

University of Pittsburgh At Johnstown



Student Code of Conduct

Effective September 30, 2017

Division of Student Affairs

www.upj.pitt.edu/studentconduct

Contact Information

For questions or information regarding the Student Code of Conduct or the Conduct Process and Procedures, please contact:

Office of Student Conduct

G-4 Student Union

814-267-7133

For questions or information regarding Title IX, please contact:

Title IX Coordinator, Amy Buxbaum

814-269-7991 buxbaum@pitt.edu

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Introduction

The ultimate purpose of higher education is to develop the mind and character of [Students](#) through the pursuit of knowledge and thereby create individuals who will contribute to the well-being of society. At the University of Pittsburgh the responsibility and authority for achieving this purpose rests, by law, with the Board of Trustees.

The Board of Trustees has the authority to establish regulations and standards for [Students](#). Responsibility for these regulations and standards is delegated to the Chancellor and in turn to specified administrative officials. While exercising these powers, the Board of Trustees and University administrators acknowledge and affirm the rights and responsibilities of [Students](#) – as members of society, as guaranteed by Federal and State Constitutions, and as expressed by federal, state, and local laws.

Being a member of the University of Pittsburgh community is a privilege. This privilege comes with the responsibility to act in accordance with all institutional rules and policies. This *Student Code of Conduct (Code)* provides information on behavioral expectations and outlines the process used to address [Violations](#) of these expectations. If you live in University housing, you should read the *Code* in conjunction with the [Living on campus](#)

Academic integrity issues fall within the authority of the University's individual academic departments and their Academic Integrity Policies.

Notice

All [Students](#) are expected to familiarize themselves with and are required to abide by the provisions of the current *Code*. This *Code* is **not a contract**.

The *Code* is subject to change at the discretion of the University. To ensure you have the most recent version, please visit www.upj.pitt.edu/studentconduct. Copies of the *Code* are also available at the Office of Student Conduct, G-4 Student Union.

Non-Discrimination Statement

The University of Pittsburgh, as an educational institution, values equality of opportunity, diversity and inclusion. [Students](#) can find the University's Notice of Non-Discrimination at: <https://www.diversity.pitt.edu/about/notice-non-discrimination>

The University's Prohibition of Retaliation

Retaliation against anyone involved in the Conduct process, whether they are the [Complainant](#), a witness, an investigator or anyone else, is prohibited. Retaliation is the act of taking adverse action against a [Complainant](#), a [Respondent](#), or any other person involved in the process based on the person's reporting or participation in the process. Although independent action will be taken against anyone engaging in retaliation, the [Complainant](#) and the [Respondent](#) are responsible for discouraging such actions and will also be held responsible to the extent of their involvement in the retaliation.

Retaliation is a [Violation](#) of the *Code*. An individual who believes that they have experienced retaliation should contact the Office of Student Conduct.

Application, Scope, and Jurisdiction of the *Code*

The purpose of this *Code* is to outline non-academic standards of conduct appropriate to, and consistent with, the University's educational goals.

The *Code* shall apply to all [Students](#). In addition, [Students](#) shall be subject to all other University policies and procedures.

[Students](#) are expected to conduct themselves as responsible members of the University community. [Students](#) who violate the *Code* will be subject to disciplinary action by the University, when such conduct takes place on [University Property](#) or in the course of a University-sponsored or University-supervised activity. This includes international academic programs, study abroad, or sporting events and academic programs sponsored by or held at universities other than the University of Pittsburgh, or if such conduct otherwise results directly from membership in the University community.

In addition, conduct off-campus may be subject to disciplinary action by the University if that conduct:

- 1) threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof; and/or
- 2) is considered by the University to be a serious offense that would negatively reflect upon the [Student's](#) character and fitness as a member of the student body; and/or
- 3) is an incident occurring within the University of Pittsburgh Campus Police jurisdiction.

University policies, practices, guidelines, and procedures, which may be updated and approved after the publication of this *Code*, may take precedence over the content of this *Code*. [Students](#) are advised that standards and procedures other than those set forth in this *Code* may more appropriately apply to a given dispute or situation, including, but not necessarily limited to, the University of Pittsburgh Guidelines on Academic Integrity and the University of Pittsburgh Sexual Misconduct Policy. The University determines which policies and procedures to apply. To ensure that you have the most current information, you may contact the Office of Student Conduct at 814-269-7133.

CHAPTER 1: Student Rights and Responsibilities

Student Rights Within the University Community

With the approval of the Board of Trustees, the University affirms the following [Student](#) rights and privileges:

- ◆ To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, write, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the University to make reasonable rules and regulations related thereto.
- ◆ To associate with whomsoever they please.
- ◆ To engage in the educational process.
- ◆ To engage in peaceful, orderly, and nondestructive picketing, protests, and demonstrations, to the extent they do not violate public law and do not interfere with the educational process or the rights of other members of the University.
- ◆ To be free from discrimination on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran.
- ◆ To be secure in their persons, living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the University and the [Student](#) against whom the legally authorized search is directed.
- ◆ To be free from violence, force, the threat of force, entrapment, and coercion.
- ◆ To organize one's own personal behavior as long as such behavior does not violate public law or the rights of others and does not interfere with the educational process.
- ◆ To be informed of the standards and the norms of conduct established by the University and the right to have advance notice of any [Sanctions](#) or [Violations](#) thereof.
- ◆ To have the benefit of fair and equitable procedures for determining the validity of charges of alleged [Violations](#) of the University standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
- ◆ To retain unaltered status as a member of the University community and to be present on campus and attend classes during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the University community or [University Property](#) or a [Student's](#) physical or emotional safety and well-being.
- ◆ To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the University community.
- ◆ To have University records reflect only such information as is reasonably related to the educational process of the University.
- ◆ To be informed of the existence, custodianship, and general character of all personal records maintained by the University.
- ◆ To inspect all personal records, except records determined to be confidential in accordance with properly established criteria.
- ◆ To have protection from disclosure of personal records to unauthorized persons. Information will not be released outside of the University community without the expressed consent of or waiver by the [Student](#) involved, except under valid legal compulsion or where there is a clear and present danger to a member of the University community, in which case the [Student](#) will be informed of any such release.

- ◆ To establish and elect a representative democratic student government which is accountable to the University and the [Student](#) community.
- ◆ To be heard and have one's views considered at appropriate levels of the decision making process within the University community.
- ◆ To use designated University facilities as individuals and members of Student Organizations for extracurricular activities sponsored by registered Student Organizations and Student groups, subject to the priority of academic needs and to reasonable University rules and regulations regarding use of facilities.

Student Rights under FERPA

The Notification of Rights under the Family Education Rights and Privacy Act (FERPA) is available at: <http://www.registrar.pitt.edu/ferpa.html>

Parental Notifications under FERPA

FERPA permits the University to notify parents/guardians when a [Student](#) who is under the age of twenty-one (21) is found responsible for or admits to an alcohol or drug [Violation](#).

Notification to parents/guardians of such [Violations](#) is part of a strategy to connect parents/guardians with appropriate University representatives to reduce the risk of University [Students](#) developing patterns of behavior that may jeopardize their academic success, health, or well-being. Under special circumstances, professional staff at the University may use their discretion to determine whether or not this notification is in the best interest of the [Student](#).

When and how parents/guardians will be notified:

Parents/guardians of [Students](#) will be notified via a written parental notification letter when a [Student](#) is found responsible for an alcohol or drug [Violation](#). This does not include [Students](#) who are sanctioned solely for being "knowingly present" during drug and/or alcohol [Violations](#).

Who should parents/guardians contact if they have any questions?

The Parental Notification Letter will identify who to contact for additional information. Before calling for more information, the University encourages parents/guardians to speak to their [Student](#) to see if the [Student](#) requires any assistance and to encourage the [Student](#) to make responsible choices that will help the [Student](#) avoid future conduct [Violations](#). If parents/guardians want to speak with staff, the parents/guardians should have their [Student](#) provide written permission to the staff member who signed the parental notification letter. For questions or clarification about the parental notification letter, please contact the Office of Student Conduct on campus at G-4 Student Union or at 814- 269-7133.

Student Identification Requirements

[Students](#) are required to carry valid University I.D. (Panther cards) at all times. These cards help to identify the individual as a currently enrolled [Student](#) and afford the individual University privileges, such as the ability to access University fitness centers or acquire tickets to University-sponsored events. Additionally, all residence hall [Students](#) must carry, and present, valid University I.D. to gain access into their assigned residence halls.

CHAPTER 2: Medical Amnesty Protocol

The University of Pittsburgh's primary concern is for the health, safety, and well-being of [Students](#). Failure to summon, or limiting the ability of someone else to summon, emergency assistance for a [Student](#) experiencing an emergency due to alcohol or drug use, may result in University and/or criminal charges. As a result, all [Students](#) are expected to seek immediate assistance for themselves or others in situations where someone is experiencing an emergency due to alcohol or other drug use.

In situations where a [Student](#) or Student Organization follows the Medical Amnesty procedure below, the University of Pittsburgh will treat the situation as a health and safety matter; meaning neither the [Student\(s\)](#) calling, nor the [Student\(s\)](#) experiencing an alcohol or other drug emergency will be charged with violating any University of Pittsburgh alcohol and other drugs policy. In situations where a non-student calls on behalf of a [Student](#), or a [Student](#) calls on behalf of a non-student, Medical Amnesty will also apply.

Medical Amnesty Procedure

In order for Medical Amnesty to apply, the calling [Student\(s\)](#) and/or Student Organization must complete the following steps:

1. Contact emergency officials by calling 814-269-7005 or 911. Identify yourself, and report the incident.
2. Remain with the individual(s) needing assistance until emergency officials arrive.
3. Cooperate with emergency officials as requested.

After complying with these steps both the calling Student and/or Student Organization and the Student(s) who experienced the medical emergency, must:

1. Meet with University officials following the emergency and complete any assigned educational programs and/or counseling interventions. Failure to complete any assigned programs or interventions will negate the application of Medical Amnesty and will initiate the conduct process.
2. Pay all fees related to any assigned program or intervention.

When Medical Amnesty is applied, the alcohol or drug policy [Violation](#) will be documented, but will not become part of the [Student's](#) and/or Student Organization's conduct record.

While the main goal of this protocol is to encourage [Students](#) to make healthy decisions and to seek medical attention when they or one of their peers are in distress, repeated requests for Medical Amnesty will be addressed on a case-by-case basis.

Medical Amnesty does not prevent disciplinary action for other [Violations](#) of the *Code* associated with alcohol and other drug emergencies, including but not limited to Sexual Misconduct, physical assault, hazing, property damage, use of a fake ID, distribution of alcohol or other drugs, etc.

While this protocol does not prevent criminal action by police or civil action by third parties, Commonwealth of Pennsylvania drug and alcohol Good Samaritan and Response Immunity laws may be applicable.

