



**Policy Contents:**

- **Policy Statement**
- **The Title IX Coordinator and Title IX Team**
- **Title IX Care Team Training**
- **Procedures**
- **Definitions**

**Effective Date: August 2020**

**Revised Date: December 2022**

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**POLICY STATEMENT**

As a Christian academic community, we hold that certain behaviors are counterproductive to university life, to the maturing believer, and to the development of Christian leaders.

Members of the University community are required to refrain from all forms of sexual immorality including, but not limited to, any form of pornography, promiscuity, homosexuality, pre-marital sex, adultery, rape, sexual violence and abuse, public nudity and other forms of sexual misconduct. Furthermore, the use of University telephone, University computer equipment or personal computer equipment to access pornographic sites, services, databases, or talk radio stations is prohibited. Actions which infer sexual immorality, such as 'hooking up' or 'sleeping together' are also prohibited.

The University of Valley Forge does not tolerate sexual misconduct or sexual violence in any form, including unwelcome sexual advances, sexual harassment, sexual assault, stalking, domestic or dating violence.

This policy, and the definitions and protocols within, describe the University of Valley Forge's efforts to decrease acts of sexual misconduct and violence through ongoing education and awareness training, to provide a caring and effective institutional response to benefit the victim of sexual misconduct/violence and the university community, and to comply with Federal guidelines regarding an institution's response to reports of sexual misconduct and violence.

**Title IX and Sexual Violence**

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs and activities that receive federal financial assistance.

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The Title IX regulation describes the conduct that violates Title IX. Athletics departments are not the only component of university life governed by Title IX. Other areas which fall within the scope of Title IX include but are not limited to:

- Recruitment, admissions, financial aid and scholarships pertaining to students
- Course offerings, classroom access, grading and other academics
- Student counseling and support
- Hiring and retention of employees
- Job related benefits and leave

Examples of the types of discrimination that are covered under Title IX include sexual harassment, the failure to provide equal opportunity in athletics, and discrimination based on pregnancy. Title IX also prohibits sexual harassment, sexual assault and sexual violence.

The University of Valley Forge is committed to maintaining an environment conducive to learning for all students and a professional workplace for its employees and takes active measures against all discrimination, discriminatory harassment, and sexual harassment, including sexual misconduct and violence.

### ***Reporting Sex Discrimination, Harassment, or Sexual Misconduct***

Any student or employee who believes he or she has been the victim of discrimination, discriminatory harassment, or sexual harassment, including sexual violence or misconduct, or any person that may witness or learn of another person becoming the victim of the above, is urged to report the matter to by the Title IX Coordinator or any member of the Title IX Care Team (below). The report can be made:

- In person, by mail, by telephone, or email
- Using the contact information listed below
- Or by any other means that results in the Title IX Coordinator receiving the verbal or written report
- At any time (including during non-business hours)

The University's full Sexual Misconduct and Violence Policy may be viewed at <http://www.valleyforge.edu/studentconsumerinformation>.

### ***The Title IX Coordinator and Title IX Team***

The Title IX Coordinator at the University of Valley Forge is responsible to:

- Coordinate all efforts to comply with Title IX university-wide
  - Notify all applicants for admission and employment, students, parents or legal guardians of the university's sexual harassment, misconduct and violence policy and grievance procedures
  - Coordinate the effective implementation of supportive measures for those who report complaints and those who respond to complaints
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- Coordinate the effective implementation of any remedies to sexual discrimination, including sexual harassment.

