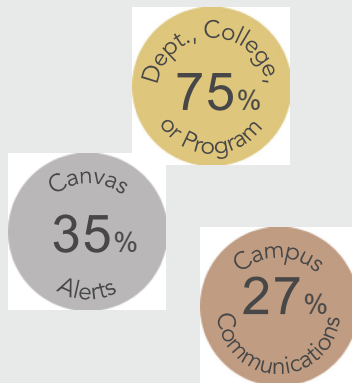
“My students are so stressed, and their poor mental health affects my own [mental health], my ability to teach, and their ability to learn. I feel like I could be the perfect remote teacher and it wouldn't matter right now.”

– Faculty quote

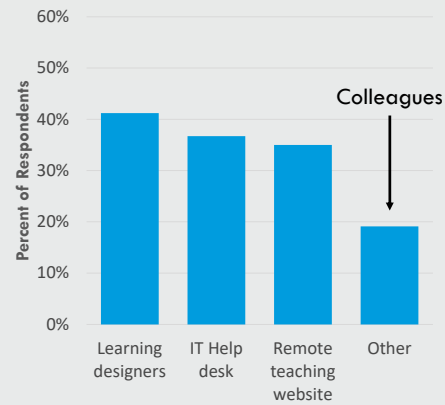
10

One-on-one interactions and local communication emerged as preferred mechanisms for faculty

Best methods to reach faculty

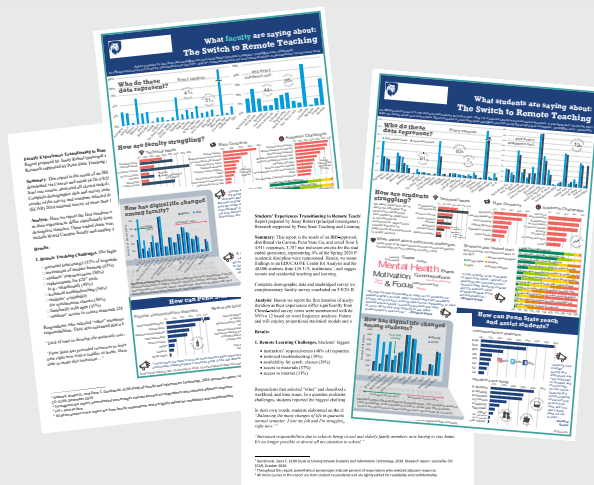


Prefer 1-on-1 resources



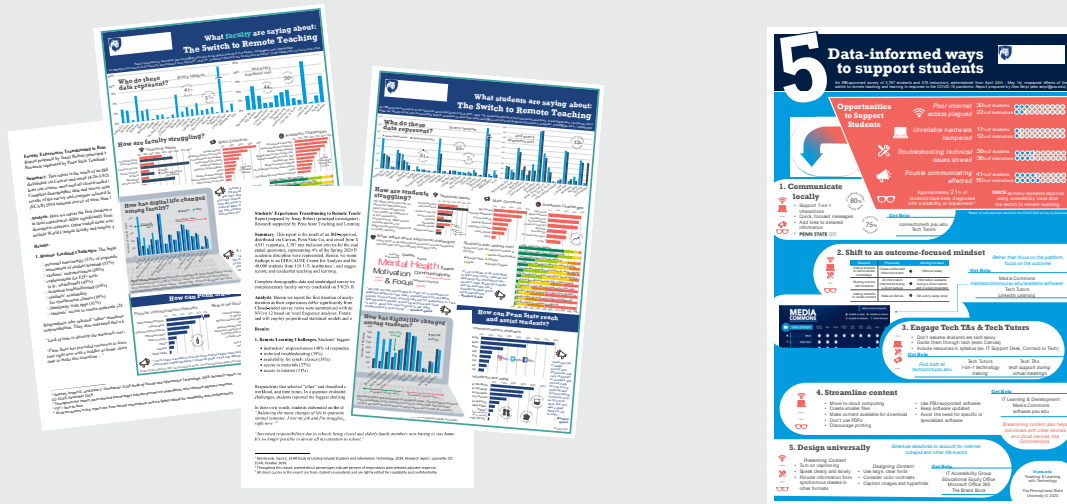
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Learn More



