Consent
Involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. The absence of "no" is not a "yes".

Please note: The use of alcohol or drugs will never excuse behavior that violates this policy.

Sex Discrimination
Any behaviors and/or actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs, activities or employment opportunities because of a person's sex.

Sexual Harassment
Any unwelcomed conduct of a sexual nature that includes unwanted sexual advances, requests for sexual favors, and other visual, verbal, non-verbal, or physical conduct of a sexual nature when:
• Submission to such conduct is made a term or condition of employment or educational relationship;
• Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or
• Such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

Sexual Misconduct
Encompasses any sexual behaviors that violate Mercyhurst University's Code of Conduct and/or Title IX Policy. In general, any nonconsensual physical contact of a sexual nature may constitute as sexual misconduct.

Further Information on Title IX can be found at: justice.gov/crt/about/cor/coord/titleix.php
In accordance with Title IX of the Education Amendment Act of 1972, Mercyhurst University prohibits discrimination based on sex in its educational and athletic programs, as well as in extracurricular activities sponsored by the University. This includes a prohibition against any type of gender based sexual harassment, discrimination, or violence. To ensure compliance with Title IX and other federal and state civil rights laws, the University has developed policies and procedures that prohibit sex discrimination by any members of its community including students and employees.

**Terminology**
- **Complainant** - a person who initiates the complaint process
- **Respondent** - a person against whom a complaint is filed
- **Witness** - a person that is present during an incident that violates the Title IX Policy

**When you become aware of any form of an alleged act of sex discrimination or sexual misconduct you MUST:**
- Inform the complainant of the resources in this pamphlet.
- Immediately contact the Title IX Coordinator or any of the Deputy Title IX Coordinators to report the incident.

### Title IX Investigations
- Once a complaint has been filed, an Investigator will be appointed. The Investigator will conduct an investigation related to the incident. Individuals involved (complainants, respondents, and witnesses) will be contacted as part of the investigation.
- Involved parties will meet individually with the Investigator.
- Upon the conclusion of the investigation, a written report of the findings will be prepared and presented to the appropriate Vice President, the Director of Human Resources and the Title IX Coordinator.
- The appropriate Vice President and the Director of Human Resources, in consultation with the Title IX Coordinator, will determine if a violation of the sex discrimination and/or sexual misconduct policy has taken place. If a violation has occurred, the appropriate corrective action will be determined.
- Both the complainant and the respondent will be informed of the violation determination and, if a violation occurred, of the selected corrective action.

### Additional Information
- Mercyhurst University aims to have all investigations complete within 60 days from receipt of the complaint.
- Mercyhurst University may take interim measures to ensure that all involved parties are not interacting with each other through the course of the investigation.
- Mercyhurst University ensures an equitable process, where both complainant and respondent will be afforded an opportunity to present relevant witnesses and other evidence.
- Anyone engaging in sex discrimination or sexual misconduct will be subject to disciplinary action, up to and including, termination of employment.
- It is unlawful to retaliate in any way against anyone who has filed a complaint about sex discrimination or sexual misconduct, or participated in an investigation on behalf of the complainant or respondent.
- Employees should refer to their applicable handbook for University policies on amorous consensual relationships.

**Please Note:** University employees have a mandatory duty to report information they may receive regarding violations of the Title IX Policy as it relates to both students and employees. Employees with this affirmative duty include those that have the authority to take action to redress the harassment or those whom a student or employee could reasonably believe has this authority or responsibility, which include but are not limited to:
- President, Provost and Associate Provosts, Vice Presidents, Assistant and Associate Vice Presidents, Deans, Department Chairs, Program Directors and Coaches
- Any employee in a supervisory or management role
- Any faculty member responsible for supervising any activities or programs that include direct contact with students outside of the classroom
- Mercyhurst University Police & Safety Officers and any contracted security personnel
- Residence Life personnel including Resident Assistants, Hall Directors and Assistant Directors

Further information can be found on the Portal: Services – Assessment & Planning – Compliance