<b>Title IX Coordinator</b> Melanie Oestreich Librarian <a href="mailto:TitleIX@valleyforge.edu">TitleIX@valleyforge.edu</a> <a href="mailto:mroestreich@valleyforge.edu">mroestreich@valleyforge.edu</a> 610.917.2003	<b>Deputy Title IX Coordinator</b> Jennifer Gale Vice President of Student Life <a href="mailto:jdgale@valleyforge.edu">jdgale@valleyforge.edu</a> 610.917.1488
<b>Care Team Member</b> Dr. Todd Guevin Vice President of Academic Affairs <a href="mailto:tgguevin@valleyforge.edu">tgguevin@valleyforge.edu</a> 610.917.1493	<b>Care Team Member</b> Dr. Stacey Sauchuk Vice President of Finance and Operations <a href="mailto:srsauchuk@valleyforge.edu">srsauchuk@valleyforge.edu</a> 610.917.2002
<b>Care Team Member</b> Andre Mauerman Campus Director <a href="mailto:acmauerman@valleyforge.edu">acmauerman@valleyforge.edu</a> 610.917.1429	<b>Care Team Member</b> Tim Urner Director of Security <a href="mailto:T_urner@valleyforge.edu">T_urner@valleyforge.edu</a> 610.917.1818
<b>Care Team Member</b> Stephen Bower Assistant Director of Athletics <a href="mailto:sebower@valleyforge.edu">sebower@valleyforge.edu</a> 610.917.1455	

***Title IX Care Team Training***

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the university’s education program or activity, how to conduct an investigation, the grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, decision makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance, and on creating an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and

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must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **University Educational Programs and Training**

The University of Valley Forge provides education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, sexual harassment, and stalking. All first year freshman resident students will have primary prevention and awareness education as part of a required First Year Experience course. The University also provides this educational session in a digital format for all other incoming students.

New employees receive primary prevention and awareness education during a special new staff and faculty meeting early in the fall semester each year.

Primary prevention education includes:

- A statement that The University of Valley Forge prohibits sexual misconduct and violence, including domestic violence, dating violence, sexual assault and stalking;
- Definitions of domestic violence, dating violence, sexual assault and stalking;
- The legal definition of consent with regard to sexual activity;
- Safe and positive options that a bystander can take when he or she witnesses potential sexual misconduct or violence, including domestic violence, dating violence, sexual assault or stalking;
- Information about risk reduction, including how to recognize warning signs of abusive behavior and how to avoid potential attack.

Awareness education includes:

- A discussion of sexual violence.
  - A discussion of consent, including an explanation that the victim is not at fault.
  - A discussion of drug and alcohol-facilitated sexual violence.
  - Information relating to risk education and personal protection.
  - Information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and law enforcement.
  - The possibility of pregnancy and transmission of sexual diseases
  - Introduction of member of the educational community from:
    - Campus police or security and local law enforcement.
    - Campus health center, women's center and rape crisis center.
    - Campus counseling service or any service responsible for psychological counseling and student affairs.
  - A promise of discretion and dignity.
  - A promise confidentiality for victims of sexual assault
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Ongoing prevention and awareness campaigns for current students and faculty are provided throughout the year under the oversight of the Student Life Office. Such campaigns may take the form of chapel electives, seminars offered by various departments or groups, promotion of educational videos or online resources, floor meeting discussions, flyers, and poster campaigns.

Professional and student Residence Life staff receive specialized sexual assault prevention and response training annually.

Professional Residence Life staff (including the Vice President of Student Life), the Title IX Coordinator, the Director of Human Resources, and Campus Security, receive annual sexual violence awareness training including which includes how to gather information, support the safety of the victim, and promote accountability.

### **Definitions and Descriptions of Sexual Harassment and Misconduct**

*Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in un welcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.

Other forms of sexual misconduct are also forms of sexual harassment:

- *Sexual assault* means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- *Sex offense* means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.
  - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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- *Consent* means words or overt actions by a person who is competent to give informed consent indicating freely given agreement to have sexual intercourse or sexual contact.
    - Silence is not a guarantee of consent
    - Consent to one activity or one event in time does not imply consent to future sexual actions
    - In order to give consent, one must be of legal age
    - A person cannot give consent when they are mentally or physically incapacitated
  - *Dating violence* means violence committed by a person— A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and B. where the existence of such a relationship shall be determined based on a consideration of the following factors: i. The length of the relationship. ii. The type of relationship. iii. The frequency of interaction between the persons involved in the relationship.
  - *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
  - *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— A. fear for his or her safety or the safety of others; or B. suffer substantial emotional distress.

