

# Sexual Harassment and Sexual Assault

**Effective August 14, 2020, the university adopted an Interim Sexual Misconduct Policy that supersedes and replaces this Sexual Harassment and Sexual Assault Policy.**

POLICY TITLE:	Carnegie Mellon University Policy against Sexual Harassment and Sexual Assault
DATE OF ISSUANCE:	This policy was approved by President's Council on April 11, 2013 and replaces and supersedes the university's <i>Policy against Sexual Harassment</i> and <i>Policy against Sexual Assault</i> , which were first approved in 1981 and 1991, respectively. This policy includes changes mandated by the U.S. Department of Education Office for Civil Rights (OCR) "Dear Colleague Letter" dated April 4, 2011. Updated in August 2016 to reflect changes in personnel, organization names and revised appendices. Administrative changes were made on January 9, 2019 and July 10, 2020.
ACCOUNTABLE DEPARTMENT/UNIT:	Title IX Coordinator, Dean of Student Affairs, and Associate Vice President for Human Resources. Questions about policy content and process, as well as any reports of alleged violations of this policy may be directed to any of these officials or to the individuals identified in the "Resources" section below where contact information is provided.
ABSTRACT:	Policy defines sexual harassment and sexual assault and describes procedures for reporting concerns or allegations, and for investigating allegations and taking disciplinary or other corrective actions when a violation is found to have occurred.
RELATED:	<ul style="list-style-type: none"><li>○ <a href="#">Statement of Assurance</a></li><li>○ <a href="#">Equal Opportunity/Affirmative Action</a></li><li>○ <a href="#">Community Standards and Procedures</a> (<i>The Word Student Handbook</i>)</li><li>○ <a href="#">List of Sexual Harassment Advisors</a> [See <i>Appendix A</i> below]</li></ul>

	<ul style="list-style-type: none"> <li>○ <a href="#">What to do if You or Someone You Know is a Survivor of Sexual Assault or Sexual Violence</a> [See <i>Appendix B</i> below]</li> <li>○ <a href="#">Confidentiality</a> [See <i>Appendix C</i> below]</li> <li>○ <a href="#">Definitions</a> [See <i>Appendix D</i> below]</li> <li>○ <a href="#">Bystander Risk Reduction and Sexual Violence Education, Awareness and Prevention</a> [See <i>Appendix E</i> below]</li> <li>○ <a href="#">Freedom of Expression Policy</a></li> <li>○ <a href="#">Statement on Academic and Individual Freedom</a> (<i>The Word Student Handbook</i>)</li> <li>○ <a href="#">Office of Title IX Initiatives</a></li> </ul>
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## Statement

Carnegie Mellon is dedicated to the free exchange of ideas and the intellectual development of all members of its community. For this exchange and development to take place freely, the institution fosters a positive learning, working, and living environment that promotes the confidence to work, study, innovate and perform without fear of sexual harassment or sexual assault. This policy is intended to clearly identify violations of this standard, provide resources to deal with their effects, and describe detailed procedures to address complaints of sexual harassment, including sexual assault. While these principles are clear and straightforward, the detailed procedures set forth in this document are necessary to assure that these matters are handled in a fair, thoughtful and thorough manner, consistent with our dedication to the integrity of our process.

## I. The Policy

Sexual harassment and sexual assault are specifically prohibited by Carnegie Mellon University, as is retaliation for having brought forward a concern or allegation. This document defines sexual harassment and sexual assault and explains the procedures that are followed when someone reports conduct that is prohibited by this policy. Appendix C also identifies specific resources and actions a victim can choose to take in the immediate aftermath of a sexual assault.

**"Sexual Harassment"** is defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or student status in a course, program or activity; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
3. such conduct has the purpose or effect of interfering with an individual's work or educational performance; or creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from an educational program or activity.

**Sexual harassment includes "Sexual Assault" and any other forms of sexual violence**, including any physical sexual act perpetrated against a person's will, where that person does not give clear and voluntary consent, or where that person is incapable of giving consent due to drug or alcohol use, or due to intellectual or other disability. Sexual assault includes but is not limited to rape, sexual battery, sexual coercion (the act of using pressure or force to have sexual contact with someone who has already refused), dating violence, domestic violence and any other act of sexual violence.

Sexual harassment also includes acts of stalking that create a sexually hostile or threatening environment. **Sexual harassment can occur in many different contexts.** Sexual harassment can occur between members of opposite sexes and/or members of the same sex. Sexual harassment often involves a supervisory employment relationship or teacher/student relationship. However, sexual harassment can also be committed by a student against a faculty member, by an employee against a supervisor, by a member of one's peer group, or by a contractor, vendor or other visitor to the University community. A hostile environment can also be created by the actions of more than one person or a group.

**This policy is consistent with the free expression of ideas that is essential to the mission of the University**, and the University believes that discourse conducted in accordance with the University's Freedom of Expression Policy and with the statement on

Academic Freedom and Responsibility enunciated in the Appointment and Tenure Policy of Carnegie Mellon University, whether in written, spoken, or electronic forms, will be consistent with this policy.