12

Learn More



13

Thank You



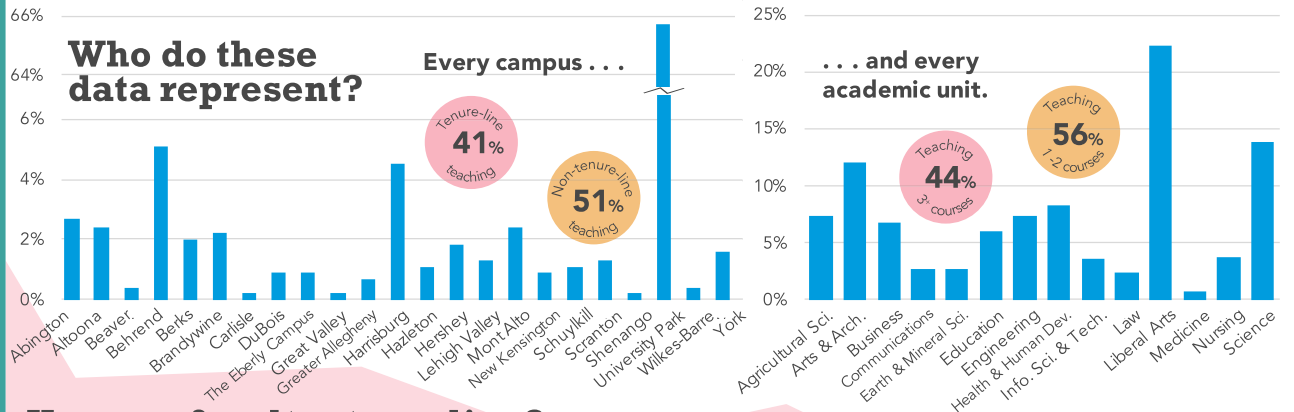
PennState
Teaching and Learning
with Technology

14

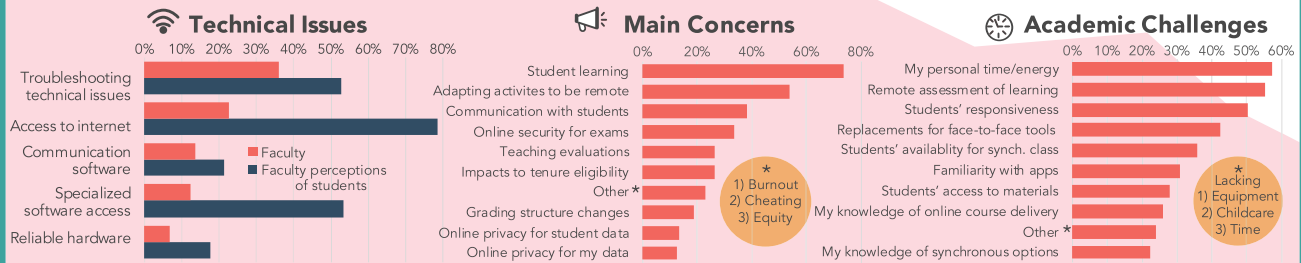


What **faculty** are saying about: The Switch to Remote Teaching

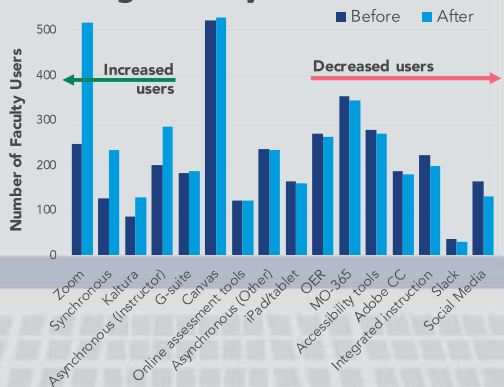
Report prepared by Alex Serpi (alex.serpi@psu.edu) and Jenay Robert (principal investigator, jrr296@psu.edu). 20May2020.
An IRB-approved survey of 576 faculty, administered from April 26th - May 8th, measured effects of the Coronavirus shutdown. It was distributed via Canva and email.