Any member of the University community may report complaints of sexual harassment, including sexual misconduct, to the Title IX Coordinator. Any form of sexual harassment is unacceptable for any member of the University community including faculty, staff and students.

### **Procedures and Reporting Process for Victims**

#### ***Gathering and Saving Evidence***

Evidence may be necessary to prove the alleged criminal offense or to obtain a protection order; therefore, if the incident has just occurred, victims of sexual misconduct or violence should not bathe or shower so that evidence may be gathered during a professional medical exam. Clothes worn after the assault should be placed into a paper bag and provided to the

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responding police agency or given to the hospital examiner, should those services be desired by the victim.

### ***Official Reporting***

Students and employees who believe they have been the subject of sexual misconduct or violence are strongly encouraged to report the alleged occurrence(s) as soon as possible to the Campus Security Office (484-614-2965 or 610-917-1447) or the Residence Director on call (484-919-8786). Local authorities may also be called directly by dialing 911 or 9-911 from a University phone line. The longer the delay in reporting the behavior, the more difficult it becomes to effectively resolve the issue.

Students and employees may also contact the Title IX Coordinator (Melanie Oestreich, 610-917-2003, [mroestreich@valleyforge.edu](mailto:mroestreich@valleyforge.edu), or [titleix@valleyforge.edu](mailto:titleix@valleyforge.edu)) or any member of the Title IX Care Team to receive guidance in making a report, information about the grievance process, and/or how to make a formal complaint if applicable.

The University is obligated to investigate reports of sexual harassment, including sexual misconduct, when it has actual knowledge of an incident or allegations of sexual harassment. UVF considers that it has actual knowledge of a report when it has been received by the Title IX Coordinator, the Deputy Coordinator, or a member of the Title IX Care Team.

### ***Confidentiality***

The University will protect the confidentiality of the victim to the extent permitted by law. Reports of violations or suspected violations will be kept confidential, to the extent possible, consistent with the need to conduct an adequate investigation and hearing. Staff involved in legal or criminal proceedings, in providing academic or residential accommodations, or counseling, health, mentoring, or other support services will have access to the information needed to fulfill their obligations. Crime reporting required by the University and made available to the public, by law, cannot contain personally identifiable information.

### ***Confidential Reporting***

Members of the Health and Wellness Center staff (the Director and Contracted Counselors) are confidential resources and do not report incidents unless the victim specifically requests them to do so. The only details shared are to capture general details about the incident (date, time, location, and incident type) for statistical inclusion in the University's Annual Security and Fire Safety report. The University is a small community, however; should the University become aware of information from sources other than the victim (such as concerned friends or faculty) the University is obligated to investigate. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form.

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## **UVF Grievance Procedure for Title IX Complaints**

### ***Responding to Complaints***

The Title IX Coordinator will coordinate the response of the university when it has actual knowledge of a complaint of sexual harassment in an education program or activity of the university against a person in the United States.

The Title IX Coordinator will promptly contact the person who made the report (known as the complainant) to discuss the availability of supportive measures, consider the complainant's wishes in regard to supportive measures, inform the complainant that supportive measures are available without a formal complaint, and explain the process of filing a formal complaint.

### ***Supportive Measures***

Supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The University will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the supportive measures.

### ***Formal Complaints***

When a formal complaint is filed with the Title IX Coordinator the university will engage the policies and practices detailed in the UVF Grievance Procedures for Title IX.

- *A formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the university investigate the allegation of sexual harassment.
- *A document filed by a complainant* means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the university) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.