CHAPTER 3: Violations of the Student Code of Conduct

A [Violation](#) is committed when a [Student](#) or a Student Organization:

1. Without authority or consent, limits or restricts the freedom of a person to move about in a lawful manner.
2. Physically abuses or injures oneself or another person.
3. Threatens, intimidates, coerces, or uses physical force in a manner which causes another person to be reasonably apprehensive or which endangers the health or safety of oneself or another person.
4. Harasses or attempts to harass a person through:
 - a. repeated, unwanted communications or
 - b. by putting another person in objective and subjective fear of injury or
 - c. unreasonably causing severe or pervasive distress by: purposely following another person;
 - d. communicating in an anonymous manner; or acting in another manner with the intent to harass a person.
5. Stalking and/or cyberstalking: To engage in a course of conduct or repeatedly commit 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, or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
6. Obstructs, interferes with, or denies another [Student](#) the rights and privileges affirmed by the Board of Trustees (please see the Rights listed in [Chapter 1](#)).
7. Violates or assists in the [Violation](#) of the [University of Pittsburgh Sexual Misconduct Policy](#) including, but not limited to:
 - a. Sexual Assault
 - b. Relationship Violence
 - c. Sexual Harassment
 - d. Stalking/Cyberstalking
8. Violates or assists in the [Violation](#) of any University policy, procedure or guideline including, but not limited to the following:
 - a. [University of Pittsburgh Non-Discrimination and Anti-Harassment Policy](#)
 - b. University of Pittsburgh [Anti-Hazing Policy](#);
 - c. [University of Pittsburgh Student Organization Registration Guidelines](#);
 - d. University of Pittsburgh at Johnstown Alcohol Policy
 - e. [University of Pittsburgh Drug Free Workplace/Drug Free Schools Policy](#);
 - f. [University of Pittsburgh Smoking Policy](#);
 - g. Housing and Dining Services Contract, any [Fraternity and Sorority Life policy](#), any [Student Organization policy](#), and/or any other University policy, procedure, or guideline whether or not listed in the *Code*;
 - h. Any [Computing Services and Systems Development Policy](#);
 - i. Any provision of the [University of Pittsburgh Posting and Chalking Guidelines](#); or

- j. Any provision of the University of Pittsburgh Demonstration Guidelines.
 - k. Violates any provision of the Pitt-Johnstown Parking Regulations
9. Violates any provision of the, [Living on Campus](#) including, but not limited to:
 - a. Quiet Hours Policy
 - b. Visitation Policy
 - c. Possession of Prohibited Items
 - d. University Owned Housing Alcohol Policy
 - e. Other
 10. Engages in conduct which is disorderly, lewd, or indecent or a breach of peace; causes public inconvenience or aids abets or procures another to do the same.
 11. Violates any federal, state or local law(s), or while abroad, violates any international law(s).
 12. Makes any unauthorized audio or video recording of any person in violation of federal, state, or local law, or without their prior effective authorization or knowledge. This includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom.
 13. Uses, possesses, or manufactures, without proper authorization, firearms, explosives, weapons, or other dangerous articles or substances injurious to person or property, while on University Property.
 - a. Given the popularity of hunting, arrangements have been made for storage of firearms/weapons in the Campus Police Office. All firearms/weapons must be stored at Campus Police and are prohibited from all residential or academic buildings. Any student desiring this service can make appropriate arrangements by contacting Campus Police
 14. Uses, misuses, possesses, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled or illicit substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.

The use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Accordingly, the University of Pittsburgh prohibits the use of marijuana on campus.
 15. Distributes, sells, or shares narcotics, hallucinogens, dangerous drugs, controlled substances except as permitted by law. (Students found in violation of this code may face Disciplinary Dismissal)
 16. Is knowingly present during the commission of Violation(s) of “uses, misuses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.”
 17. Operates a motor vehicle while impaired by or under the influence of drugs or alcohol.

18. Possesses, consumes or is under the influence of alcoholic beverages if under the age of 21,
19. Is knowingly present during the commission of the [Violation\(s\)](#) of "possesses or consumes alcoholic beverages if under the age of 21 or violates any provision of the University Alcohol Polices possesses paraphernalia, (such as beer bong) or drinking games
20. Dispenses alcoholic beverages to an individual who is under the age of 21.
21. Violates any provision of any University alcohol policies or possesses alcohol paraphernalia, such as beer bong.
22. Appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that they are endanger to himself or others or property, or annoy persons in his/her vicinity
23. A student shall be responsible for his/her guest(s) at all times, and shall be held responsible for any violations of the Student Code of Conduct or for violations of the provisions of the Housing Contract committed by his/her guest(s). Failure to seek University assistance in controlling the behavior of a guest will result in additional disciplinary action
24. Activates emergency warning equipment, or communicates false information regarding any emergency situation.
25. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
26. Engages in games of chance in violation of federal, state, or local law.
27. Ignites or burns materials, including but not limited to incense and candles, without proper authorization, while on [University Property](#).
28. Without proper authorization intentionally or negligently, possesses, abuses, damages, destroys, removes, (mis)uses, misappropriates, vandalizes or sells the property of a person or the University.
29. Removes food or property from University Food Services areas unless expressly authorized by University Food Services personnel.
30. Throws anything from windows, balconies, patios, or any other area of any University building.
31. Affixes, implants, or otherwise fastens any object to any [University Property](#) floors, ceilings, windows, or walls which might stain, scar, vandalize, or otherwise cause damage to said property.
32. Obtains the personal information of another person by misrepresentation or fraudulent means.
33. Enters or uses property of another person or the University without proper authorization.
 - a. Students may not hold group functions in any University area without the express advance approval of the appropriate University official per University space usage guidelines.
 - b. A student may not enter the room of another student without proper authorization.

34. Forges, alters, takes possession of, duplicates, or uses documents, records, keys, identification, or computer accounts without proper authorization.
35. Falsifies information or records submitted to a University official or office.
36. Fails without just cause to comply with the lawful direction of a University official, or other lawful authority having just cause and acting in the performance of their duties and authority.
37. Fails to present University identification or gives false identification or identifying information upon request by an authorized University official.
38. Represents the University or another person in the University community without proper authorization.
39. Operates an unregistered Student Organization, including fraternities/sororities and sport clubs, or organizes or sponsors any event or activity that promotes or gives the impression or appearance that the group is a registered Student Organization.
40. Engages in solicitation of any type (including non-University commercial activity on campus) on University Property unless approved in advance by an appropriate University official.
41. Participates in the sale or misuse of class materials, recordings, papers, examinations or any other class materials.
42. Disrupts or prevents the peaceful and orderly conduct of classes, lectures, quiet study, invited speaker presentations, and/or meetings or deliberately interferes with the freedom of any person to express their views.
43. Engages in any act or preparation intended to result in a Violation of this *Code*, which, if not prevented, would have resulted in the completion of the act intended.
44. Obstructs or interferes with the apprehension or discipline of another person who may be involved in a commission of a Violation of the *Code*.
45. Attempts to intimidate, coerce, influence, or retaliate against a person by any means in an effort to discourage or prevent their use of or participation in any conduct process or proceedings.
46. Knowingly institutes a judicial proceeding without proper cause
47. Disrupts or interferes with the conduct process.

CHAPTER 4: University of Pittsburgh Anti-Hazing Policy

Hazing at the University of Pittsburgh is considered a [Violation](#) of the University's Anti-Hazing Policy and *Student Code of Conduct and Judicial Procedures*, and is absolutely prohibited. Hazing may also be considered a criminal act in the Commonwealth of Pennsylvania.

Hazing is defined as follows:

Hazing. Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a [Student](#) or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by the University.

The term shall include but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.

For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Therefore, any [Student](#) who causes or participates in hazing may be subject to appropriate University discipline and/or may be subject to criminal prosecution.

[Students](#) and others are encouraged to report incidents, and suspected incidents of hazing. Reports may be made to Campus Police (814-269-7005), the Office of Student Conduct (814-269-7133).

Hazing related to any University of Pittsburgh athletics teams may also be reported to the Director of Athletics (814-269-2000)

CHAPTER 5: Process and Procedures: From Referral to Resolution

Adjudication: Completion of the Level I or Level II Hearing and Appeal process.

Complainant: A University community member who files a referral that alleges a [Violation](#) of the *Code*.

Conduct Referral: A report alleging [Violations](#) of the *Code*.

Respondent: [Student](#) alleged to have violated the *Code*.

Student Conduct Record Retention Policy

The Office of Student Conduct maintains conduct records for a period of seven (7) years from the date of [Adjudication](#), however, for all pending incidents and incidents resulting in disciplinary suspension or disciplinary dismissal, the conduct record will be maintained permanently.

Student Rights Within the University Community

[Student](#) Rights Within the University Community are listed in [Chapter 1](#) of this *Code*.

A. Filing a Conduct Referral

Any member of the University community who has witnessed, has been subject to or has knowledge of a potential [Violation](#) of the *Code* may schedule a meeting with the Student Conduct Officer or their designee to discuss possible next steps and/or file a [Conduct Referral](#) with the Student Conduct Officer or their designee.

The University's Conduct Process is initiated when a member of the University ("[Complainant](#)") files a [Conduct Referral](#) against a [Student](#)/Student Organization ("[Respondent](#)") alleging that there has been a [Violation](#) of the *Code*. [Conduct Referrals](#) must be submitted using the Conduct Referral Form available by contacting the Office of Student Conduct or online at [REFERRAL](#)

[Conduct Referrals](#) which allege [Violations](#) of the University's Sexual Misconduct Policy will proceed under [Chapter 7](#) of this *Code*.

B. Review of the Conduct Referral and Initiation of the Conduct Process

Once a [Conduct Referral](#) is initiated, the Student Conduct Officer or their designee will determine whether the conduct alleged in the [Conduct Referral](#), if substantiated, would constitute a *Code* [Violation](#). In some instances, the Student Conduct Officer or their designee may need to meet with the alleged [Respondent](#) prior to making this determination.

If it is determined that the [Conduct Referral](#) alleges a *Code* [Violation](#), the Student Conduct Officer or their designee will decide if the [Violation](#) will proceed under the Level I or Level II Process. Once this determination is made, the Student Conduct Officer or their designee will notify the [Respondent](#) of the alleged [Violation\(s\)](#) and next steps in the conduct process by sending an email to the [Respondent's](#) University e-mail address.

Most [Conduct Referrals](#) proceed under the Level I Hearing Process and are heard by the Office of Student Conduct, or Residence Life staff (hereinafter referred to as "Hearing Officers"). Generally, after filing the

[Conduct Referral](#), [Complainants](#) do not participate in the Level I Hearing Process. The Level II Hearing Process is facilitated by the Office of Student Conduct. This process is followed when:

1. the alleged [Violations](#) may result in [Sanctions](#) including, Disciplinary Suspension, Disciplinary Dismissal, Suspension or Dismissal from University Housing;
2. the [Respondent](#) is a Student Organization; or
3. deemed appropriate by the Office of Student Conduct.

C. **Interim Action** Prior to initiation of the conduct process, the Director of Student Conduct or their designee may take interim action and impose interim sanctions on a student. The Director of Student Conduct or their designee may take this action when a [Student](#) is deemed to threaten the health, safety, or well-being of the University community, threaten or impair the effective functioning of the University, or when a [Student](#) has been charged with a serious criminal offense. Examples of behavior that may lead to interim suspension from the University include, but are not limited to, physical violence, sexual assault, significant disruption of the educational or living environments of the University, significant damage to property, and possession and distribution of controlled substances.

Interim action is intended to help protect members of the University community until a matter can be investigated and/or adjudicated, and remains in effect only as long as the Director of Student Conduct determines there is a need for such action **or** until the matter has been investigated, adjudicated, or otherwise resolved in accordance with the *Code*.

Within three (3) business days of the interim action, the [Student](#) may request, in writing, that the Vice President for Student Affairs reconsider the interim action. This request must include the reasons why the [Student](#) believes they are not a threat to the University community and its educational and living environments. The Vice President of Student Affairs will consider the request and advise the [Student](#) of any modification to the interim action within five (5) business days of the submission of the request. The interim action remains in place during the Vice President of Student Affairs review.