How are faculty struggling?



How has digital life changed among faculty?



Synchronous lectures presented many challenges for both students and faculty. Issues included lack of reliable internet, caring for children and sick relatives, zoom bombing, and privacy issues. Additionally, students struggled with time zone differences and extra family/work responsibilities.

"Almost all negatives for me are about my students and their access to technology and their mental health. The stress they are under is severe . . . their lives fell apart in other ways through job loss, personal tragedies, financial difficulties, etc." - Faculty quote

We asked faculty to rank their agreement with the statements listed to the right.

Legend: Strongly Agree, Agree, Neither Agree/Disagree, Disagree, Strongly Disagree

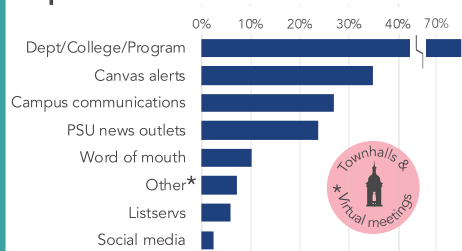
A little positivity

"I also had students report that they felt more comfortable asking questions on Zoom -- just putting something in the chat, or messaging me privately, or 'raising their hand' during the lecture . . . I definitely had more students come to office hours." - Faculty quote

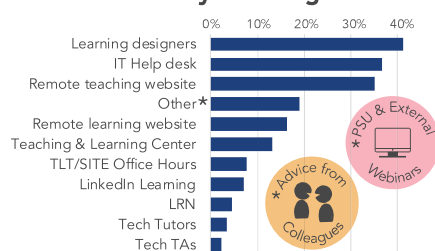
"I am a much better instructor now . . . I am so much more flexible now. There are all different types of ways of asking a question and preventing cheating that I never thought of and now use regularly. This experience, while difficult in many ways, was very good for me professionally." - Faculty quote

How can Penn State reach and assist faculty?

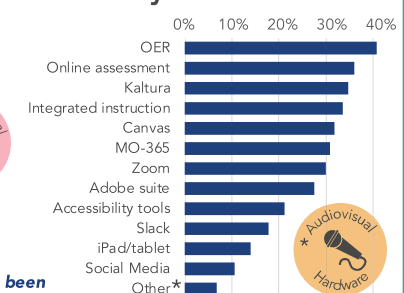
Popular communication channels



Resources faculty are using



Tools faculty want to learn about



"I think there is a need to provide more mental health resources for faculty . . . This transition has been emotionally challenging and it would be great if this was addressed by the college or university."

- Faculty quote

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS & TECHNOLOGY

Penn State Relationship with Box Application

(Informational)

Background

We are providing this report at the request of the Faculty Senate to present information on Penn State's relationship with the Box service. Leadership recognized the need for a tool that would allow for cloud storage and collaboration; as a result, in 2014, Penn State entered into an agreement with Box to provide cloud-based storage. It was rapidly adopted across the university and our data storage in Box has grown to 3.2 petabytes.

The following chart shows a breakdown of usage by user type as of August 2020. NPAs or non-person accounts, are accounts generally used for group or departmental shared files and not owned by any one user.

