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.

Contact Information
Title IX Coordinator
Meredith Bollheimer
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Deputy Title IX Coordinators
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Jackie Fink
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814-725-6399

Deputy Title IX Coordinator of Training and Resources
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814-824-2333

Additional Resources
Res Life On Call Professional
Erie Campus
814-824-3889

Counseling Center
Erie Campus
814-824-3650 *
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Dispatch to Student Life
North East Campus
814-824-2304

Counseling Center
North East Campus
814-725-6136 *
PROVIDES CONFIDENTIALITY

Police & Safety
Erie Campus
814-824-2304

Student Health Center
Erie Campus
814-824-2431 *
PROVIDES CONFIDENTIALITY

Police & Safety
North East Campus
814-725-6103

Student Health Center
North East Campus
814-877-7711 *
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Crime Victim Center
814-455-9414

*PROVIDES CONFIDENTIALITY

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

**Non-Retaliation Policy**
Mercyhurst University strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sex discrimination. Any person who violates this policy will be subject to discipline, up to and including expulsion.

**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.
- Parties will meet individually with the Investigator.
- Upon conclusion of the investigation, and in accordance with the Title IX Policy, the administrator or the hearing panel will recommend one of the following actions:
  - no further action to be taken at this time,
  - refer to an administrative hearing, or
  - refer to a hearing panel.
- The administrator or the hearing panel will determine:
  - if a violation occurred,
  - the nature of the violation, and
  - the appropriate response.
- Both the complainant and respondent will be notified of the administrator’s or the hearing panel’s decision and both have the right to appeal.
- Confidentiality will be respected to the degree permitted by Title IX regulations.
- Complainants are encouraged to contact local law enforcement to report incidents of sexual assault.

**Title IX Hearing 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. These measures may include, but are not limited to: adjusting class schedules, making alternate housing arrangements, issuing "no contact" orders to all involved parties and possible interim suspension of the respondent.
- Mercyhurst University ensures an equitable process, where both complainant and respondent will be afforded an opportunity to present relevant witnesses and other evidence.
- The complainant and respondent will be afforded similar access to information used at the hearing.
- No direct cross-examination is permitted during the investigation, hearing or appeal process. At the discretion of the board, advocates may accompany involved individuals but may not participate at the hearing.
- The Title IX Board will use a preponderance of evidence as the standard of proof (i.e. more likely to have occurred than not to have occurred).

**Please Note:** The use of alcohol and other drugs never makes someone at fault for being sexually assaulted. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. The use of alcohol and other drugs shall in no way limit the responsibility of students for the consequences of their actions.

The University’s primary concern is student safety. Students may be reluctant to report instances of sexual assault because they fear being charged with policy violations, such as underage alcohol consumption. To encourage reporting, any other policy violations may be addressed (if necessary) separately from a sex discrimination allegation.

Further information can be found in the Student Handbook at: handbook.mercyhurst.edu