**Under federal, state, and local legislation (including but not limited to Title IX of the Education Amendments of 1972), the University has an affirmative duty** to devise and adopt appropriate policies and procedures prohibiting sexual harassment and sexual assault, including prevention and education programs; to investigate claims of sexual harassment and sexual assault; and to take prompt remedial action to stop the harassment and prevent its recurrence. Any faculty member, student, staff employee, vendor or visitor found to have violated this policy by engaging in conduct constituting sexual harassment or sexual assault will be subject to appropriate disciplinary or corrective action, which may include but not be limited to dismissal, expulsion, termination of employment, termination of contract, removal from campus, or other revocation of privileges on campus.

**For this policy to be meaningful, members of the University community who are aware of conduct that violates this policy**, whether they observe the conduct directly or otherwise learn about it, should report it to one of the individuals listed in the "Resources" section below. **Managers and supervisors in particular** are obligated by this policy and the law to report such conduct to one of the sexual harassment advisors or Title IX coordinators identified below to assure that the matter is investigated and that appropriate corrective action is taken. Anyone who has questions or concerns about whether his or her status with the University creates an obligation to make a report should consult with the Title IX Coordinators or Sexual Harassment Process Coordinators identified in Section II below.

Health Services and Counseling and Psychological Services personnel are bound by the law and their professional codes of ethics with regard to the confidentiality of information learned in the course of rendering care, and thus are not mandatory reporters for purposes of this policy.

**Retaliation is also prohibited by this policy.** No person will be reprimanded or retaliated against in any way for initiating an inquiry or lodging a complaint in good faith regarding sexual harassment or sexual assault. Any conduct constituting such a reprimand or retaliation is itself a violation of this policy and is equally subject to disciplinary action under it. Any person subjected to conduct perceived as a reprimand or retaliation for initiating an inquiry or lodging a complaint in good faith regarding sexual harassment or sexual assault should promptly report all relevant information to one of the responsible individuals identified in the "Resources" section below.

If it is discovered that a complaint is knowingly initiated in bad faith, the University may initiate separate disciplinary action.

## II. Resources: People Who Handle Complaints and Oversee Compliance with this Policy<sup>1</sup>

There are numerous resources available to anyone who believes that he or she has been the victim of sexual harassment or sexual assault, or has witnessed sexual harassment or sexual assault. Below are the names and contact information for the University's Title IX Coordinators, Sexual Harassment Process Coordinators, and lists of the advisors trained to deal with matters of alleged sexual harassment and sexual assault. These individuals can provide information about the processes under this policy for dealing with concerns and complaints, and information about other resources that may be available to victims of sexual harassment and/or sexual assault. If you believe that you have been the victim of sexual harassment and/or sexual assault or you are aware of such conduct, you are encouraged to make contact with any of the individuals identified below and in the appendices. They will make certain that your complaint is communicated to the appropriate resource for handling.

*<sup>1</sup>Effective August 2016, the role of the Survivor Support Network (SSN) changed and it is no longer designated as a resource for reporting or handling complaints under this policy.*

**Title IX Coordinators.** The Title IX Coordinators are responsible for, among other things, overseeing complaints of sexual harassment and assault brought forward under this policy to assure that these matters are being handled appropriately and effectively, and for

identifying and addressing patterns of sexual harassment / assault and systemic problems. The following individuals serve as the University's Title IX Coordinators, and are available to speak with anyone who wishes to bring forward a concern or complaint under this policy.

- Director of Title IX Initiatives and Title IX Coordinator: Elizabeth Rosemeyer, [erosemey@andrew.cmu.edu](mailto:erosemey@andrew.cmu.edu), 412-268-4926, 140 Cyert Hall
- Deputy Title IX Coordinator for Students: Jamie Edwards-Pasek, [jaedward@andrew.cmu.edu](mailto:jaedward@andrew.cmu.edu), 412-268-7125, 142 Cyert Hall
- Deputy Title IX Coordinator for Faculty: Amy Burkert, Vice Provost for Education, [ak11@andrew.cmu.edu](mailto:ak11@andrew.cmu.edu), 412-268-5865, 354 Posner Hall
- Deputy Title IX Coordinator for Staff: Gloria Gruber, Assistant Vice President of Human Resources, People & Organizational Effectiveness, [ggruber@andrew.cmu.edu](mailto:ggruber@andrew.cmu.edu), 412-268-9685, 206 Whitfield Hall
- Deputy Title IX Coordinator for Athletics: Kimberly Kelly, Athletics and Physical Education, [kakelly@andrew.cmu.edu](mailto:kakelly@andrew.cmu.edu), 412-268-2193, Skibo Gymnasium

**Sexual Harassment Advisors.** In support of its commitment to maintain an environment free of sexual harassment, the University makes sexual harassment advising as widely available as possible. To that end, the university assigns special responsibility to the individuals identified in Appendix A who serve as sexual harassment advisors. These advisors include faculty, staff and administrators trained to deal with incidents of sexual harassment.