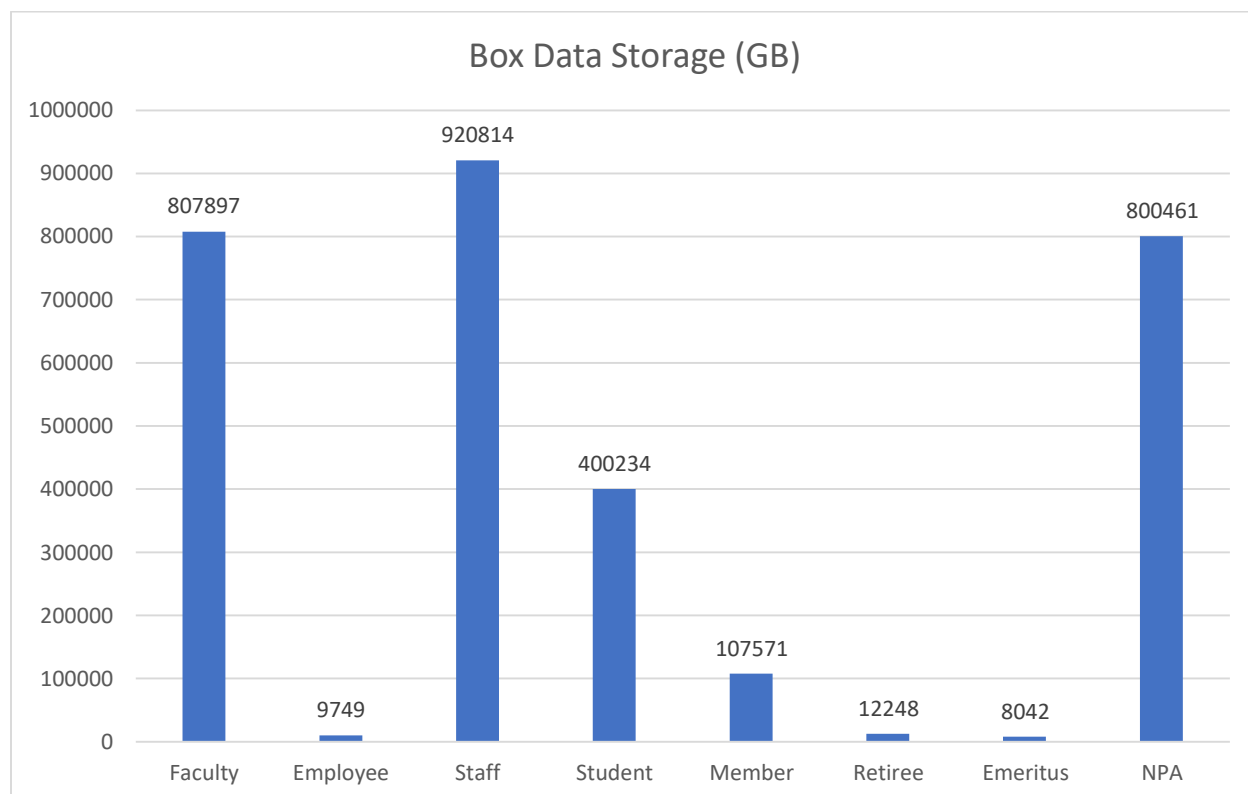


Table: Box Data Storage (GB)

Role	Usage
Faculty	807,897
Employee	9,749
Staff	920,814
Student	400,234
Member	107,571
Retiree	12,248
Emeritus	8,042
NPA	800,461

Since that time, technology and cloud services offered at the university have evolved and the university has introduced several new options for cloud-based file storage including Google Drive and Microsoft OneDrive. Additionally, for researchers, there are file storage options available through the Institute for Computational and Data Sciences (ICDS).

At the same time, in 2019, higher education customers started reporting Box contract negotiations that would potentially raise prices significantly. Peer institutions began to see renewal notices that were often three – four times higher than previous contracts. In the university's contract negotiations with Box this year, we were provided a one-year renewal at our previous contracted pricing but we no longer have access to unlimited storage and any additional storage will be charged incrementally.