Interim action does not replace the Hearing Process, which shall proceed as outlined in this *Code*.

D. General Information for Respondents and Complainants in both Level I and Level II Hearing Processes and Appeal

In addition to the [Rights](#) affirmed by the Board of Trustees [Respondents](#) have the right to *decline to testify against themselves*. The [Hearing Officer](#) will use a *preponderance of the evidence standard* (meaning more likely than not) when deciding if a [Student](#) is responsible for a [Violation](#) of the *Code*.

The [Hearing Officer](#) will not apply rules of evidence followed in court proceedings and will not entertain legal motions. Legal rules pertaining to the wording of questions, hearsay, and opinions will not be formally applied. *Reasonable rules of relevancy will guide the Hearing Officer in ruling on the admissibility of evidence*. Reasonable limits may be imposed on the number of factual and/or character witnesses and the amount of cumulative evidence that may be introduced.

[Respondents/Complainants](#) have the right to call University community members to be witnesses during the Hearing Process. [Respondents/Complainants](#) may also request that individuals from outside the community participate in the Hearing Process.

While not necessary or required, [Students](#) have the right to seek a representative from the University to assist them during the Conduct Process. Legal counsel shall be restricted to an advising role and may not

directly participate, but a non-attorney representative from the University community, including law [Students](#), may advise and/or represent. Such a representative may attend any conduct meeting with the [Respondent/Complainant](#) and/or assist in the Hearing Process. A [Respondent](#)'s or [Complainant](#)'s failure to secure a representative will not cause a Hearing to be postponed or canceled. Residence Life staff members cannot serve as representatives.

Throughout the conduct process, the [Respondent](#) may request to review the [Conduct Referral](#).

If a [Respondent](#) chooses not to participate in any stage of the hearing process, [Adjudication](#) may proceed and [Sanctions](#) may be imposed or a [Judicial Hold](#) may be placed on the [Student's](#) account.

E. Level I Hearing and Appeal Process

Level I Pre-Hearing Process:

When a [Conduct Referral](#) falls under the Level I Hearing Process, the Office of Student Conduct will schedule a [Disciplinary Conference](#) with the [Respondent](#). The purpose of the [Disciplinary Conference](#), which may occur over a period of several meetings, is to 1) allow the [Hearing Officer](#) to discuss the alleged [Violations\(s\)](#) with the [Respondent](#); 2) make recommended [Sanctions](#), taking as true all facts in the [Conduct Referral](#); and 3) provide the [Respondent](#) the opportunity to choose their response to the [Conduct Referral](#), as defined below:

- a. Accept responsibility for violating the *Code*, accept the recommended [Sanction\(s\)](#) and waive the Level I Hearing and Appeal Process.
- b. Proceed before the Administrative hearing for a [Sanctions-Only Hearing](#) .
- c. Proceed before the an Administrative hearing for a [Full Hearing](#).
- d. If the [Respondent](#) fails to attend the Disciplinary Conference, the Conference may proceed in the [Respondent's](#) absence and [Sanctions](#) may be imposed or a [Judicial Hold](#) may be placed on the [Student's](#) account.

If the [Respondent](#) elects to proceed with a Hearing, the assigned [Hearing Officer](#) shall answer questions regarding the procedures and format of the student conduct process, shall make the necessary arrangements for the Hearing, and shall provide other assistance as appropriate.

The [Hearing Officer](#) will then schedule the Hearing. Both the [Complainant](#) and [Respondent](#) shall receive an e- mail notification of the time, date, and place of the Level I Conduct Board Hearing. If a party has been sent notice in accordance with the *Code*, and fails to appear at the scheduled time, date, and place, the Hearing may be held in the party's absence.

Level I Hearing Process:

1. The [Hearing Officer](#) will read the alleged *Code* [Violations](#) and allow the [Respondent](#) the opportunity to review the [Conduct Referral](#).
2. The [Hearing Officer](#) will answer any questions the [Respondent](#) has and will allow the [Respondent](#) to provide relevant information related to the alleged [Violations](#).
3. The [Respondent](#) will have the opportunity to ask questions and to present information through personal and/or witness testimony and/or documents.
4. The [Hearing Officer](#) may ask questions regarding any information provided by the [Respondent](#) and/or the [Conduct Referral](#).
5. Using a preponderance of the evidence standard, the [Hearing Officer](#) will determine if the [Respondent](#) is responsible for violating the *Code* and if so, will inform the [Respondent](#) of the imposed [Sanctions](#), either at the conclusion of the Level I Hearing or within a reasonable time thereafter.
6. The recommended sanctions(s) shall be sent to the Vice President of Student Affairs. This individual may increase, decrease, or otherwise change the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it.
7. The final adjudication shall be forwarded to the respondent and charging parties, as well as other parties relevant to the sanction(s). Where a sanction has been imposed, a record of the adjudication shall be maintained in the Office of Student Affairs and other University areas as appropriate, in accordance with the Records Policy of the student conduct system. A sanction may be introduced in subsequent disciplinary proceedings, only when an admission or finding of responsibility has been made.
8. If the [Respondent](#) is *found not responsible* for violating the *Code*, no [Sanctions](#) will be imposed.
9. If the [Respondent](#) fails to attend the Level I Hearing, the Hearing may proceed in the [Respondent's](#) absence and [Sanctions](#) may be imposed or a [Judicial Hold](#) may be placed on the [Student's](#) account
10. Level I incidents by their nature do not meet the criteria for University Appeals Board

F. Level II Hearing and Appeal Process

Level II Pre-Hearing Process

When a [Conduct Referral](#) falls under the Level II Hearing Process, the Office of Student Conduct will schedule a [Disciplinary Conference](#) with the [Respondent](#). The purpose of the [Disciplinary Conference](#), which may occur over a period of several meetings, is to 1) allow the [Hearing Officer](#) to discuss the alleged [Violations\(s\)](#) with the [Respondent](#); 2) make recommended [Sanctions](#), taking as true all facts in the [Conduct Referral](#); and 3) provide the [Respondent](#) the opportunity to choose their response to the [Conduct Referral](#), as defined below:

- e. Accept responsibility for violating the *Code*, accept the recommended [Sanction\(s\)](#) and waive the Level II Hearing and Appeal Process.
- f. Proceed before the Conduct Board for a [Sanctions-Only Hearing](#).
- g. Proceed before the Conduct Board for a [Full Hearing](#).

If the [Respondent](#) elects to proceed with a Conduct Board Hearing, the assigned [Hearing Officer](#) shall answer questions regarding the procedures and format of the student conduct process, shall make the necessary arrangements for the Hearing, and shall provide other assistance as appropriate.

The [Hearing Officer](#) will then schedule the Conduct Board Hearing. Both the [Complainant](#) and [Respondent](#) shall receive an e- mail notification of the time, date, and place of the Level II Conduct Board Hearing. If a party has been sent notice in accordance with the *Code*, and fails to appear at the scheduled time, date, and place, the Hearing may be held in the party's absence.

Witnesses

The [Complainant](#) and [Respondent](#) may provide the Student Conduct Officer or their designee with a witness list containing a brief description of each witness's proposed testimony. This description must be submitted to the Conduct Officer or their designee not less than 5 business days prior to the Hearing date. It is the responsibility of the [Complainant](#) and [Respondent](#) to coordinate any witness's participation in the Hearing. The Conduct Officer or their designee may provide reasonable assistance in facilitating any witness participation.

Where necessitated by fairness, the Student Conduct Officer or their designee may make arrangements for the recorded, telephonic, or written testimony for use in a proceeding. The Student Conduct Officer, at their discretion, may allow the [Complainant](#), the [Respondent](#) or any witness to testify via closed-circuit audio/video technology. For either accommodation, a written request must be received by the Student Conduct Officer or their designee not less than five (5) business days prior to the Hearing date.

Both [Complainants](#) and [Respondents](#) may review, not less than two (2) business days prior to the Hearing date, any approved witness list submitted by the opposing party. To schedule such a review, [Complainants](#) or [Respondents](#) must contact the Student Conduct Officer or their designee to make an appointment.

Evidence

The [Complainant](#) and [Respondent](#) will have the opportunity to submit all documentary evidence that they intend to introduce at the Hearing to the Student Conduct Officer or their designee. Such evidence must be submitted not less than five (5) business days prior to the Hearing date. Both the [Complainant](#) and [Respondent](#) shall then have the opportunity to review, not less than two (2) business days prior to the Hearing date, all documents that have been approved for use in the hearing. To schedule such a review, the must contact the Student Conduct Officer of their designee to make an appointment.

Level II Hearing

The Student Conduct Officer or their designee shall serve as the Hearing Moderator for all Level II Hearings acting in the capacity as described below.

The Hearing Moderator shall convene the Hearing and introduce the parties involved in the proceeding. The [Complainant/Respondent](#), or their representatives may object to the participation of any member of the Conduct Board or to the procedures, and the Hearing Moderator shall make any necessary decisions regarding the validity of such concerns or objections. The Hearing Moderator shall read the alleged [Violations](#).

Both the [Complainant](#) and the [Respondent](#) shall have the opportunity to state their case, offer evidence, and call, question, and cross-examine witnesses. During any presentation, the Hearing Moderator and Conduct Board Members also shall have the opportunity to ask questions to the [Complainant/Respondent](#) or any of their witnesses.

Closing for Sanctions-Only Hearing

1. At the conclusion of all testimony, both parties shall be given the opportunity to offer a closing statement and to address the Conduct Board regarding the imposition of any [Sanction\(s\)](#).
2. The Hearing Moderator shall share the University's recommended [Sanction\(s\)](#) with the Conduct Board.
3. The Hearing shall be concluded and all participants except the Conduct Board shall be dismissed.
4. The members of the Conduct Board shall deliberate in private and decide whether to accept or alter the University's recommended [Sanction\(s\)](#).
5. The Conduct Board will create a written record of recommended [Sanctions](#).

Closing for Full Hearing

1. At the conclusion of all testimony, both parties shall be given the opportunity to offer a closing statement and to address the Conduct Board regarding the imposition of any [Sanction\(s\)](#).
2. The Hearing shall be concluded and all participants except the Conduct Board shall be dismissed.
3. Using the preponderance of the evidence standard, the members of the Conduct Board shall deliberate in private until the final decision regarding responsibility is reached.
4. If the [Respondent](#) is found responsible, the Hearing Moderator will share the University's recommended [Sanction\(s\)](#) with the Conduct Board. The Conduct Board will return to deliberations and decide whether to accept or alter the University's recommended [Sanction\(s\)](#).
5. The Conduct Board will create a written record of findings and recommended [Sanctions](#), if any.

Final Decision

The Conduct Hearing Board's findings and/or recommendation(s) shall be sent to the Vice President for Student Affairs. **The Vice President for Student Affairs may increase, decrease, or otherwise change the recommended [Sanction\(s\)](#) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies such a change.**

The final decision of the Vice President for Student Affairs shall be forwarded to the [Respondent](#), as well as to University faculty and staff relevant to the imposition of the [Sanction\(s\)](#).

Level II and Sexual Misconduct Appeal Process

Appeal petitions related to Level II Hearings may be filed by [Respondents](#). Appeal petitions related to Sexual Misconduct [Violations](#) may be filed by either the [Complainant](#) or the [Respondent](#). Persons filing an appeal will have five (5) business days from the date of the Hearing decision letter to file their petition with the University Appeals Board (UAB). The appeal petition must include statements and facts supporting one or more of the following questions (Scope of Review):

1. Whether [Rights](#) affirmed by the Board of Trustees have been denied?
2. Whether the Level II Hearing process or the Sexual Misconduct investigation was conducted in compliance with the relevant procedures outlined in this *Code*?
3. Whether the findings and recommended [Sanctions](#) were arbitrary and capricious, meaning there was an absence of a rational connection between the facts found and the decision made?