**Sexual Harassment Process Coordinators.** In addition to the Title IX Coordinators identified above, the coordination of formal complaints against faculty or staff that are processed under this policy is entrusted, under the authority of the President, to the following officers:

- Sexual Harassment Process Coordinator for Faculty: James Garrett, Provost, [garrett@cmu.edu](mailto:garrett@cmu.edu), 412-268-3363, 341H Posner Hall
- Sexual Harassment Process Coordinator for Staff: Michelle Piekutowski, Associate Vice President for Human Resources and Chief Human Resources Officer, [mpie@andrew.cmu.edu](mailto:mpie@andrew.cmu.edu), 412-268-5523, 104 Whitfield Hall

**University Police.** Victims of sexual harassment and/or assault may contact the University Police 24 hours a day at 412-268-2323 to discuss the possibility of filing a criminal complaint. Even if law enforcement authorities investigate or take other action, victims still have the right to pursue claims of sexual harassment and sexual assault through the procedures outlined in this policy.

**Ethics Reporting Hotline.** If a community member is not comfortable contacting one of the resources above, concerns and allegations under this policy may also be reported through the University's confidential ethics reporting hotline at [cmu.ethicspoint.com](https://cmu.ethicspoint.com). Please note that it is important to provide sufficient detail in your report so that the University is able to take appropriate and meaningful action.

Questions regarding the application of Title IX to the University's programs or concerns regarding this policy or the handling of complaints under this policy may also be referred to the Office for Civil Rights of the U.S. Department of Education at 800-421-3481 or by email to [OCR@ed.gov](mailto:OCR@ed.gov).

### III. The Processes for Handling Complaints

Because this Policy governs the conduct of all members of the Carnegie Mellon community (including faculty, staff, students, vendors, contractors and visitors), there are different procedures for addressing complaints under the policy depending on who has allegedly violated the policy. Where the individual against whom an allegation is made (hereinafter "respondent") is a student, cases are handled through the **University Student Community Standards Process** outlined in the Student Handbook. Where the respondent is a faculty or staff member, cases are handled through the **Sexual Harassment Process** outlined below. Where the respondent has dual status (e.g., more than one status), or where there are multiple respondents with varying statuses, the University has discretion to determine whether to pursue the matter through the Student Community Standards Process or the Sexual Harassment Process, depending on the circumstances of the case. Where the respondent is a vendor/contractor or visitor, the University reserves the right to determine what process to follow and is not required to adhere to any of the procedures outlined in either the University Student Community

Standards Process or the Sexual Harassment Process below. In cases involving vendors/contractors and visitors, the University reserves the right to take summary action. It is important to note that certain forms of sexual assault and violence may constitute criminal conduct. Whether or not someone who has been subjected to this conduct chooses to pursue criminal charges externally, they also have the right to pursue a complaint of sexual harassment or sexual assault through the internal processes outlined herein, regardless of the status of any external proceedings. Moreover, the University may have an obligation to pursue an investigation, make a complaint and take disciplinary action directly, even if a victim chooses not to pursue the matter internally at the University. This may also be true where a victim is not a member of our community but makes allegations under this policy that give rise to an obligation on the part of the University to safeguard the members of our community. In such cases where the victim is not a member of our community, the University reserves the right to take action under this policy or take other action as may be necessary and appropriate to fulfill the University's obligation to safeguard our community.

**General Procedural Principles Applicable to all Cases.** For all matters that follow the Student Community Standards Process or the Sexual Harassment Process outlined below, the following general principles shall govern all procedures (whether informal or formal) under this policy, to the extent consistent with the University's legal obligations.

1. Procedures are to be fair, both in substance and in perception, to all persons concerned, to the various constituencies, and to the Carnegie Mellon community. In the application of the University's Policy against Sexual Harassment and Sexual Assault, the University will not discriminate on the basis of race, color, national origin, sex, handicap or disability, age, sexual orientation, gender identity, religion, creed, ancestry, belief, veteran status, or genetic information.
2. All persons concerned are to be treated with respect and impartiality.
3. The University recognizes the importance of confidentiality in handling claims of sexual harassment and sexual assault. In the handling of inquiries and complaints made under this policy, the University will protect confidentiality to the extent consistent with the University's legal obligations to take all reasonable

steps to conduct an effective investigation of claims and to protect the welfare of the campus community.

4. Informal resolution of allegations of sexual harassment is in certain cases the best and most productive outcome. The University recognizes, however, that OCR has taken the position that mediation is not an appropriate mechanism for resolution in cases of alleged sexual assault / violence.
5. When a formal complaint is processed, both parties must be provided access to all charges, claims, and other relevant information that will be used at a hearing, and both parties shall have an equal opportunity to present relevant witnesses and other evidence.
6. Persons providing advice or called upon to investigate allegations of sexual harassment will be thoughtfully chosen and properly trained.
7. All procedures should be implemented as expeditiously as is consistent with their integrity and fairness.
8. During the pendency of an investigation or proceedings under this policy, the University may be required to take immediate action to safeguard the University community. In the case of students, that may require a no-contact order, suspension, or removal from campus. In other cases, that may involve a suspension of employment pending conclusion of the investigation and proceedings under this policy.
9. If, prior to resolution of a complaint under this policy, a student who is a survivor of sexual assault is concerned about the safety of her/his living situation and lives in a university residence facility, the student may request to be moved to an alternate location.
10. The University may also assist with reasonable and appropriate academic accommodations where possible.