Furthermore, future years will be renegotiated at a higher rate based on storage consumption. In 2019 alone, Box usage grew 54% at Penn State. The Office of Information Security (OIS) has setup a secure enclave system in SharePoint to house Level 3/4 secure data that was previously in Box and with the enhanced security features that our Office 365 includes, the expectation is that all L3/L4 data will be migrated from Box to a secure enclave in SharePoint. Given this and Penn State's continued year-over-year storage growth along with storage options available, such as Google Drive and OneDrive that we are already paying for, it makes the most financial sense to migrate from Box to one of our alternate storage solutions.

As a result, there is an active project currently underway to migrate users off of Box by the end of our current one-year contract renewal - September 2021. At the same time, we recognize that there will be some specialized uses of Box that may require additional investigation and alternatives. The project team will work closely with each area to find solutions for those use cases.


More Information:

<https://box.psu.edu/box-migration/>

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS & TECHNOLOGY

Ann Clements, Chair
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Galen Grimes
John Messner
Julio Palma
Jacqueline Reid-Walsh
Don Welch



PennState
Information Technology

Box Migration and Retirement

Executive Summary – Faculty Senate

December 1, 2020

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Why Retire Box at Penn State?

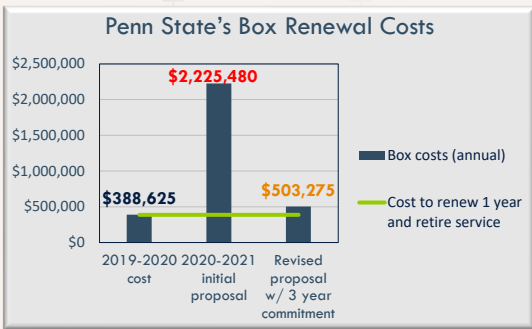
Box changes higher ed pricing model

- Eliminated unlimited storage
- Introduced usage-based prices
- 2/2020 pricing and Penn State implications
 - ~6x price increase OR reduce usage by 87%

Reduce Similar Services

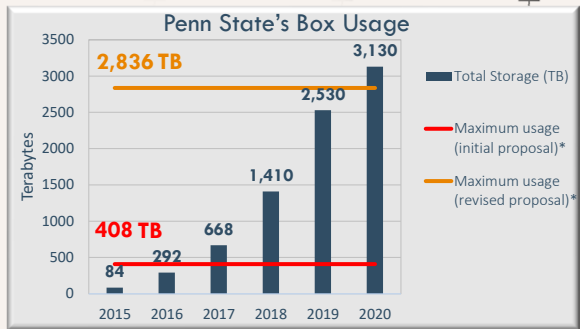
- Box introduced in 2014 as an enterprise cloud storage and collaborative service
- Other storage services now offered include Microsoft Office 365, Google Suite, and Penn State's Institute for Computational and Data Sciences (ICDS)

Penn State's Box Renewal Costs



Scenario	Cost (\$)
2019-2020 cost	\$388,625
2020-2021 initial proposal	\$2,225,480
Revised proposal w/ 3 year commitment	\$503,275