In addition, persons filing an appeal may also request postponement of sanctions pending appeal, as outlined below.

Request to Postpone Sanctions Pending Appeal

[Respondents](#) wishing to postpone a [Sanction](#) imposed by the Vice President for Student Affairs must make a written request to the [UAB](#) within five (5) business days of the date of the Hearing decision letter. Such request shall explain why the imposition of a [Sanction\(s\)](#) should be postponed.

Requests for postponement shall be reviewed by the [UAB Moderator](#), one [Student](#), and one faculty member of the [UAB](#). In requests related to Sexual Misconduct [Violations](#), the postponement shall be reviewed by the [UAB Moderator](#) and two faculty members of the [UAB](#).

The criteria to be applied in determining whether to postpone a [Sanction](#) are as follows:

1. Whether the issues raised in the appeal petition may be resolved in favor of the petitioning party; and
2. Whether either party will be unfairly prejudiced, pending a final determination of the appeal, by the immediate imposition or postponement of the [Sanction](#).

All decisions regarding the postponement of [Sanctions](#) shall be made within five (5) business days of the receipt of such a request and shall be communicated to appropriate parties in writing through the Office of the [UAB Moderator](#).

University Review Board Procedures

The [UAB Moderator](#), in consultation with one [Student](#) and one faculty member of the [UAB](#), shall review petitions and determine whether all requirements set forth for the filing of an appeal are satisfied and whether the petition raises a question within the Scope of Review. In cases involving Sexual Misconduct, the [UAB Moderator](#) shall consult with two faculty members of the [UAB](#).

Where it has been determined that an appeal's petition does not fall within the Scope of Review, the [UAB Moderator](#) and two [UAB](#) members shall render and submit a written opinion and recommended action, accompanied by the record, to the Provost for review and consideration. Upon completion of this review and consideration, notice of the outcome shall be given to the [Respondent](#). In cases involving Sexual Misconduct, both the [Complainant](#) and [Respondent](#) shall receive notice of the outcome.

Where it has been determined that a petition falls within the Scope of Review, the [UAB Moderator](#) shall notify the parties that an appeal has been initiated. Notice shall include:

1. A copy of the appeal's petition.
2. A copy of the relevant regulations and procedures.

The [UAB Moderator](#) shall then schedule an appeal proceeding. All appropriate parties shall receive written notification of the time, date, and place of the appeal proceeding.

The appeal shall be conducted under the procedural guidance of the [UAB Moderator](#).

The [UAB](#), in its discretion, may elect to decide an appeal based solely on the submission of documents from the appropriate parties, without oral argument. In such cases, the [UAB Moderator](#) will provide written instruction to the appropriate parties. The [UAB](#) appeal process does not include testimony from witnesses. The [UAB Moderator](#) may develop supplemental rules of procedure.

Format and Decision

If the [UAB](#), in its discretion, decides to allow oral argument, each interested party shall be given reasonable time to present their position. In all cases, in support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. Each party may question the other about their argument, except in cases involving Sexual Misconduct. Members of the [UAB](#) and the [UAB Moderator](#) may question the parties.

The majority of the [UAB](#) panel shall make factual findings and shall render a final [Adjudication](#) in the form of a written opinion. A majority shall control all decisions, but there may be an accompanying minority opinion.

University Review Board Action

The [UAB](#) may remand a matter to the Office of Student Conduct for further proceedings when the [UAB](#) determines that there are insufficient written findings or prejudicial procedural error. In other cases the [UAB](#) shall render a written opinion and recommend action to the President, or their designee, accompanied by the record.

CHAPTER 6: Student Organizations

The Offices of Fraternity and Sorority Life, Student Life, or Campus Recreation may establish, enforce, and process *Code* [Violations](#) in accordance with expectations and procedures outlined in their respective policies and/or handbooks. Alternatively, the processing of these [Violations](#) may be released to the Office of Student Conduct for [Adjudication](#). This release may be initiated by the Student Organization or by Student Life, and the latter may include recommended [Sanctions](#). These [Sanctions](#) will be given deference to the extent they do not conflict with [Adjudication](#) by the Office of Student Conduct.

Additionally, any [Violations](#) not covered by Student Organization policies and/or handbooks will be [Adjudicated](#) by the Office of Student Conduct. The Office of Student Conduct [Level II procedures](#) will apply.

CHAPTER 7: Sexual Misconduct Process and Procedures

Reporting Sexual Misconduct and University Response

Complainant: A University community member who files a referral that alleges a [Violation](#) of the *Code*.

Respondent: [Student](#) alleged to have violated the *Code*.

Several options are available for you to report sexual misconduct.

- You may file a complaint with the University's [Title IX](#) Coordinator. This office generally investigates complaints of sexual misconduct against faculty, teaching assistants (TAs), graduate student assistants (GSAs), and staff, as well as [Students](#) (814-269-7991).
- You may file a criminal complaint by contacting Campus Police (814-269-7005).
- Although the University encourages [Complainants](#) to make formal reports as outlined above, you may file an anonymous complaint on the University of Pittsburgh Police Department Web site [ANONYMOUS](#). However, this option greatly limits the University's ability to respond to and investigate the report.

As part of the University's response to a report of sexual misconduct, and regardless of whether there has been a request for formal disciplinary or law enforcement action, the University may impose [interim measures](#) or offer accommodations to address issues that impact the [Complainant](#) or [Respondent's](#) educational, living or work environments. These interim measures can often be put in place very quickly, prior to the resolution of any referral, investigation, or criminal proceeding.

Once imposed, the University will take necessary action to enforce the implemented measures. Anyone who becomes aware of, or has a concern about a [Student's](#) failure to follow any University-imposed [interim measure](#) or accommodation, should report this concern to the Office of Student Conduct at 814-269-7133. For more information on interim measures and accommodations, please see [page 25](#).

Advisor or Support Person

Both a [Complainant](#) and a [Respondent](#) are entitled to one advisor or support person of their choice, and the advisor or support person may accompany the party to any meeting or proceeding under these processes. If the advisor is an attorney, they shall not be permitted to participate directly in the Informal or the Formal resolution process. An advisor or support person may not stand in place of either the [Complainant](#) or the [Respondent](#), and information regarding the progress of the inquiry or investigation will only be shared with the [Complainant](#) or [Respondent](#), and not the advisor of choice.

In keeping with the University's desire to resolve sexual misconduct complaints in a timely manner, the University reserves the right to proceed with any meeting regardless of the availability of the [Student's](#) advisor or support person.

Informal Resolution

The Informal Resolution process is a voluntary process, available to [Complainants](#), which attempts to reach a resolution without initiating the Formal Complaint Process and a specific finding of a Policy and/or *Code Violation*. This process can include the application of [Interim Measures](#), as referenced below. Under the Informal Resolution process, no disciplinary action is taken. Rather, a Title IX Specialist will review the facts and circumstances of the situation with the [Complainant](#) and based on the severity of the alleged incident make a determination on whether the Informal Resolution process is an appropriate response. In

this process, the Title IX Specialist will contact the parties involved separately, review the allegations presented and develop an action plan to address the conduct.

A [Complainant](#) may choose to start with the Informal Resolution process in an attempt to resolve the issue and then choose to move to the Formal Complaint Process if needed or desired. A written record of any measures, meetings or communications from this Informal Resolution process will be kept on file in the Title IX Office. The Title IX Office maintains all informal resolution process records and files for seven years. Once an incident has been resolved through the Informal Process the matter is closed. A violation of any action plan instituted under the informal resolution process may trigger the Formal Complaint process or disciplinary action under the *Code*. The Title IX Office will make every attempt to complete the informal resolution process within the 60-day timeline.

Interim Measures, Accommodations, and Resource Assistance for Complainants and Respondents

To quickly address a situation, the University, where it determines it is appropriate, may take [interim action](#) and impose a wide-range of interim measures, or offer accommodations to any [Complainant](#) or [Respondent](#). Such measures or accommodations may include:

- [Interim suspension](#)
- A [No Contact Order](#)
- Change in University-related class or work schedules or job assignments
- Change in University-owned housing
- Assistance from University staff in completing housing relocation
- Assistance in addressing off-campus living arrangements
- Restricting a [Student's](#) access to certain University facilities or activities pending resolution of a matter
- Access to academic support services, such as, but not limited to, tutoring
- Rescheduling of exams and assignments
- Availability of alternative course completion options, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty
- Voluntary leave of absence
- Any other interim measure or accommodation necessary and appropriate to facilitate the [Complainant's](#) or [Respondent's](#) access to educational opportunities
- Assistance with contacting the appropriate police department
- Access to counseling services, including assistance in arranging an initial appointment, on and/or off-campus
- Access to and assistance with obtaining necessary medical services
- Access to and assistance with connecting to pastoral care and support through University Chaplain's Office
- Assistance in contacting community resources
- Assistance in contacting legal resources
- Guidance and support with filing a report through the Title IX Office and/or through the criminal justice process.

The University will also consider additional interim measures appropriate to the situation at hand. When necessary, the University may make any "interim" measure permanent. The imposition of interim measures or accommodations does not affect the ability of the [Complainant](#) to pursue disciplinary action.

Formal Complaint Process and University-Initiated Investigations

The Formal Complaint process is initiated when the [Complainant](#) provides a signed statement that includes a brief description of the alleged incident and, to the extent known, the [Respondent's](#) name(s) and the date, time and location of the incident (hereinafter "Complaint"). The Formal Complaint process may also be initiated by the University under appropriate circumstances and consistent with the University's obligations under Title IX. The Formal Complaint process involves a prompt, and equitable investigation conducted by a Title IX Specialist or their properly trained designee (University Investigator). The investigation is a fact finding process, giving all parties notice, the opportunity to be heard, and the opportunity to identify witnesses and offer evidence. Interim measures may be applied at any time throughout the Formal Complaint process.

The Formal Complaint process will generally progress as follows:

1. Once the Complaint is received or the University otherwise initiates the Formal Complaint process, a University Investigator will interview the [Complainant](#).
2. Following the completion of their interview with the [Complainant](#), the University Investigator will notify the Title IX Coordinator as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a [Violation](#) of the University's Sexual Misconduct Policy, and accordingly, a [Violation](#) of the *Code*.
 - a. If the University Investigator's notification indicates that such allegations, if substantiated, would not constitute a [Violation](#) of University's Sexual Misconduct Policy, the Title IX Coordinator, may dismiss the Complaint, and that decision shall be final, barring new information. The Title IX Coordinator shall provide the [Complainant](#) and [Respondent\(s\)](#) with written notice of such dismissal.
 - b. In the event that the University Investigator's notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a [Violation](#) of University policy, or if the Title IX Coordinator determines that the matter should be investigated, the University Investigator will conduct a fact-finding investigation. Steps including in this investigation will include, as appropriate:
 - The [Respondent](#) will be provided with written notification of investigation, and be made aware that a Formal Complaint has been submitted to the Office of Diversity and Inclusion. The [Respondent](#) will be provided with an opportunity to review the Complaint at the University's Office of Diversity and Inclusion.
 - The University Investigator will meet separately with the [Complainant](#) and the [Respondent\(s\)](#).
 - The University Investigator will interview relevant witnesses and review relevant physical, documentary or other evidence.
3. The University Investigator may consider the credibility of the parties and witnesses and relevant information, including evidence of pattern. Both parties may provide information and names of witnesses to the University Investigator. The University Investigator will not apply rules of evidence followed in court proceedings and will not entertain legal motions. Legal rules pertaining to the wording of questions, hearsay, and opinions will not be applied. Reasonable rules of relevancy will guide the University Investigator in deciding on the admissibility of evidence and

witness statements. Reasonable limits may be imposed on the number of factual witnesses and the amount of cumulative evidence that may be introduced.