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The full UVF Grievance Procedures for Title IX are posted on the University's website at [www.valleyforge.edu](http://www.valleyforge.edu), Consumer Information page. Contained in that document are key definitions related to the grievance process and information about how the university responds to complaints, filing formal complaints, the grievance process, investigations, dismissal of complaints, hearings, determinations, appeals, informal resolutions, maintenance of records, among other related topics.

All members of the University community are encouraged to familiarize themselves with UVF's Sexual Misconduct and Violence Policy and Grievance Procedures for Title IX.

### **Disciplinary Process**

The following provides an overview of the University disciplinary process including possible sanctions for sexual harassment, including sexual misconduct.

#### ***Student Disciplinary Process***

##### **Sanctions**

One should expect the University to confront, with firmness and with love, any circumstance or behavior that might hinder personal growth or disrupt community life. The University believes that when a student chooses to disregard community expectations it has the obligation to suspend his or her community privileges for a time, including housing, class participation, and co-curricular activities. Intermediate consequences are employed wherever possible to avoid expulsion from school or eviction from the residence halls. Each incident is reviewed on a case by case basis, with consideration to (1) the severity of the violation, (2) the context of the incident, (3) the responsiveness of the accused to confrontation, (4) confession, and (5) the degree to which the individual displays genuine repentance.

When it employs sanctions, the University intends to:

- Be fair and consistent.
- Promote change in the individual.
- Provide restitution (in the case of theft and loss).
- Restore the individual to community.

The following is a list of possible sanctions available to the University. More than one of the sanctions may be imposed for any single violation. Other sanctions may be used when deemed appropriate.

- **Warning-** A statement of the standards of conduct is made to the student with an official warning concerning future behavior.
  - **Loss of Privileges-** Denial of specified privileges for a designated period of time.
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- **Fines**-Fines vary according to the violation, and may include all costs involving damage to University or private property.
  - **Restitution**-Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - **Discretionary Sanction**-Work assignments, service to the University or other related discretionary assignments.
  - **Mentoring/Accountability**-The student is required to meet for a specified period of time with a faculty or staff mentor for accountability and support.
  - **Memo of Understanding**-A student has a mandatory meeting with Student Life personnel on a specific matter and signs a memo of understanding acknowledging expectations and consequences.
  - **Disciplinary Contract**-A student is placed on disciplinary contract for minor and/or repeated behavioral infractions. When placing a student on disciplinary contract the University intends to communicate that the student's behavior is serious and that subsequent behavioral violations, as well as failure to complete disciplinary action, will result in more serious disciplinary action, up to and including immediate dismissal from the University.
  - **Disciplinary Probation**-The student is expected to show development in responsible actions toward the University and members of the community for a specified period of time. A student is placed on disciplinary probation for major and/or repeated behavioral infractions. When placing a student on disciplinary probation the University intends to communicate that the student's behavior is jeopardizing their enrollment and that subsequent behavioral violations, as well as failure to complete disciplinary sanctions, will likely result in an immediate dismissal from the University. Probationary students are ineligible to hold student leadership and ministry positions, may not participate in public ministry or NCCAA athletics at the University, and may forfeit institutional scholarship awards. The University generally informs the parents or legal guardians of students who are placed on disciplinary probation as permitted under the Family Educational Rights to Privacy Act.
  - **Interim Suspension**-Students are denied access to the residence halls and/or to the campus (including classes) and/or all University activities or privileges for which the student might otherwise be eligible. Interim supervision by University officials may be imposed:
    - To ensure the safety and well-being of members of the University community or preservation of University property;
    - To ensure the student's own physical or emotional safety and well-being;
    - If the student poses a definite threat of disruption of, or interference with, the normal operations of the University.
  - **Suspension**-the student is involuntarily separated from the University for a specified length of time. Suspended students are required to leave campus for the duration of their suspension and may not attend class, reside in the residence halls, attend Chapel, eat in the Dining Commons, etc. Absences from classes and chapels are not excused and faculty members are not obligated to permit students to make up missed
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classroom work. All academic and financial consequences caused by the suspension are the responsibility of the student.