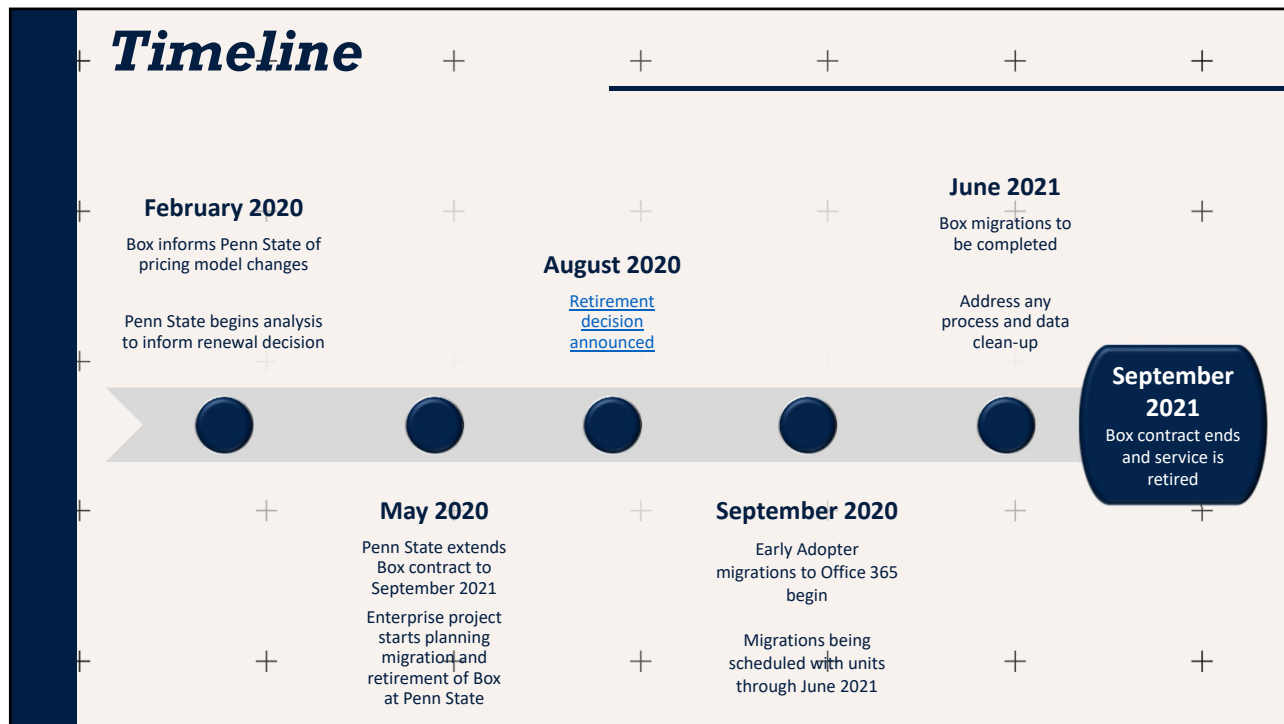
Penn State's Box Usage



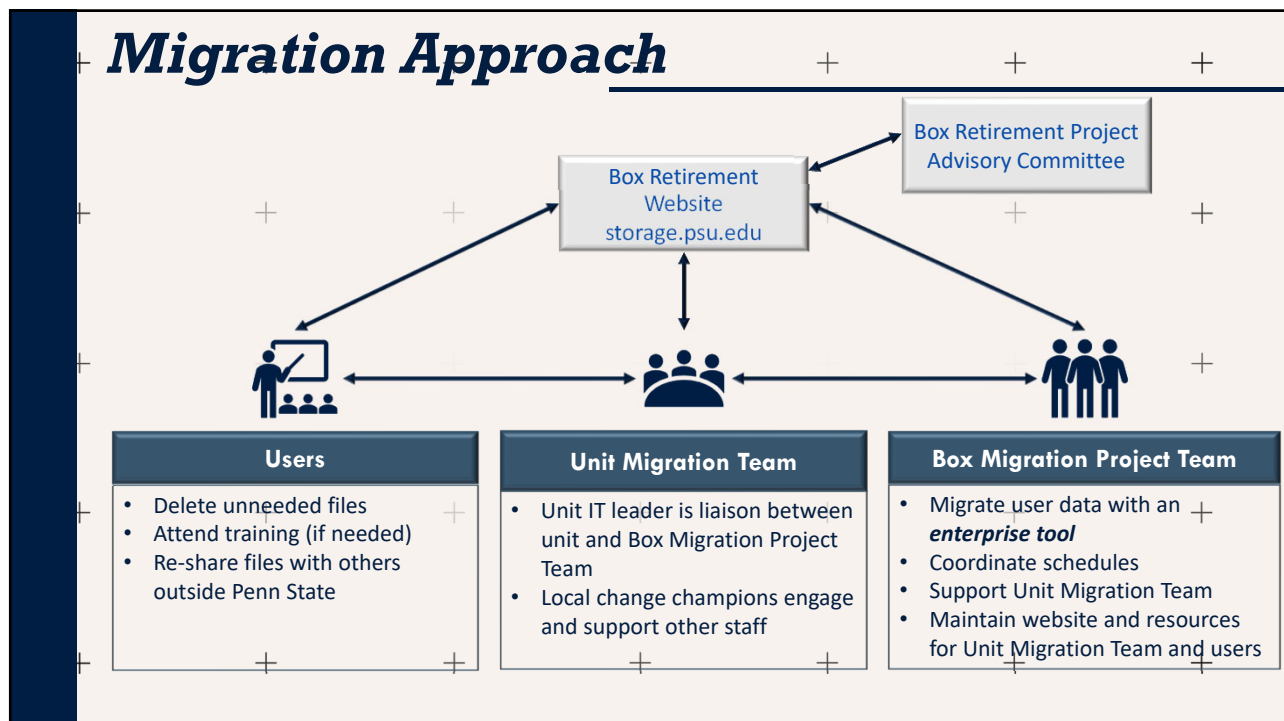
Year	Total Storage (TB)
2015	84
2016	292
2017	668
2018	1,410
2019	2,530
2020	3,130