4. After the [Complainant\(s\)](#) and/or [Respondent\(s\)](#) have been interviewed by the University Investigator, each will be provided with an opportunity to review a written summary of their own interview. The [Complainant](#) and [Respondent](#) will then have five (5) business days from the date the summary is made available to review their own interview summary and provide any comments or new evidence to the Investigator. Comments will be reviewed and retained in the investigative file, but may not necessarily result in a change to the summary.
5. After the Investigator concludes gathering and evaluating evidence, including witness interviews, an investigation summary will be prepared. At this time, the [Complainant](#) and [Respondent](#) will have an opportunity to review, in the Title IX Office, the investigative summary. The investigative summary will include the relevant information provided by the [Complainant](#), [Respondent](#), and any witnesses, as well as other evidence gathered during the investigation which will be considered in making a determination regarding the alleged University's Sexual Misconduct Policy and/or [Code Violation](#). The [Complainant](#) and [Respondent](#) must submit to the University Investigator any comments (including additional statements, proposed witness questions and additional evidence) concerning the summary within five (5) business days of the date that the investigative summary was first made available for review. This portion of the investigation may be an iterative process.
6. Following the receipt of any comments on the investigative summary, or after the five (5) day period has lapsed without comment, the University Investigator will prepare a final written report that includes the investigative summary and a determination of whether a [Violation](#) has occurred and a recommendation of the [Sanction\(s\)](#) to be imposed, if any. The final written report will include the basis upon which the University Investigator reached their determination of responsibility. This determination will be made using the preponderance of the evidence standard, asking whether it is more likely than not that the University's Sexual Misconduct Policy has been violated.
7. The final report will be provided first to the Title IX Coordinator for review and input. After review for compliance with Title IX, the report will be forwarded to the Vice President for Student Affairs for approval of any recommended [Sanctions](#). The Vice President for Student Affairs will have discretion to accept or alter the recommended [Sanctions](#), as appropriate. Once the Vice President for Student Affairs has made a determination on [Sanctions](#), either the Title IX Office or the Vice President for Student Affairs will provide written notification of the completion of the Formal Complaint process, to both the [Complainant](#) and [Respondent](#). At this time, a copy of the final Title IX report will be available in the Title IX Office for review.
8. Both the [Complainant](#) and the [Respondent](#) may submit an appeal within five (5) business days from the date of the decision letter. See the [Level II Hearing Appeal Process](#).

In general, the Title IX Office will try to conclude an investigation within sixty (60) calendar days.

The University's Prohibition of Retaliation

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the [Complainant](#), a witness, an investigator or anyone else, is prohibited. Retaliation is the act of taking adverse action against a [Complainant](#), a [Respondent](#), or any other person involved in the process based on the person's reporting or participation in the process. Retaliation includes behavior on the part of the [Respondent](#) or the [Complainant](#) and other related persons, including, but not limited to, acquaintances,

friends, and family members. Although independent action will be taken against anyone engaging in retaliation, the [Complainant](#) and the [Respondent](#) are responsible for discouraging such actions and will also be held responsible to the extent of their involvement in the retaliation.

Retaliation will constitute separate grounds for disciplinary action. An individual who believes that they have experienced retaliation should contact the Title IX Office, and the University will investigate the complaint. If the University determines that evidence exists to support that retaliation occurred, appropriate action will be taken regardless of the outcome of the underlying sexual misconduct complaint. This may involve referral of the retaliation concerns to another University process for resolution.

To review the University's Statement on Confidentiality and Non-retaliation, please follow this link: www.cfo.pitt.edu/policies/policy/07/07-01-03.html. In addition to outlining the University's stance against retaliation, this statement also clarifies that all individuals involved in the investigation process are expected to honor the confidentiality of the process and the information involved.

Filing with External Agencies

Any person may file a complaint with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Inquiries may also be directed to the Office for Civil Rights of the U.S. Department of Education at (800) 421-3481 or by email at OCR@ed.gov.

Appendix A: Sanctions

The University may impose a wide range of Sanctions for [Violation](#) of this *Code*. Any of these Sanctions may be used outside of the conduct process as an interim measure to help ensure the safety of Students and the University community. Sanctions may be imposed by the Vice Provost and VICE PRESIDENT FOR STUDENT AFFAIRS or their designee. A record of imposed Sanctions shall be maintained in the Office of Student Conduct and any other appropriate office(s) to which the Sanction or interim measure applies.

[Students](#) may have a [Judicial Hold](#) placed on the [Student's](#) account or face further disciplinary action for failure to complete Sanctions by the assigned due date. Student Organizations that fail to complete Sanctions by the assigned due date may be placed on Social Probation until all Sanctions are completed.

Some Sanctions may affect both University and non-University opportunities, including, but not limited to studying abroad, participation in a Student Organization, and employment.

Individual Student Sanctions

Stayed Sanction - Any sanction may be put on hold or “stayed” from implementation for a specified period of time as determined by the hearing officer or University Hearing Board.

Community Service — A directive to spend a specified period of time in a constructive undertaking. The [Student](#) is responsible for providing documentation to the [Hearing Officer](#) that the community service has been completed.

Counseling Assessment — An assessment by the University Counseling Center which may include a recommendation to follow any prescribed treatment.

Third Party Counseling Assessment - An assessment by an appropriate, licensed and recognized, third party counselor with the requirement to satisfy any prescriptive treatment

Disciplinary Dismissal — A termination of registration of a [Student](#), which prevents the [Student](#) from returning to any University of Pittsburgh campus. Upon Dismissal, the [Student](#) will be [Persona Non Grata](#) automatically on all [University Property](#) and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the Vice Provost and VICE PRESIDENT FOR STUDENT AFFAIRS or their designee.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinarily Suspended/Dismissed.

Disciplinary Hold – A restriction placed on a [Student's](#) account which may prevent a [Student](#) from registering, the issuance of a housing contract, access to athletic facilities, etc. A disciplinary hold permits the release of academic transcripts.

Disciplinary Probation — A conditional retention of [Student](#) status for a specified period of time. During the probationary period, a [Student](#) may be excluded from representing the University in intercollegiate athletics, holding a [Student](#) officer or similar position, or other extra-curricular University activities. Such loss of privilege(s) will depend on each individual set of circumstances.

Disciplinary Reprimand — An official expression by the University disapproving of a [Student's](#) conduct.

Disciplinary Suspension — A termination of registration as a [Student](#) for a specified period of time. During the period of Disciplinary Suspension, a [Student](#) is excluded from classes and all other University privileges or activities.

At the conclusion of the period of suspension, the [Student](#) will be allowed to return to the University on a probationary basis for a period of one year unless otherwise specified by the Vice President for Student Affairs or their designee. Prior to returning, the [Student](#) must contact the Office of Student Conduct to discuss the [Student's](#) return to campus.

The [Student](#) shall be [Persona Non Grata](#) on all [University Property](#) during the period of suspension and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the VICE PRESIDENT FOR STUDENT AFFAIRS or their designee.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinarily Suspended/Dismissed.

Fines — A monetary Sanction that can be imposed. This fine may be in addition to any restitution owed, as appropriate.

A \$250 “host” fine may be imposed upon any [Student](#) who, in their residence, provides an opportunity for guest(s) to violate alcohol or drug policies or laws.

Information Technology Resource Probation — A warning issued to a [Student](#) violating the Information Technology Policies.

Information Technology Resource Suspension/Termination — A suspension or termination of part or all of a [Student's](#) access to information technology resources. No refund of any fees charged and applied to information technology resources will be made.

Interim Information Technology Resource Suspension/Termination — An immediate and temporary suspension of part or all of a [Student's](#) access to information technology resources. No refund of any fees charged and applied to information technology resources will be made. This Sanction may be imposed by the Vice Provost and VICE PRESIDENT FOR STUDENT AFFAIRS or their designee, or the Director of Computing Services and Systems Development or their designee, on an interim basis pending a conduct hearing.

Interim No Contact Order — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated person(s) or group(s) through any means, including but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the [Student](#) fail to cease contact, the [Student](#) will be subject to additional action, up to and including dismissal from the University. Additionally, failure to follow the Interim No Contact Order may result in criminal arrest or the initiation of criminal action. Interim No Contact Orders may be issued outside of the conduct process. In these instances, the No Contact Order would not be considered a Sanction.

This Sanction may be imposed by the Vice Provost and VICE PRESIDENT FOR STUDENT AFFAIRS or their designee on an interim basis to help ensure the safety and well-being of members of the University community, or to help ensure a [Student's](#) own physical or emotional safety or well-being.

Interim Persona Non Grata — An exclusion from a facility or area for a specified period of time. During this time, the [Student](#) will not be permitted to enter or use the specified [University Property](#) for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies and patios. A record of Interim Persona Non Grata status shall be maintained in the Office of Student

Conduct or Regional Campus Student Conduct Office, or Campus Police, and any other appropriate person(s)/office(s) to which the Sanction applies. Should the [Student](#) appear in any of the specified areas, the [Student](#) will be subject to arrest. Interim Persona Non Grata may be issued outside of the conduct process. In these instances, the Persona Non Grata would not be considered a Sanction.

This Sanction may be imposed by the Vice President for Student Affairs or their designee on an interim basis only to help ensure the safety and well-being of members of the University community, to help ensure a [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#).

Interim Suspension — An immediate exclusion from classes and all other University privileges or activities pending a conduct hearing. Interim Suspension may be imposed by the Vice Provost and Vice President for Student Affairs or their designee to help ensure the safety and well-being of members of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#). The [Student](#) will be [Persona Non Grata](#) on all [University Property](#) during the period of the suspension and will not be permitted to enter or use [University Property](#) unless the [Student](#) receives permission from the Vice President for Student Affairs or their designee.

Interim Suspension of Privileges — A loss of specific privileges pending a conduct hearing.

Interim University Owned Housing Suspension — An immediate exclusion from University owned housing and all related privileges and activities, which is imposed by the Vice Provost and Vice President for Student Affairs or their designee, pending a conduct hearing. Interim University Owned Housing Suspension is imposed to help ensure the safety and well-being of members of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, or to protect the security and structure of [University Property](#). During the period of Interim University Owned Housing Suspension, the [Student](#) will be [Persona Non Grata](#) in all University owned housing facilities and will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies and patios,. Should the [Student](#) appear in any of the specified areas, the [Student](#) may be subject to arrest.

Involuntary Change of Housing Assignment — A written directive to relocate a resident to an alternative housing accommodation within a specified period of time which is imposed by the Vice Provost and Vice President for Student Affairs or their designee. Involuntary Change of Housing Assignment is imposed to help ensure the safety and well-being of a member of the University community, to help ensure the [Student's](#) own physical or emotional safety or well-being, to protect the security and structure of [University Property](#), or to help ensure that a building/floor has a community environment that is conducive to academic success.

Weekend Suspension – The student is not permitted on campus from Friday at 5:00pm until Sunday at 9:00 am.