- **Withdrawal**-The student is permitted to withdraw from the University without the privilege of returning until a time specified.
- **Dismissal**-The student is permanently separated from the University. No refunds are made, all financial aid may be cancelled, and the student will suffer academic consequences of his/her actions. Dismissed students are required to leave campus immediately, will receive failing grades in all their classes and will not receive a refund.

It is important to note that in respect to discipline, a private university, such as The University of Valley Forge, does not follow civil rules of evidence. In determining whether or not a violation has occurred, the standard “more likely than not” is applied, rather than “proof beyond a reasonable doubt.” Occasionally, situations arise in which one student’s testimony directly contradicts another student’s testimony. When this occurs, the University will decide the matter based on the credibility of the testimony.

The University is not required to impose the same discipline in all situations involving the same violation of community standards. However, to honor consistency, consideration is always given to impose the same sanction for the same violation. Consideration will be given to the specifics of the incident and to the previous behavior of the student(s) involved. More serious disciplinary action will be taken in situations involving repeated violations. Below is a list of typical violations and the sanctions that will be considered when students violate community standards. UVF may be required to respond to violations that do not appear on this list. The University will assess each case based on the expectations found in the Student Handbook and impose appropriate sanctions.

### **Disciplinary Levels and Sanctions**

It is important that students understand the expectations that the University has for their participation in the community. It is also important that students have a clear understanding of the consequences when they choose to act in ways that are inconsistent with the expectations of the University. The University has identified three disciplinary levels and provided general guidelines for the sanctions that are typically used when responding to behavioral violations:

**Level 1**-A level 1 infraction is a first-offense, incidental or minor infraction of university policy: accidents, dress code violation, entertainment violation (walk-in), quiet hour violation, failed room inspection, parking violation, exceeding allowable chapel absences, burning candles, etc.

Disciplinary sanctions in this category include but are not limited to a warning, fine, community service, reduction in community privileges (quiet hours, visitation), restitution, etc.

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**Level 2-**A level 2 infraction is a serious or repeated infraction of university policy: repeated level 1 infraction, lack of follow through on a level 1 sanction, chapel probation, minor visitation violation with a person of the opposite sex, pornography (walk-in, first offense), pranks, minor sexual immorality (walk-in, first offense), alcohol or tobacco use (walk-in, first time offense, minor use), profanity, etc.

Disciplinary sanctions in this category include but are not limited to all Level 1 responses, memo of understanding, disciplinary contract, mentoring, professional counseling, suspension of public ministry (including traveling teams), removal from student leadership positions, removal from athletic participation, curfew restriction, suspension, etc.

**Level 3-**A level 3 infraction is a very serious or dangerous infraction of university policy: repeated level 2 infraction, lack of follow through on a level 2 sanction, exceeding allowable chapel absences after being placed on chapel probation, scanning and then leaving chapel without proper permission, serious or repeated visitation violation with a person of the opposite sex, pornography (call-in, repeated offense), sexual immorality, theft, vandalism, alcohol or tobacco use (call-in, repeated offense, major use), illegal drug use, lying, harassment, stalking, violation of the law, hazing, violent behavior, occult practices, etc.

Disciplinary sanctions in this category include but are not limited to all Level 2 responses, restitution, disciplinary probation, suspension, withdrawal, dismissal, etc.

### **Sexual Misconduct and Violence**

The University will follow the processes described in the UVF Grievance Procedures for Title IX in addressing alleged cases of sexual harassment, including sexual misconduct. In such cases, notification of decisions at various points in the process, and the final determination, will be made to both the complainant and the respondent in writing.