* Each proposal included usage limits to maintain 2019-2020 cost of \$388,625.

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The Migration

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Pre-Migration

Clean Up Box

☐ Delete unused Box files to ensure a fast migration.

☐ Locate and manually move files larger than 15 GB.

☐ Capture and save Box Comments to avoid losing them.

☐ Transfer Box Notes to Word Documents, if you must preserve document formatting.

☐ Rename files with more than 400 characters in the path, to avoid migration errors.

☐ Save previous versions of files as separate documents if archiving is part of your business process.

☐ Accept pending collaborations in Box or they will be lost during migration.

☐ Move files stored in your personal Box account to a Non-Person Account, if applicable.

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The Migration

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Investigate

☐ Locate and update Box file links, embeds, or upload folders that are public or shared via Canvas or on a website. **Only update Box files that impact current courses or websites.** All other files will be migrated automatically.

☐ Investigate additional migration-specific training resources on the [training and resources page](#).

Communicate

☐ Work with your local IT and colleagues to coordinate migration plans.

☐ Collaborate with local IT to identify new processes for special use cases involving Box workflows.

☐ Notify any file collaborator internal and external to Penn State when you will migrate from Box.

6

- ☐ **Do not** access or work from files even if you see them appear in Office 365.
- ☐ Wait for notification that your migration has completed before accessing files.

- ☐ Send new OneDrive links to any file collaborators external to Penn State.
- ☐ Notify internal collaborators of completed migration and to access all your shared files in their OneDrive "Shared with You" tab.

+ *Next Steps*



Your feedback and input is invaluable as we move forward with the migrations.

Please email the project team at BoxMigration@psu.edu or email me directly at shuchi@psu.edu



PennState
University Faculty Senate

101 Kern Graduate Building
University Park, PA 16802
Phone: 814-863-0221

Date: November 17, 2020

To: All Senators and Committee Members

From: Dawn Blasko, Executive Director

Following is the call in and meeting number of all Senate meetings November 30 and December 1, 2020. Please notify the University Faculty Senate office and committee chair if you are unable to participate.

MONDAY, NOVEMBER 30, 2020

3:00p.m.

Joint Committee on Insurance and Benefits-<https://psu.zoom.us/j/96438100551>

OR Number to call: 301-715-8592 or 312-626-6799

Meeting number: 9643810055#

6:30 p.m.