Judicial Hold - A restriction placed on a [Student's](#) account which would prevent activities, including, but not limited to registering for classes, obtaining enrollment or degree verification, receiving an official transcript, and issuance of a housing contract.

Marijuana 101 – Marijuana 101 (MJ101) is offered as a one-time, 2-2.5 hour educational class in addition to a one hour one-on-one meeting with the Health Educator. Homework assignment activities are required as part of the program. MJ101 explores the nature of marijuana as a drug, its impact on the body and mind,

and explores personal decision making. MJ101 is a typical Sanction for a first [Violation](#) of the University's marijuana policy.

R.E.A.C.T – Re Examine Alcohol Choices Today This program is designed for students who have violated the Code of Conduct regarding alcohol use on campus. There is a program fee (\$140) attached to the student's account. The class meets regularly and students are required to attend all sessions. Upon completion, students will have a copy of a certificate of completion placed in his/her student conduct file. Failure to complete the program will result in a hold being placed on the student's account and a \$50 fine

No Contact Order — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the [Student](#) fail to cease contact, the [Student](#) will be subject to additional action, up to and including suspension and/or dismissal from the University. Additionally, failure to follow the No Contact Order may result in criminal arrest or the initiation of criminal action. No Contact Orders may be issued outside of the conduct process. In these instances, No Contact Order would not be considered a Sanction.

Other Educational Sanction - An educationally driven Sanction to be created and assigned.

Persona Non Grata — An exclusion from a facility or area for a specified period of time. During this time, the [Student](#) is excluded from a specified facility or area of the University and may not enter or participate in any function within the confines of the University area or facility. The [Student](#) will not be permitted to enter or use the [University Property](#) for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies and patios. Should the [Student](#) appear in any of the specified areas, the [Student](#) will be subject to arrest. Persona Non Grata may be issued outside of the conduct process. In these instances, the Persona Non Grata would not be considered a Sanction.

Restitution — A written directive to replace, repair, or make specific compensation for property of the University or another person which was damaged, destroyed, or misused.

Substituted Sanction — A constructive undertaking by a [Student](#) which shall be substituted for any of the Sanctions.

Suspension of Privileges — A loss of specific privileges for a specified period of time.

Termination of Privileges: A loss of specific privileges on a permanent basis.

University Owned Housing Dismissal — A termination of residence status and permanent exclusion from University owned housing. If the [Student](#) reapplies for residence, the [Student](#) will not be allowed to return to University owned housing. A record of University Owned Housing Dismissal is maintained as a permanent record in the Office of Student Conduct and in the appropriate University owned housing office. The [Student](#) will be [Persona Non Grata](#) in all University owned housing. This status means the [Student](#) will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies and patios. Should the [Student](#) appear in any of the specified areas, the [Student](#) will be subject to arrest.

University Owned Housing Probation — A conditional retention of resident status for a specified period of time. During the probationary period, a resident may be excluded from participation in extracurricular

University owned housing activities, and may be excluded from holding any appointed or elected position within the University-owned housing community.

University Owned Housing Suspension — A termination of resident status for a specified period of time from University owned housing. The [Student](#) will be [Persona Non Grata](#) on all University Owned Housing during the period of suspension. This status means the [Student](#) will not be permitted to enter or use University owned housing for visitation, meals, employment, or any other purpose. This status also includes exclusion from lobbies and patios. If the [Student](#) appears in any of the specified areas during the suspension period, the [Student](#) would be subject to arrest.

At the conclusion of the period of suspension, the [Student](#) will be eligible to apply for University Housing and if granted, will be placed on University Owned Housing Probation for a period of one year, unless otherwise specified.

Student Organization Sanctions

Chapter Recolonization - Cessation of operations of the chapter and expulsion or movement to alumni status of all current members by the National Office. The chapter, in conjunction with the National Office, shall submit a recolonization plan for approval to the Vice Provost and Vice President for Student Affairs.

Chapter Reorganization - Limited chapter operations as defined in the Sanction letter. The members shall be reviewed by the National organization and alumni to determine which members may continue participation in the chapter. Specific conditions shall be established for full reinstatement.

Community Service - Events or activities in which members of the chapter provide aid and assistance to a charitable or philanthropic organization. Service may include, but not be limited to, fundraising.

Disciplinary Reprimand — An official expression by the University disapproving of a Student Organization's conduct.

Educational Programming - Functions sponsored by a chapter, in conjunction with IFC, NPHC, and Panhellenic Association, that encourage awareness and understanding of critical issues relating to the nature of the offense and that are presented to the chapter or other chapters.

Fines - A monetary Sanction that may be imposed. This fine may be in addition to any restitution owed, as appropriate.

A fine up to \$1,000 may be imposed on any organization or individual member who has been found responsible for a fire safety [Violation](#).

Interim Suspension of Recognition - A cessation of organizational operations pending [Adjudication](#) of charges filed against a Student Organization.

Letter of Apology - A written statement of apology for an action or behavior. This letter must be provided on Organization letterhead and copies must be provided to all identified recipients which may include organization's national headquarters, the Office of Fraternity & Sorority Life, and the Office of Student Conduct or any other effected community or individual.

Mock Social Event - A program designed to assist fraternities and sororities in hosting a social event in congruence with established risk management and social event policies. This program will be facilitated in conjunction with the Office of Fraternity and Sorority Life.

Restitution - A written directive to replace, repair, or make specific compensation for property of the University or another person which was damaged, destroyed, or misused.

Social Probation - The loss of chapter privileges to host, sponsor, co-sponsor, or participate in any social activities, where alcohol is present, with non-members. These restrictions do not apply to member only events at which no non-members are present.

Substituted Sanction - A constructive undertaking by an organization which may be substituted for any issued Sanction(s).

Suspension or Dismissal of Individual Members - The removal of member(s) from the organization prohibiting the individual(s) from any involvement in the organization activity for a specified period of time or permanently.

Suspension of Intramural Privileges - This Sanction will prohibit an organization from participation in University intramural sports activities or from receiving points for the same for a specified period of time.

Suspension of Recognition - A cessation of operations of the organization for a specified minimum period of time, pending fulfillment of specific conditions for reinstatement.

Suspension of Recruitment Activities - Prohibition of participation in activities involving the recruitment, selection, and acceptance of new members.

Suspension of Privileges - A loss of specific privileges for a specified period of time.

Termination of Privileges - A termination of specific privileges on a permanent basis.

Restriction on Reserving Rooms - Denial of access to and/or use of all or part of a facility or facilities for a specified period of time.

Termination of Recognition - Revocation of recognition of the Organization's status or the chapter's charter as a recognized University fraternity or sorority, with no established date or conditions for reinstatement. The organization/chapter shall cease its operation at the University of Pittsburgh.

Appendix B: Title IX and Sexual Misconduct Resources and Information

The University of Pittsburgh values the safety and health of all members of the Pitt community and seeks to foster an environment in which [Students](#) and employees treat other persons with respect, civility, and dignity. Any behavior that involves sexual misconduct or harassment, relationship violence, or stalking of another person is prohibited. Sexual misconduct can be a violation of criminal law, Title IX, other laws, and this *Code*.

The University has the authority to take disciplinary action for conduct occurring on campus and off campus when the conduct, among other things, effects the educational environment or threatens the safety of the University community. The University will provide a prompt, fair, and impartial investigation and resolution.

Getting Help

What to do if you are assaulted

IMMEDIATELY AFTER AN INCIDENT

• Physical Safety:

Your immediate safety is the top priority. As quickly as possible, find a safe place away from the perpetrator or any other potential danger.

You are encouraged to seek medical attention as soon as possible for your own physical health and to preserve all physical evidence. You can receive treatment at any medical facility, however, hospital emergency departments may be in the best position to treat you and collect physical evidence. Please note that not all hospitals employ trained sexual assault nurse examiners (SANE). Conemaugh Health System generally has SANE nurses available. SANE nurses are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse. Also, be aware that all hospitals are required by law to report to the police any injury that is the result of a crime. This does not obligate you to file formal criminal charges.

• Preserving Physical Evidence:

In the aftermath of a sexual assault, although it may not be foremost on your mind, the preservation of evidence is strongly encouraged. Even if you do not think you want to pursue a criminal or civil proceeding, preserving evidence keeps your options open in case you change your mind. To preserve evidence, do not shower, douche, or change clothes or bedding before you seek medical attention. Also, if oral contact took place, do not brush teeth, smoke, or eat. Optimally, evidence collection should occur within 72 hours of the assault, but many hospitals will attempt to collect evidence 7-10 days after an assault. There are medical facilities in the area that can assist you:

Conemaugh Memorial Medical Center
814-534-9000

Windber Medical Center
814-467-3000

- **Contact the Police:** You are strongly encouraged to call the University of Pittsburgh Police Department (**814-269-7005**) or Richland Police at **911** and report the situation. The Police are trained and able to assist in obtaining other physical evidence, such as video surveillance.

Confidentiality

The University encourages victims of sexual misconduct to talk to somebody about what happened and to seek the support they need to address their individual situations. Telling someone will also allow the University to respond appropriately.

You may have concerns about confidentiality, and you should know that different employees on campus have different abilities to maintain a [Complainant's](#) confidentiality. *If you are still unsure about confidentiality requirements after reviewing the following explanation, please contact the Title IX Coordinator.*

The Different Types of Employees and Their Confidentiality Responsibilities

A. Privileged and Confidential Resources

- **Pastoral Counselors**
Pastoral counselors are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

The contact information for these individuals can be found at:

www.upj.pitt.edu/en/campus-life/campus-ministry

- **Professional Counselors: University Counseling Center; Medical Staff, Counselors,**

Health and Counseling Services (UHCS) keep reports of sexual misconduct confidential. However, they generally report de-identifying information to the University of Pittsburgh Police Department for Clery reporting purposes. This de-identified report – which does not include information that would directly or indirectly identify the [Complainant](#) – will include the nature, date, time, and general location of an incident.

Before filing any de-identified report, UHCS staff will take reasonable efforts to make sure that the report contains no personally identifying details.

In addition, a [Complainant](#) who speaks to a professional or non-professional counselor or advocate must understand that if they only want to share de-identified information, the University will unlikely be able to conduct an investigation into the particular incident or pursue disciplinary action against the [Respondent](#).

However, the [Complainant](#) who at first requests that only de-identified information be shared, may later decide to file a complaint with the University or report the incident to local law

enforcement, and thus have the incident fully investigated. The UHCS counselors and other personnel will provide the [Complainant](#) with assistance if the [Complainant](#) wishes to do so.

Here is contact information for University Health and Counseling Services:

Office:
G-10 Student Union

Hours:
Monday-Friday
8:30 a.m. - 5 p.m.

Contact:
Voice: 814-269-7119
Fax: 814-269-7179
Email: OHCS@pitt.edu

B. Exceptions to Confidential Communications

While the University Health and Counseling Services personnel may maintain a [Complainant's](#) confidentiality as described above, they may have reporting or other obligations under state law. For example, Pennsylvania law requires mandatory reporting to law enforcement in cases involving minors and certain crimes.

If the University determines that the [Respondent\(s\)](#) pose(s) a serious and immediate threat to the University community, the Campus Police may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the [Complainant](#).

There are other times where the University may override a request for confidentiality. These are detailed below in "[Requesting Confidentiality](#)".

C. Reporting to "Responsible Employees" and Confidentiality

A "responsible employee" is a University employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct or other [Student](#) misconduct, or who a [Student](#) could reasonably believe has this authority or duty.