### **Appeal Process**

Generally, disciplinary decisions involving a resident student's progress through the organizational structure and are handled at the most appropriate level. For example, minor disciplinary infractions often involve a discussion between the Resident Assistant and the student. The purpose of the discussion is to communicate to the student why their behavior was inappropriate and seek the student's agreement to not repeat the behavior. The Resident Assistant will not determine sanctions but will review the situation with their Residence Director. Usually, the Residence Director will meet with the student to discuss the matter although in minor disciplinary situations this is not always necessary. Students are encouraged to meet with the Residence Director to discuss the potential of disciplinary sanctions. Should a Residence Director act without talking with the student involved, the student may send a written request to the Residence Director asking them to reconsider the decision

Moderate and repeated disciplinary infractions will involve the direct intervention of the Campus Director. Severe or repeated moderate disciplinary infractions will involve the

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Campus Director and the Vice President of Student Life. The Vice President of Student Life generally becomes involved in disciplinary situations involving commuter students but may choose to assign the matter to a member of the Student Life staff.

Students may appeal a disciplinary decision on grounds that:

- Due diligence was not provided to the student, (i.e., there is evidence that some aspect of the hearing was prejudicial, arbitrary, or capricious).
- New and significant information, not reasonably available at the time of the initial hearing, has become available.
- The sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense or in keeping with the disciplinary guidelines outlined in the Student Handbook.

Students who wish to appeal a disciplinary decision of a Residence Director or Campus Director should submit a letter of appeal to the Vice President of Student Life within three working days of the communication of the decision by the Residence Director or Campus Director. The letter of appeal should outline the facts in the matter, the disciplinary decision of the Residence Director or Campus Director, the rationale for why the decision is being appealed, and a list of persons the student wishes to participate in the appeal (if applicable). The Vice President of Student Life generally requests a meeting with the student and the Residence Director to discuss the appeal and may invite other persons to participate in the appeal. Students may request that other persons be permitted to participate in the appeal; however, the Vice President of Student Life may deny the request for a variety of reasons, including a determination that such persons will not provide information relevant to consideration of the appeal.

Students who wish to appeal a disciplinary decision should submit a letter of appeal to the Vice President of Student Life within three working days of the communication of the decision of the Vice President of Student Life. (The letter of appeal should contain the same elements as described above.) The President of the University generally requests a meeting with the student and the Vice President of Student Life, as well as other resource persons as appropriate, to discuss the appeal. If a student wishes to appeal an original sanction of suspension or dismissal, the University generally requires that the student immediately leave campus and may not return unless requested to do so to participate in the appeal process. Should an appeal be granted, class absences will become excused. Students should be aware that original sanctions may be affirmed, increased, or decreased during the appeal process as determined by the person who hears the appeal. The President serves as the final appeal officer.

### ***Employee Disciplinary Process***

#### **Disciplinary Procedure 6.3.1 Grounds for Disciplinary Action.**

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The University reserves the right to discipline and/or terminate any employee who violates University policies, practices, or rules of conduct. While not intended to list all the forms of behavior that are considered unacceptable in the workplace or elsewhere, the actions listed in Section 4.2.2 of this Handbook are examples of rule infractions or misconduct that will result in disciplinary action, up to and including termination of employment.

### **6.3.2 Procedures.**

Disciplinary action is any one of a number of options used to correct unacceptable behavior or actions. Discipline may take the form of oral warnings, written warnings, probation, suspension, demotion, discharge, removal, or some other disciplinary action, in no particular order. The course of action will be determined by the University at its sole discretion as it deems appropriate.

### **6.3.3 Termination.**

Employment with the University is on an at-will basis and may be terminated voluntarily or involuntarily at any time. Upon termination, an employee is required:

- To continue to work until the last scheduled day of employment;
- To turn in all reports and paperwork required to be completed by the employee when due, and no later than the last day of work;
- To return to the Director of Human Resources all files, documents, equipment, keys, access cards, software, or other property belonging to the University that are in the employee's possession, custody or control, and all passwords; and
- To participate in an exit interview as requested by the director of the department in which the employee was employed.