Officers and Chairs Meeting – <https://psu.zoom.us/j/96784558180>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 96784558180#

8:15 p.m.

Commonwealth Caucus Meeting – <https://psu.zoom.us/j/92989520449>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 92989520449#

TUESDAY, DECEMBER 1, 2020

8:00 a.m.

Intercollegiate Athletics – <https://psu.zoom.us/j/97320281120>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting Number: 97320281120#

8:30 a.m.

Committees and Rules – <https://psu.zoom.us/j/96854353870>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 96854353870#

Curricular Affairs – <https://psu.zoom.us/j/92700686386>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 92700686386#

Educational Equity and Campus Environment - <https://psu.zoom.us/j/97030643990>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 97030643990#

Faculty Affairs – <https://psu.zoom.us/j/92293660248>

OR Number to call: 301-715-8592 or 312-626-6799

Meeting number: 92293660248#

Faculty Benefits – <https://psu.zoom.us/j/99766910396>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 99766910396#

Intra-University Relations – <https://psu.zoom.us/j/97243955700>

OR Number to call: 301-715-8592 or 312-626-6799

Meeting number: 97243955700#

Libraries, Information Systems, and Technology - <https://psu.zoom.us/j/91089505508>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 91089505508#

Outreach – <https://psu.zoom.us/j/96030155192>

OR Number to call: 646-876-9923 or 312-626-6799

Meeting number: 96030155192#

Research, Scholarship, and Creative Activity – <https://psu.zoom.us/j/95621437765>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 95621437765#

University Planning – <https://psu.zoom.us/j/93271034261>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 9321034261#

9:00 a.m.

Admissions, Records, Scheduling, and Student Aid – <https://psu.zoom.us/j/97165166171>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 97165166171#

Education – <https://psu.zoom.us/j/96404060701>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 96404060701#

Global Programs – <https://psu.zoom.us/j/96402183128>

OR Number to call: 312-626-6799 or 646-876-9923

Meeting number: 96402183128#

Student Life – <https://psu.zoom.us/j/98063789580>

OR Number to call: 301-715-8592 or 312-626-6799

Meeting number: 98063789580#

11:00 a.m.

Student Senator Caucus – <https://psu.zoom.us/j/97995137268>

OR Number to call: 301-715-8592 or 312-626-6799

Meeting number: 97995137268#

11:15 a.m.

Commonwealth Caucus Meeting – <https://psu.zoom.us/j/92989520449>

OR Number to call: 646-876-9923 or 301-715-8592

Meeting number: 92989520449#

1:00 p.m.

University Faculty Senate Plenary Meeting – <https://psu.zoom.us/j/93585910342>

Date: December 1, 2020

To: Commonwealth Caucus Senators (includes all elected Campus Senators)

From: Frantisek Marko and Michael Bartolacci, Caucus Co-Chairs

MONDAY, NOVEMBER 30, 2020 – 8:15 PM

ZOOM

Guest Speaker:

Ping Werner

Professor of Engineering

Chair of the Taskforce on Faculty Promotions

Topic:

Final Report on Promotion to the Rank of Professor Presentation and Discussion

Zoom Connectivity Information:

Join from PC, Mac, Linux, iOS or Android: <https://psu.zoom.us/j/92989520449>

Or iPhone one-tap (US Toll): +16468769923,92989520449# or +13017158592,92989520449#

Or Telephone: Dial: +1 646 876 9923 (US Toll) +1 301 715 8592 (US Toll)

Meeting ID: 929 8952 0449

TUESDAY, DECEMBER 1, 2020 – 11:15 AM

ZOOM

Agenda

- I. Call to Order
- II. Announcements
- III. Committee Reports
- IV. Other Items of Concern/New Business
- V. Adjournment and Lunch

Zoom Connectivity Information:

Join from PC, Mac, Linux, iOS or Android: <https://psu.zoom.us/j/92989520449>

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Meeting ID: 929 8952 0449