When a [Complainant](#) tells a responsible employee about an incident of sexual misconduct, the University will investigate what happened and will work to resolve the matter promptly and equitably.

In order for the University to investigate, the responsible employee is required to report to the Title IX Coordinator the [Complainant's](#) information and the relevant details of any alleged sexual misconduct incident, including the names of the [Complainant](#) and the [Respondent\(s\)](#), any witnesses, and any other relevant facts, such as the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with those responsible for handling the University's response to the report or interim measures. A responsible employee will not share identifying information with law enforcement without the [Complainant's](#) consent or unless the [Complainant](#) has also reported the incident to law enforcement, except that the responsible employee will share non-identifiable information for Clery Act reporting. In addition, if a health and safety or imminent threat exists, the responsible employee will notify Police so that a timely warning may be issued to the community.

Generally, off-campus counselors, advocates, and health care providers will maintain confidentiality and not share information with the University unless the [Complainant](#) requests the disclosure and signs a consent or waiver form. However, while these off-campus counselors and advocates may maintain a [Complainant's](#) confidentiality with reference to the University, they may have reporting or other obligations under state law. **For example, Pennsylvania Law requires mandatory reporting to law enforcement in cases involving minors and certain crimes or imminent harm to self or others. There may also be a requirement to testify if subpoenaed in a criminal case.**

Requesting Confidentiality from the Title IX Office

The Title IX Coordinator will evaluate requests for confidentiality.

Once the Title IX Coordinator receives notice of an incident, the [Complainant](#) may request that any disclosed information remain confidential and that no investigation into a particular incident be conducted or disciplinary action taken. The Title IX Coordinator will weigh this request against the University's obligation to investigate all matters of sexual misconduct and to provide a safe, non-discriminatory environment for all [Students](#), including the [Complainant](#).

If the University honors the request for confidentiality, a [Complainant](#) must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the [Respondent\(s\)](#) may be limited.

Although rare, there are times when the University may deny a [Complainant's](#) request for confidentiality in order to help protect the greater campus community and provide a safe, non-discriminatory environment for all [Students](#).

When weighing a [Complainant's](#) request that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The increased risk that the [Respondent](#) will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual misconduct complaints about the same [Respondent](#);
 - whether the [Respondent](#) has a history of arrests or records from a prior University indicating a history of violence;
 - whether the [Respondent](#) threatened further sexual violence or other violence against the [Complainant](#) or others;
 - whether the sexual violence was committed by multiple [Respondents](#);
- whether the sexual violence was perpetrated with a weapon;
- whether the [Complainant](#) is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the [Complainant's](#) report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Depending on the totality of the circumstances, the presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these or similar factors are present, the University will likely respect the [Complainant's](#) request.

If the University determines that it must investigate the incident, the University will inform the [Complainant](#) prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the party's well-being, and will take ongoing steps to protect both parties from [retaliation](#) or harm and work with the parties to create a safety plan. [Retaliation](#), whether by [Students](#) or University employees, will not be tolerated. The University will also:

- assist both the [Respondent](#) and [Complainant](#) in accessing other available resources, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing an interim or permanent no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the [Respondent](#) pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the [Complainant](#) of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action. Such action may include increased monitoring, supervision or security in locations where the reported sexual violence occurred; increased education and prevention efforts, including to targeted population groups; climate assessment and victimization surveys; and/or revision of University policies and practices.

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which [Students](#) disclose incidents of sexual misconduct, are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Similarly, participation in a research study, or writing submitted for a class, are not considered notice to the University.

University Sexual Misconduct Resources Explained

The University Counseling Center (UCC)

The UHCS is the primary mental health service for [Students](#) enrolled at the University of Pittsburgh Johnstown. The UHCS offers a variety of mental health services to [Students](#) utilizing a short-term, time-limited approach, including assessment, counseling and psychotherapy services (individual, and group)

The UHCS Center is located in the Student Union on the first, **814-269-7119**

Additional Resources

University of Pittsburgh [Students](#) can contact their resident assistant (RA), or other residence life staff member for support (available 24 hours a day). Monday – Friday 8:30am – 5pm.; after hours, call building duty phone.

Any member of the University community also may contact the University’s Title IX coordinator at **814-269-7991** or at **buxbaum@pitt.edu**. This office investigates allegations of sexual misconduct.

Community resources include Victim Services 1-800-755-1983 or Women’s Help Center 1-800-999-7406 Both organizations provide an advocate/escort to accompany Complainants through the medical and/or legal process. Students who seek assistance from these organizations are not obligated to file criminal charges.

Title IX can refer parties to community resources who can assist with legal protections from abuse and intimidation.

Title IX explained

Title IX of the Education Amendments of 1972, a Federal law, was historically associated with actual or perceived gender-based disparities in athletic programs. However, it is a far broader law. Title IX actually covers all aspects of educational and academic-related programming and prohibits gender discrimination. Importantly, Title IX prohibits sexual misconduct which may affect the educational or campus environment. The law provides that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.

Title IX prohibits gender-based discrimination in all University of Pittsburgh programs and activities, including, but not limited to, recruiting, admissions, financial aid, academic programs, student services, counseling, guidance, advising, grievance procedures, discipline, course/class assignments, grading, recreation, athletics, housing, meal services, and employment.

Some Examples of Unlawful Practices Under Title IX Include:

- **Sexual Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
- **Sexual Misconduct** – rape, sexual assault, sexual battery, sexual exploitation, sexual coercion, forcible fondling, and any other form of non-consensual sexual activity (including when an individual is not in a condition to give legal consent).
- **Stalking** – repeatedly following, harassing, threatening or intimidating another individual using such methods including, but not limited to, telephone, mail, electronic communication, and social media.
- **Domestic Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Dating Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.

- **Retaliation** – adverse academic, social, employment or other actions against anyone reporting a violation or participating in an investigation of any Title IX allegation.

In addition to being considered discriminatory, *sexual violence is criminal activity*.

Definitions of Sexual Misconduct

A summary of important definitions related to sexual misconduct and relationship violence can be found on the Title IX website at <http://www.titleix.pitt.edu/policies-procedures>.

Title IX Contact information can be found here: <http://www.titleix.pitt.edu/resources/title-ix-and-sexual-assault-response-programs-contacts>.

Prevention

Education and Training Programs

- **New and Transfer Students:** Incoming [Students](#) are required to complete Campus Clarity, an online course on sexual misconduct and harassment, and attend the Tipping Point program, at which alcohol use and sexual misconduct are addressed in a direct manner.
- **Dating Violence Awareness Week:** Special events and programming take place every October to draw attention to this issue.
- **Awareness Campaign:** Campus-wide sexual misconduct and consent awareness campaigns, featuring videos and creative print advertising, are used throughout the year to educate [Students](#) about the issues.
- **Sexual Assault Awareness Week:** A variety of programs occur each spring during Sexual Assault Awareness Week to reinforce the messages by engaging [Students](#) in interactive events.
- **University Police Seminars:** Members of Pitt's police are trained in responding to and investigating sex offenses, domestic violence, and stalking incidents. The Pitt police provide special programs on sexual misconduct and other safety issues to [Student](#) groups upon request.
- **R.A.D.** a self defense class for women is offered each semester for credit.
- **The Dignity and Respect Campaign:** [Students](#) may pledge in August to treat each other with dignity and respect.

Glossary

Adjudication: Completion of the Level I or Level II Hearing and Appeal process.

Complainant: A University community member who files a referral that alleges a Violation of the *Code*.

Conduct Referral: A report alleging Violations of the *Code*.

Consent: An informed decision made freely and actively by all parties to engage in mutually acceptable sexual activity. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of resistance alone. Existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent to one type of sexual activity does not imply consent to other types of sexual activity.

Someone who is unconscious, asleep, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition, cannot give consent. Consent cannot be obtained by force, intimidation, threat, coercion, isolation, or confinement. Agreement obtained under such conditions does not constitute consent. A person's use of alcohol and/or other drugs does not eliminate his or her responsibility to obtain consent.

Disciplinary Conference: A meeting with a Hearing Officer to discuss an alleged Violation of the *Code*. The purpose of this meeting is to determine whether the Respondent (the Student alleged to have violated the *Code*) will accept general responsibility and the recommended Sanctions or will proceed to a Level II Conduct Board Hearing.

Full Hearing: A Level II Conduct Hearing to determine whether or not the Respondent is responsible for violating the *Code*. For a full description, please refer to Level II Hearing in Chapter 5.

Hearing Officers: Individuals, including but not limited to, hearing board members, Resident Directors, and staff in the Office of Student Conduct who have the authority to adjudicate cases.

Level I Incident: Any incident in which the Sanctions for the Respondent would not rise to the level of Disciplinary Suspension or Dismissal.

Level I Hearing: A meeting with a Hearing Officer to discuss an alleged Violation of the *Code*. For a full description, please refer to Level I Hearing in Chapter 5.

Level II Incident: Any single incident, or accumulation of Level I incidents, in which the Respondent may face a Sanction of Disciplinary Probation, Disciplinary Suspension or Disciplinary Dismissal.

Level II Conduct Board: The Level II Conduct Board is the duly authorized judicial body which has jurisdiction over all Students for Level II matters arising from the *Code*. The Level II Conduct Board shall possess the authority to recommend both residence hall and University-wide Sanctions. The Level II Conduct Board shall conduct hearings, make findings of facts, determine responsibility, recommend disciplinary Sanctions where appropriate, and provide due process for Students while protecting the rights of all members of the University community.

The Level II Conduct Board shall be a standing body comprised of undergraduate and and/or University faculty and staff members who function as Hearing Officers. Three members will actively adjudicate hearings.

In extraordinary circumstances where the complexity of factual issues and/or matters of law so dictate, the President may appoint an ad hoc hearing body to hear cases. Any proceeding before such an ad hoc body shall provide due process and ensure the rights of Students.

Respondent: Student alleged to have violated the *Code*.

Sanctions-Only Hearing: A Level I or II hearing, in which the Respondent admits general responsibility for the Violations of the *Code*, but does not agree to the recommended Sanctions. For a full description, please refer to Level II Hearing in Chapter 5.

Student: All individuals taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, both degree and non-degree seeking, as well as individuals enrolled in non-credit courses and programs. *Code* jurisdiction also includes individuals who have accepted an offer of admission to the University; and Students who withdraw after allegedly violating the *Code*, who are on leave of absence from the University, or who are not officially registered and/or enrolled for a particular term, but have a continuing relationship with the University.

Violation: Conduct and/or attempts to engage in conduct inappropriate to the University community for which disciplinary actions may be instituted. This may include violations of any federal, state, or local law, or of any rule, policy, or *Code* provision of the University of Pittsburgh.

University Property: All property (real, intellectual, and/or personal) owned, leased, controlled, or utilized by the University.

University Appeals Board (UAB): The University Appeals Board (UAB) is the duly authorized appellate body which serves as an advisor to the Provost, or their designee.

UAB Structure

The UAB shall be a standing body of fifteen (15) members of the University community appointed for staggered terms of two years. Appointment shall be made in the following manner.

1. Five (5) faculty members elected by the University Senate.
2. Five (5) undergraduate Students.
 - a. Appointed through the University Hearing board

Except in matters involving sexual misconduct where no Students shall be on the panels, initiated appeals shall be heard by the review board of 3 members of the UAB. Except in cases involving sexual misconduct, the UAB shall be composed of two faculty/staff members and one student. In cases where school is not in session the panel shall be composed of faculty and staff members.