**Specific Procedures for Cases Where the Respondent is a Student.** As indicated above, cases involving allegations against a student will be handled in accordance with the University Student Community Standards Process, which is set forth in the community standards section of The Word. These procedures can be found at the following link: <https://www.cmu.edu/student-affairs/theword/community-standards/index.html>

**Specific Procedures for Cases Where the Respondent is Faculty or Staff.** In these cases, informal or formal procedures may be followed.

**Informal Procedures:** In cases where the respondent is faculty or staff (not a student, vendor/contractor or visitor), one of the Title IX Coordinators or Sexual Harassment Process Coordinators will promptly endeavor to thoroughly review the matter with the person making the allegations to determine whether sexual harassment or sexual assault appears to have occurred, and proceed to take or recommend appropriate action. Such action may include an informal agreement or mediated resolution. These terms of an informal agreement or mediated resolution necessarily include an agreement to stop the behaviors at issue, but often include other terms/measures that may be appropriate in the circumstances and necessary to protect the complainant and safeguard the campus community. Mediation will not be pursued in cases where OCR has indicated that it is not an appropriate mechanism for resolution. At any time during the informal process, the complainant has the right to end the informal process and proceed with a formal complaint.

**Formal Complaint Procedure.** A person who believes that she or he has been subjected to sexual harassment, including sexual assault, may choose, either initially or after having sought an informal resolution, to lodge a formal *complaint*. Victims are encouraged to lodge a formal complaint (if they intend to do so) as soon as possible, but at least within one year after the most recent conduct alleged to constitute sexual harassment. Although the University does not impose a limitations period for reviewing internal complaints of alleged sexual harassment/sexual assault, the University recognizes that to conduct a meaningful investigation of allegations of sexual harassment or sexual assault and to take prompt remedial action as appropriate, a timely complaint is important. The lodging and processing of a formal complaint does not preclude the possibility of an informal or mediated resolution of the matter.

Anyone considering lodging a formal complaint should contact one of the individuals identified in the "Resources" section above. Merely discussing an intended complaint with one of these individuals does not commit one to actually lodging the formal complaint,

although the University may be required in cases where the welfare of the broader community is at issue to proceed with an investigation and lodging its own complaint even if the victim chooses not to file a complaint.

Once a formal complaint has been filed, the following procedures will apply:

1. The formal complaint procedure is initiated by a person, here termed the "complainant", lodging with a Title IX Coordinator or Sexual Harassment Process Coordinator a written, signed complaint, containing the relevant allegations against the "respondent", and requesting an investigation under the procedures provided below. (Throughout this policy, the terms complainant and respondent include their respective plurals, unless the context clearly refers to an individual.)
2. Neither the complainant nor the respondent may be represented by legal counsel at the formal proceedings.
3. The procedure will be managed by one of the Sexual Harassment Process Coordinators; as a rule, this coordinator will be the Provost if the respondent is a faculty member, and the Associate Vice President of Human Resources if the respondent is a staff member.
4. The Sexual Harassment Process Coordinator shall convene a *committee of investigation* and shall inform the complainant and the respondent of the committee's identity and charge, providing the respondent with a copy of the formal complaint.
5. The committee of investigation shall consist of four members, drawn from pools of university community members. For purposes of this policy, "groups" are defined as faculty, staff, and students. Hence, where the complainant and respondent are both from the same group, the committee shall consist of 4 members drawn from the pool for that group. And, where the complainant and respondent are from different groups, the committee shall consist of 2 members from each of the 2 groups. Where there are multiple complainants and/or respondents who are not all in the same group, the Sexual Harassment Process Coordinator shall adjust the composition of the committee as appropriate to achieve balance, and may, if it is essential for this purpose, increase the membership of the committee.

The pool from which members of the committees of investigation are to be drawn consists of members of the University community selected by the Sexual Harassment Process Coordinators and provided with appropriate training. The selection is made periodically from faculty members nominated by the Chair of the Faculty Organization, students nominated by the President of the Graduate Student Assembly and the Chair of the Student Senate, and staff members nominated by the Chair of the Staff Council, as well as members of the university administration nominated by the AVP for Human Resources. The number of pool members from each group is determined from time to time by the Sexual Harassment Process Coordinators, but the pool should at all times contain, if possible, at least twenty-four individuals: eight faculty members, eight students, and eight staff members.