UAB Moderator

Vice President of Academic Affairs, who shall serve as the UAB Moderator, is authorized to:

1. Conduct the administrative and procedural operation of the UAB.
2. Determine the appropriateness and completeness of Petitions to the UAB in consultation with one Student and one faculty member of the UAB.
3. Provide advice and assistance to members of the University community regarding the processing of an appeal.

4. Select members from the UAB membership to serve on review boards.
5. Moderate all proceedings before the UAB.

Appendix C: Alcohol Policy

The University has established a comprehensive policy concerning the use and abuse of alcohol and other drugs by students and employees. It is of the utmost importance that each student read, and be familiar with University policies regarding alcohol and other drugs. As adults, students are expected to obey the law and take responsibility for his/her conduct. The relationship between the University and students is a non-custodial one. The University will not invade the personal lives of its community members (faculty, staff, students or others) on or off the campus, nor conduct unreasonable searches and seizures.

Our policy has been designed to give reasonable assurance that campus regulations, township ordinances, and state laws will be complied with. Members of the University community will be subject to disciplinary action, or legal process, for violation of laws, ordinances, and regulations, as well as procedures designed to comply with the same.

A: GENERAL POLICIES

1. The use, possession, or distribution of beverages containing alcohol on University property shall comply with the laws of the Commonwealth of Pennsylvania and University policies. Misconduct that may result in such disciplinary actions and penalties include
2. Only persons 21 years of age or older shall be permitted to possess, consume, or transport alcoholic beverages.
3. The purchase, consumption, possession, or transportation, or the attempt to purchase, consume, possess, or transport any beverage containing alcohol by persons under 21 years of age.
4. Distribution of alcoholic beverages to any person under the age of twenty-one is absolutely prohibited.
5. Distribution of alcoholic beverages to any visibly intoxicated person, under any circumstances is prohibited.
6. No alcohol may be sold on campus. This includes sale of tickets for admission to a party at which alcohol will be distributed.
7. Alcohol may not be possessed or consumed at any on campus student function, except as subject to the provisions of the registered social event process or registered designated members' only event (see Events & Activities section).
8. Students and/or student organizations are not permitted to have vendors deliver alcoholic beverages on University property.

9. Common sources (kegs, bulk containers, “pumpers”, quantity of cases, etc.) are prohibited on campus. Storage of empty kegs, taps, or other bulk dispensers is prohibited.
10. Alcoholic beverages are not permitted to be stored or consumed in any student office on University property.
11. Alcoholic beverages may be served at University related administrative and/or faculty functions.
12. Private behavior and alcohol consumption off campus without the financial support or sponsorship of the University or any student organization is solely the responsibility of those involved. However, these activities may constitute a violation of the student code of conduct.
13. Alcoholic beverages cannot be transported to another room for any reason, nor are they permitted in any public area, on or off campus, including, without limitation, porches, unenclosed patios, lounges, stairs, lobbies, classrooms, hallways, walkways, and green spaces or in violation of any open container laws. Unless otherwise permitted by University policy
14. Alcoholic beverage containers cannot be used as decorations or for any other purpose whatsoever within University-owned Housing, regardless if they are empty containers.
15. Regardless of ownership or origin, unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University-owned Housing will be confiscated and disposed of.
16. Residents are absolutely responsible and legally accountable for his/her actions and the actions of his/her visitor(s)/guest(s), including any damages or injuries which result from his/her actions during or after the consumption of alcoholic beverages.
17. For residents who are 21 years of age or older:
 - a. Residents that are 21 years or older are permitted to possess, consume, or transport alcoholic beverages in University-owned housing. Residents from other buildings and non-resident guests or commuters are not permitted entrance with alcoholic beverages, regardless of age. Note: Certain residence halls are “alcohol free,” and alcoholic beverages are absolutely prohibited to any residents or by visitors/guests in these areas.
 - b. The amount of alcoholic beverages per person 21 and older in University-owned housing cannot exceed:
 - i. twelve (12) 12 ounce cans of beer; or
 - ii. one (1) pint bottle or one (1) 375 ml. bottle of liquor; or
 - iii. one (1) 1.5 liter bottle of wine; or

- iv. two (2) four-packs of wine coolers or other mixed drinks sold in such a quantity, or 2 six-packs of malt beverages or other mixed drinks sold in such quantity, (e.g., Mike's Hard Lemonade, Smirnoff Ice, etc.).

Only factory sealed containers of alcoholic beverages may be brought into University-owned housing. Beer may only be brought into the building in cans. Other containers, including kegs, bulk containers, pumpers, and beer in bottles, are prohibited. Other containers, including kegs, bulk containers, pumpers, and beer in bottles, are not permitted. Unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University Owned Housing will be confiscated and disposed of, regardless of ownership or origin.

18. Where alcohol is present, residents of a room (LLC and Lodges) are limited to a total of four (4) guests (21 years or older) at any one time. Town houses, Willow and CPA residents are limited to a total of ten (10) guests (21 years or older) at any one time. A guest is considered to be any individual not assigned to the room, lodge, or apartment. Residents who exceed this policy may be subject to the social host fine. Residents in the first year halls where a guest is present found in violation of the alcohol policy are subject to the social host fine.

19. When the ownership of alcoholic beverages, containers, and other mechanisms that are used to dispense alcohol is in question, those individuals legally assigned to rooms or apartments will be considered the owners of such and will be subject to sanctioning

20. Excessive amounts of alcohol are prohibited, including but not limited to paraphernalia, activities, or drinking games that encourage rapid consumption of alcohol (e.g. Beer Pong, Quarters, Flip Cup, Water Pong, etc.). Therefore, the possession and/or use of drinking paraphernalia that promotes the abuse of alcohol and/or puts a student in a position to consume alcohol irresponsibly, is prohibited. This includes, but is not limited to, funnels, beer bong, beer pong tables, taps, and kegs.

B: RICHLAND TOWNSHIP ORDINANCE

The University of Pittsburgh at Johnstown is located in Richland Township. The Richland Township supervisors approved Ordinance No. 117 on June 16, 1980. Excerpts from that ordinance follow:

SECTION 1. It shall be unlawful for any person to consume alcoholic beverages on the sidewalks, streets, avenues, alleys, playgrounds, parks, parking lots, or other public places within the Township of Richland.

SECTION 2. Any person violating said ordinance shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine not exceeding 25.00 dollars, and costs of prosecution and, in default of the payment of the fine imposed and costs, be sentenced to serve not more than five (5) days in the Cambria County Jail.

C: ORGANIZATIONAL EVENTS AND ACTIVITIES

1. Notwithstanding anything contained herein to the contrary, each recognized group is responsible for compliance with this Policy, by itself and its members, including activities taking place anywhere, whether on or off campus in official chapter houses, in private domiciles, or in publicly or privately owned facilities or elsewhere.
2. Recognized groups must fully comply with all applicable laws, including without limitation the laws of the Commonwealth of Pennsylvania regarding the possession, consumption, distribution, and use of alcoholic beverages. Among other things, Pennsylvania law prohibits:
 - a. Furnishing or providing alcohol to anyone under the age of 21 or to anyone visibly intoxicated, under any circumstances.
 - b. Anyone under the age of 21 from possessing or consuming alcohol, under any circumstances.
3. The decision as to whether to have alcoholic beverages at the functions of recognized groups is left to the discretion of those groups, except where otherwise prohibited (i.e., rush events, mixers). However, enforcement of, and compliance with this Policy is the responsibility of the sponsoring recognized group, subject to compliance review, in its sole discretion, by the University's Office of Campus Life.
4. Recognized groups, and their members, will be responsible for compliance with this Policy by their guests (i.e., persons present at an activity, but not a member of a participating recognized group).
5. The elected officers and corporate officers of each Recognized Group are responsible for formulating and implementing internal rules and procedures specific to their own Recognized Group, which shall ensure conformity with this Policy.
6. Multiple violations of the alcohol policy may lead to individual member sanctions and fines.
7. The officers of all student organizations shall be required to attend a workshop, coordinated by the Director of Student Conduct, once each term. Failure to do so will result in not being able to register until the workshop is completed. The workshop will educate students about state laws, alcohol use and abuse, and emphasize responsible drinking, and social event management
8. The following rules shall apply to recognized groups for activities at which alcoholic beverages are present and guests are in attendance (hereinafter referred to as "events"):
 - a. All persons entering the event shall provide a state identification or Pitt-Johnstown student ID. No other forms of ID are accepted. The recognized group's designated

trained active member serving at the door monitor must swipe students' University identification or state driver's license. This individual is not permitted to ingest any alcoholic beverage on the day of the activity or during the time they are serving as door monitor.

- b. When a person of legal drinking age arrives at an event, they shall provide state identification to verify age and University identification (if applicable), and be provided a wristband.
 - c. The organization shall appoint a house manager for the event. The house manager is not permitted to ingest any alcoholic beverage on the day or the activity or during the activity. The house manger shall make himself/herself available to any University official regarding the event.
 - d. An appointed door monitor is not permitted to ingest any alcoholic beverage on the day of the activity or during the activity.
 - e. If a person appears to be intoxicated or is known to be intoxicated the person must be denied admittance to the event.
9. All social functions, both on and off campus, must be officially registered and pre-approved by the Office of Campus Life. Off-campus activities must be held in full compliance with all applicable requirements of the third party vendor that owns the location where the activity is held.
- a. Registration must be received by the Office of Student Affairs using the University's official Social Function registration process, by no later than noon on the Friday immediately prior to the activity. Failure to submit forms on time will result in denial of approval.
 - b. For on-campus organizational lodges, the maximum number of persons present at the activity shall not exceed the occupancy limit as set by the University of Pittsburgh at Johnstown in cooperation with the Richland Township Fire Marshall. Each organization will be provided an electronic counter prior to each approved event to be used at the door to accurately track entrances and exits.
10. Registered events where alcohol is present may only be held on designated Friday or Saturday nights from the hours of 10:00 p.m. until 2:00 a.m. The hours of activities at the off-campus establishments of third party vendors may be set at the discretion of the recognized group.
11. All doors are to be closed no later than 1:00 a.m. Guests are not to be admitted into the event after 1:00 a.m.
- a. Only one entrance, or door, shall be used for guest registration and exit. No other door shall be used except in case of an emergency.
 - b. Registration must be located at the entrance/exit

12. Each individual in attendance at an activity must be clearly identifiable as over or under the age of 21 with a wristband or other method previously approved by the Office of Student Affairs.
13. Unscheduled random checks may be made by any authorized University representative for health and safety reasons and to otherwise ensure compliance with University policies.
14. Hosts must provide alternative nonalcoholic beverages in sealed containers. The beverages must be readily available and visible at all times during social events at which alcoholic beverages are being consumed.
15. Cleanup of the registered event must be completed by 10:00a.m. the following morning.
16. Below are the weekends that organizations are restricted from registering due to staffing levels and/or academic interests.

Month	Date	Reason
Fall Term		
August/September	31 -6	Opening & First Weekend
October	6-9	Fall Break
November	22-26	Thanksgiving Recess
December	08 – End of Term	Finals
Spring Term		
January	12-14	First Weekend
March	2 - 1	Spring Recess
April	20 – End of Term	Finals



The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in Policy 07-01-03, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs, please contact: University of Pittsburgh, Office of Diversity and Inclusion (and Title IX, 504 and ADA Coordinator), 540 Craig Hall, Pittsburgh, PA 15260 (412) 648-7860.

For complete details on the University's Nondiscrimination Policy, please refer to Policy 07-01-03. For information on how to file a complaint under this policy, please refer to Procedure 07-01-03.