The great importance of confidentiality in the (informal and formal) processes described in this policy is underscored by requiring each member of the pool to sign a pledge to respect and to preserve the confidentiality of their work. If called to serve on a Committee of Investigation, no one may serve without first signing the pledge.

None of the individuals identified in the "Resources" section above shall be *members* of the committee of investigation, but an experienced sexual harassment advisor shall serve as *non-voting moderator* of the committee and shall provide it with his or her expert advice.

The complainant and the respondent may object, for cause, to the appointment of a specific person or specific persons as member or members of the committee of investigation. The convening Sexual Harassment Process Coordinator shall consider the objection and, if it is accepted, shall appoint a replacement for the affected member or members of the committee.

6. The function of the committee of investigation is to conduct a thorough investigation of the allegations in the complaint, with a view to:

- a. determining whether any conduct alleged in the complaint did occur in the manner and circumstances alleged or otherwise; and
- b. to the extent that the alleged conduct did occur, determining whether this conduct constitutes sexual harassment or sexual assault.

With regard to any sexual harassment or sexual assault found by the committee of investigation to have occurred, the committee shall make a considered recommendation regarding appropriate action consistent with the applicable university policies.

7. In the conduct of its investigation, the committee of investigation shall have broad access to all potentially relevant documentation, and shall hold a hearing. The committee shall make available to the complainant and to the respondent, before the hearing, the documentation in its possession that the committee regards as relevant to the complaint. All the information provided before, or elicited at, the hearing is to be regarded as confidential and treated accordingly.

The conduct of the hearing is under the exclusive control of the committee of investigation. Its proceedings are not those of a court of law. In the interest of confidentiality, the hearing is not public, and the complainant (or each individual complainant if there are more than one) as well as the respondent (or each individual respondent) may be accompanied at the hearing by at most one other person of his or her choice. This individual may not be a legal representative. This person may, but is not required to, be a sexual harassment advisor. The complainant and the respondent may confer with the respective accompanying person, but that person may not address the hearing unless called as a witness, and then only in that capacity. Unless permitted to be present throughout the proceedings in a capacity as complainant, respondent, or accompanying person, a witness may be present only while testifying.

8. The committee of investigation shall conduct the hearing as soon as practical. Complainant and respondent shall be notified of the time and place of the hearing by telephone and confirmed by email.
9. In making its findings, the committee shall use the preponderance of the evidence standard (e.g., more likely than not). If further proceedings are initiated

regarding sanctions, the standards of evidence set forth in the applicable policies shall govern. The complainant (or any individual complainant for him or herself only) may withdraw the complaint by notifying the Sexual Harassment Process Coordinator in writing, at any time before the opening of the hearing; after the hearing has begun, the complaint may be withdrawn only with the consent of either the coordinator or the respondent. Where a complainant withdraws a complaint, the University may elect to pursue the matter serving as complainant as necessary to fulfill the University's obligation to conduct a full investigation and take remedial action in order to safeguard the University community.

10. After concluding its investigation, the committee of investigation shall make findings and recommendations by a majority vote. These findings and recommendations shall be documented in a written report which shall be submitted to the convening Sexual Harassment Process Coordinator and the timing of that submission shall be communicated to the complainant, the respondent, and the President. The report shall record any significant dissent with the committee's findings or recommendations, but not the names of the members dissenting. If the committee is unable to reach a decision by a majority regarding the central findings and recommendations to be made, the committee shall so notify the Sexual Harassment Process Coordinator, and the Coordinator shall proceed to convene a new committee to investigate the matter. The newly convened committee shall have wide latitude in conducting its own investigation and may consider and give such weight to the record made before the prior committee as it deems appropriate in its discretion, or the new committee may investigate the matter de novo.
11. In the case of staff respondents, the convening Sexual Harassment Process Coordinator shall evaluate the findings of the committee of investigation and its recommendation, and shall render a final decision and take appropriate action in accordance with the provisions of this Policy and other applicable university policies. The Sexual Harassment Process Coordinator's decision to accept or reject the recommendation of the committee of investigation as well as the basis for that decision shall be communicated in writing to the complainant, the respondent, the President, and the members of the

committee of investigation. The matter shall then be concluded with no further process or appeal.

12. In the case of faculty respondents, the convening Sexual Harassment Process Coordinator shall evaluate the findings of the committee of investigation, and shall recommend appropriate action to the President, based on that evaluation, in accordance with the provisions of this Policy and other applicable university policies, including the Appointment and Tenure policy. The Sexual Harassment Process Coordinator's recommendation, shall be communicated in writing to the President and the timing of that submission shall be communicated to the complainant the respondent and the members of the committee of investigation.

The President will thereafter render a decision based on both the recommendation of the Sexual Harassment Process Coordinator as well as the underlying findings and recommendation of the committee of investigation. The President's decision to accept or reject the recommendation of the Sexual Harassment Process Coordinator as well as the basis for that decision shall be communicated in writing to the complainant, respondent, Sexual Harassment Process Coordinator and committee of investigation. If the President decides to initiate the procedure for dismissal for cause or for the imposition of another sanction against a faculty respondent, the matter will then follow the process set forth in the subsection "Procedure" of the section of the Appointment and Tenure Policy of Carnegie Mellon University titled, "Dismissal for Cause and Other Sanctions", but will be subject to the "Exceptions" provision of that subsection such that no Ad-Hoc Committee will be required.

13. The processing of a formal complaint shall adhere to the following timetable:
  - a. Selection of committee of investigation: 5 working days following receipt of the complaint.
  - b. Scheduling of hearing: 5 working days.
  - c. Committee investigation and hearing: At the time of scheduling the hearing the Coordinator, after consulting the complainant, the respondent, and the committee of investigation, shall in each case

- set in writing a reasonable time period for the committee's investigation and the hearing with a view toward prompt resolution.
- d. Preparation of committee report: 10 working days following the conclusion of the hearing.
  - e. Sexual Harassment Process Coordinator's evaluation and decisions or recommendations: 10 working days.

If it appears to the Sexual Harassment Process Coordinator that an extension of one or more of these time periods is essential to safeguard the integrity and fairness of the process, he or she shall determine a reasonable time period for such an extension, and shall document in writing the reasons for the extension and communicate them to all persons involved in each specific stage of the process to which the extension applies. When an extension of the time period allotted to the committee's investigation and hearing is contemplated, the Sexual Harassment Process Coordinator must consult the complainant, the respondent, and the committee of investigation before making a decision.

To justify the necessary confidence in the integrity of the formal complaint procedure, the Sexual Harassment Process Coordinator handling the complaint, as well as the members of the committee of investigation if one is convened, are required to conduct all proceedings relating to the complaint with scrupulous regard for fairness, both in substance and in perception, to the complainant, the respondent, and the university community.

A critical instance demanding attention to this requirement of fairness is the Coordinator's choice of members of a committee of investigation. The Coordinator will ensure a balanced membership as the make-up of the committee is determined.

The lodging and processing of a formal complaint does not preclude the Title IX Coordinators or Sexual Harassment Process Coordinators from pursuing, at the request of the respondent or otherwise, reasonable efforts to reach an informal or mediated resolution of the matter, consistent with the principles of this policy.

**Sanctions.** Appropriate sanctions will be imposed for violation of this Policy. The sanctions will depend on the circumstances and the gravity of the violation, and may range from reprimand to dismissal, expulsion, or termination.

The decision to impose sanctions and the procedure for imposing them shall conform: in the case of a members of the regular, research, teaching, librarian, or special faculty, to the provisions of the section on "Dismissal for Cause and Other Sanctions" of the Appointment and Tenure Policy of Carnegie Mellon University (except that action regarding such a person's administrative appointments is at the discretion of the President); in the case of a student, whether undergraduate, graduate, or non-degree, to the provisions in the section on Community Standards in the Student Handbook; in the case of a staff member, to the provisions in the section on Staff Relations in the Staff Handbook, unless superseded by the provisions of an applicable collective bargaining agreement. In the case of vendors/contractors or visitors, the decision will be made by the unit responsible for the contract / relationship in consultation with such University administrators as are appropriate under the circumstances.

Following completion of the formal sexual harassment complaint procedure, when an individual respondent is a faculty member, if the president decides to initiate against that faculty member the procedure for dismissal for cause or for the imposition of another sanction (as described in the subsection "Procedure" of the section of the Appointment and Tenure Policy of Carnegie Mellon University titled, "Dismissal for Cause and Other Sanctions"), the procedure is then subject to the "Exceptions" provision of that subsection, thus precluding the Ad-Hoc Committee stage.

## IV. Annual Report

The Title IX Coordinator and Sexual Harassment Process Coordinators shall provide the President, the Executive Committee of the Faculty Senate, the Executive Committee of Staff Council, the Student Senate Chair and President of the Graduate Student Organization with an annual confidential report, detailing the number and disposition of different types of incidents, allegations, and complaints of sexual harassment that have come to their attention during the past year. This report shall be in addition to the Clery Act reporting or other reporting obligations of the University.

## Appendix A: Sexual Harassment Advisors

Amy Burkert, Vice Provost for Education	Warner Hall 411, 286-5865	<a href="mailto:ak11@andrew.cmu.edu">ak11@andrew.cmu.edu</a>
Holly Hippensteel, Assistant Dean, Student Affairs	Warner Hall, 325, 268-2075	<a href="mailto:hbh@andrew.cmu.edu">hbh@andrew.cmu.edu</a>
David Krackhardt, Professor of Organization & Public Policy	Hamburg Hall 2112B, 268-4758	<a href="mailto:krack@cmu.edu">krack@cmu.edu</a>
Suzie Laurich-McIntyre, Assistant Vice Provost for Graduate Education	Warner Hall 533, 268-7307	<a href="mailto:suzannel@andrew.cmu.edu">suzannel@andrew.cmu.edu</a>
Carole Panno, Senior Associate Director of Annual Giving	PPG 6, 14 <sup>th</sup> floor, 268-1617	<a href="mailto:cp1g@andrew.cmu.edu">cp1g@andrew.cmu.edu</a>
Susan Polansky, Head, Modern Languages and Teaching Professor	Baker Hall 168, 268-2868	<a href="mailto:sp3e@andrew.cmu.edu">sp3e@andrew.cmu.edu</a>
Scott Sandage, Associate Professor of History	Baker Hall 236, 268-2878	<a href="mailto:sandage@andrew.cmu.edu">sandage@andrew.cmu.edu</a>
Gloriana St. Clair, Dean, University Libraries Emerita	Hunt Library Administrative Offices, 268-2447	<a href="mailto:gstclair@andrew.cmu.edu">gstclair@andrew.cmu.edu</a>
Karen Stump, Director, Undergraduate Studies and Chemistry Teaching Professor	Doherty Hall 1316, 268-3340	<a href="mailto:ks01@andrew.cmu.edu">ks01@andrew.cmu.edu</a>

Kurt Kumler, Director, Counseling and Psychological Services	Morewood Gardens E-Tower, 268-2922	<a href="mailto:kkumler@cmu.edu">kkumler@cmu.edu</a>
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## Appendix B: What To Do If You Or Someone You Know Is A Survivor of Sexual Assault or Sexual Violence?

The following procedures are recommended if you or someone you know is a victim of sexual assault, dating violence, domestic violence or stalking:

**Get to a safe place** — Following an assault, the primary concern is to get the survivor to a safe place. Once there, the survivor has several options to consider.

**Contact someone that she/he can trust** — Such as a friend, family member, University Police, your resident assistant or housefellow.

**Consider seeking medical attention** — All survivors of sexual assault are encouraged to seek medical attention as soon as possible after the assault to ensure their physical well-being. University Police can provide transport to University Health Services or a local hospital by calling 8-2323/412-268-2323. Even if there is no external physical injury, survivors can be tested for sexually transmitted diseases, pregnancy and internal trauma.

**Try to preserve physical evidence** — The preservation of physical evidence is important to the successful criminal prosecution of offenders. In order to preserve evidence of sexual assault, survivors should not shower, douche or change clothes or bedding before seeking medical attention. All clothing items should be placed in a paper bag and taken to the hospital. Also, if oral contact was made, survivors are asked not to brush their teeth, smoke or eat. Evidence can be collected at area hospitals, including Magee Women’s Hospital, 412-641-1000 and UPMC Presbyterian Hospital, 412-647-3333. In instances of physical or sexual assault, consider taking photographs of injuries or asking someone else to do so.

**If a survivor chooses, contact University Police and/or Pittsburgh Police** — Sexual assault, dating violence, domestic violence and stalking are crimes, and survivors have the opportunity to press charges and/or pursue action through the university. Survivors may contact Carnegie Mellon University Police at 8-2323/412-268-2323 or the Sexual Assault Unit of the Pittsburgh Police at 412-323-7141. Survivors have the right to decline to contact local law enforcement authorities. If survivors choose to contact law enforcement, University Police Department Staff and other university officials listed in the report will assist survivors in doing so.

**If a survivor chooses not to go through the criminal justice system** or wishes to pursue university charges, there are disciplinary and non-disciplinary options available at Carnegie Mellon University. A survivor can discuss on-campus procedures by contacting the Office of Title IX Initiatives at 412-268-7125 or [tix@cmu.edu](mailto:tix@cmu.edu).

**Consider contacting a counselor or support organization** — Counselors are available through the campus Counseling and Psychological Services (CaPS) at 8-2922/412-268-2922, Pittsburgh Action Against Rape's 24-hour help line at 1-866-363-7273, or the Women's Center and Shelter at 412-687-8005. Visits to University Health Services for medical treatment and CaPS for counseling are confidential. Conversations with University Health Services clinicians and counselors are not disclosed to anyone without the expressed permission of the person seeking assistance unless there is a threat of physical harm to that individual or others.

*Updated: January 2016*

## Appendix C: Confidentiality

### **Limitations on Confidentiality**

Consistent with its duties under Title IX, the University is committed to promptly responding to reports of sexual harassment, sexual assault, domestic violence, dating violence and stalking in a way that limits the effects and prevents recurrence. Because Carnegie Mellon is committed to ensuring that such reports are investigated and appropriately responded to, there are limits on the level of confidentiality that can be provided by officials of Carnegie Mellon.

The resources listed Section II of the Policy Against Sexual Harassment and Sexual Assault, as well as the resources listed in Appendices A, B, and C cannot guarantee confidentiality. Depending on the information shared, the university may have an obligation to safeguard the welfare of the campus community through further investigation or by taking appropriate remedial action.

### **Confidential Reporting Options**

Carnegie Mellon University maintains many resources for reporting incidents of sexual assault, domestic violence, dating violence, stalking or other violations of the university's Policy Against Sexual Harassment and Sexual Assault. As discussed above; however, because the university is committed to ensuring that such reports are investigated and appropriately responded to, there are limits on the level of confidentiality that can be provided by officials of Carnegie Mellon.

Carnegie Mellon understands that some survivors of sexual assault, domestic violence, dating violence and stalking may not be ready or may not be willing to report through a channel that may lead to an investigation or other university action, no matter how discreet. For such individuals, Carnegie Mellon maintains several confidential reporting options. Unlike the resources listed in Section II of the Policy or Appendices A, B and C, the resources below can provide confidentiality.

- Campus Resources
  - Counseling and Psychological Services (CaPS) — 412-268-2922, <http://www.cmu.edu/counseling/>
  - University Health Services — 412-268-2157, <http://www.cmu.edu/health-services/>
- Community Resources
  - Women's Shelter and Center of Greater Pittsburgh, <http://www.wcspittsburgh.org>
  - Pittsburgh Action Against Rape, <http://paar.net>
  - Center for Victims, <https://www.centerforvictims.org/>

In addition, Carnegie Mellon maintains an Ethics Reporting Hotline where members of the Carnegie Mellon community or the public may report violations of the law or university Policy. The Ethics Reporting Hotline includes an anonymous reporting option. Although the Ethics Reporting Hotline may be used to file an anonymous report, the hotline does not

provide counseling or other support services to anonymous reporters. The Ethics Hotline is not an emergency service.

- Reports may be submitted to the Ethics Reporting Hotline by calling 1-877-700-7050 or visiting [www.reportit.net](http://www.reportit.net). (user name: tartans; password: plaid).

## Appendix D: Definitions

### **Definition of Sexual Harassment**

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when:

1. submission to such conduct is made is implicitly or explicitly a term or condition of an individual's employment or student status, in a course, program or activity; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or
3. such conduct has the purpose or effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive working and/or learning environment, or interfering with one's ability to participate in or benefit from an educational program or activity.

*Source: Carnegie Mellon Policy Against Sexual Harassment and Sexual Assault.*

### **Definition of Sexual Assault**

Engaging in any physical sexual act perpetrated against a person's will, where that person does not give clear, voluntary consent, or where that person is incapable of giving consent due to drug or alcohol use, or due to intellectual disability.

*Source: Carnegie Mellon Policy Against Sexual Harassment and Sexual Assault. See also: Pennsylvania Consolidated Statutes, Title 18, Sections 3121; 3123; 3124.1; 3125 and 3126*

### **Definition of Rape**

A form of sexual assault defined by Pennsylvania law as engaging in sexual intercourse with another person:

1. By forcible compulsion;
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. Who is unconscious;

4. Who is unaware that the sexual intercourse is occurring and the perpetrator knows that;
5. Where the person has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, intoxicants or other means for the purpose of preventing resistance;
6. Who suffers from a mental disability, which renders the victim incapable of consent.

*Source: Pennsylvania Consolidated Statutes, Title 18, Section 3121.*

### **Definition of Domestic Violence**

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon;
2. Placing another person in reasonable fear of imminent serious bodily injury;
3. The infliction of false imprisonment;
4. Physically or sexually abusing minor children;
5. Stalking.

*Source: Pennsylvania Consolidated Statutes, Title 23, Section 6102.*

### **Definition of Dating Violence**

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 relationship is determined based on a consideration of the length of the relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

*Source: United States Code, Title 42, Section 13925(a)(1), as amended by the Violence Against Women Reauthorization Act of 2013.*

## **Definition of Stalking**

A person commits the crime of stalking when the person either:

1. Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person;
2. Engages in a course of conduct or repeatedly communicates to another person with an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

*Source: Pennsylvania Consolidated Statutes, Title 18, Section 2709.1.*

## **Definition of Consent**

A voluntary agreement to engage in sexual activity.

1. Someone who is incapacitated cannot consent;
2. Past consent does not mean future consent;
3. Silence or an absence of resistance does not imply consent;
4. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
5. Consent can be withdrawn at any time;
6. Coercion, force or a threat of either invalidates consent.

*Source: Not Alone: The First Report of The White House Task Force to Protect Students from Sexual Assault – Checklist for Campus Sexual Misconduct Policies, April 29, 2014.*

## **Definition of Incapacitation**

The physical and/or mental inability to make informed, rational judgments such as:

1. Due to the use of drugs or alcohol;
2. When a person is sleeping or unconscious;
3. Due to an intellectual or other disability that prevents the person from having the capacity to give consent.

*Source: Not Alone: The First Report of The White House Task Force to Protect Students from Sexual Assault — Checklist for Campus Sexual Misconduct Policies, April 29, 2014.*

## Appendix E: Bystander Risk Reduction and Sexual Violence Education, Awareness and Prevention

Detailed information regarding the University's various education, awareness, and prevention programs regarding sexual assault and sexual violence may be found in the University's Annual Security and Fire Safety Report available at: <https://www.cmu.edu/police/annualreports/index.html>, and on the Office of Title IX Initiatives website at <http://www.cmu.edu/title-ix/index.html>.