### **Community Life Covenant & General Standards of Conduct 4.2.1**

The Community Life Covenant adopted by the Board of Trustees of the University applies to all members of the University community that share or participate in the community life of the University. Employees are required to sign the Community Life Covenant as a condition of their initial and continued employment. The Community Life Covenant states, among other things, that, "the University stands firm in its commitment to be consistent with the values, habits and attitudes of Scripture. The University of Valley Forge is committed to fostering a safe and Christian Community." A copy of the Community Life Covenant is attached as Appendix 13.2 to this Handbook.

### **4.2.2 General Standards of Conduct.**

The work rules and standards of conduct for the University, and the University's commitment to being a model of Christian and biblical principles, are important, and the University

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regards them seriously. All employees must become familiar with the rules and standards of conduct adopted or promoted by the University. In addition, employees are expected to follow those rules and standards faithfully in doing their own jobs and in conducting the University's business, and whether on duty or off duty, and whether on University property or elsewhere. Please note that any employee who deviates at any time or at any location from these rules and standards will be subject to disciplinary action, up to and including termination of employment.

While not intended to list all the forms of behavior that are considered unacceptable in the workplace or elsewhere, the following are examples of rule infractions or misconduct that will result in disciplinary action, up to and including termination of employment. The University reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case.

- Unauthorized time away from the workstation;
  - Excessive or unexcused absenteeism or tardiness;
  - Unauthorized use of University property, equipment, devices, or assets;
  - Damage, destruction or theft of University property, equipment, devices or assets;
  - Removing University property without prior authorization or disseminating University information without authorization;
  - Failure to pay a student account in a timely fashion;
  - Failure to make regular student loan payments;
  - Insubordination or refusal to comply with directives;
  - Falsification, misrepresentation or omission of information, documents, or records;
  - Lying;
  - Failing adequately to perform job responsibilities or to meet standards of quality;
  - Disclosing confidential or proprietary University financial, student, or other information without permission;
  - Actions taken in violation of the Family Educational Rights and Privacy Act of 1974 ("FERPA");
  - Illegal or violent activity;
  - Falsifying timecard records;
  - Falsifying injury reports or reasons for leave;
  - Obscene, abusive, or disruptive language or behavior;
  - Engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance (drugs or alcohol);
  - Use of any tobacco products on University property;
  - Theft, misappropriation, or unauthorized possession or removal of other's property;
  - Acts of physical violence;
  - Immoral or indecent conduct;
  - Acts of discrimination or harassment;
  - Reporting to work when intoxicated or when ability is impaired because of alcohol or drug use;
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- Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex, (including sexual harassment), age, disability, genetic information, political affiliations, or any other characteristic protected by federal, state, and local laws;
  - Disregard for safety and security procedures;
  - Disparaging or disrespecting supervisors and/or co-workers;
  - Failure to sign or to adhere to the University Community Life Covenant;
  - Any other action or conduct that is inconsistent with University policies, procedures, standards, or expectations, or that violates or is contrary to any of the provisions of this Handbook.

The University will follow the disciplinary process described above when addressing concerns, violations of the University's standards of conduct, or potential crimes. Additional policies and processes will guide the University's response to alleged reports of sexual misconduct and violence. The University's full Sexual Violence and Misconduct Policy and UVF Grievance Procedures for Title IX Complaints may be viewed on the Student Consumer Information page of the University's website at <http://www.valleyforge.edu/studentconsumerinformation>.

## **Other Information**

### **Orders of Protection**

A victim may decide to pursue legal orders of protection. Where applicable, the University will use reasonable measures to honor orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University.

### **Retaliation**

Retaliation against someone who reports an incident or concern, or provides assistance to University staff in gathering information about an incident or concern, is strictly prohibited by University policy and law. Students and employees should be careful to avoid any behavior that could be experienced as retaliation and are invited to seek counsel from Student Life staff or the Director of Human Resources.

No member of the UVF community or any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but

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arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX, constitutes retaliation.

The university will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, or as required by law, or to carry out the purposes of resolving Title IX complaints, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination as described in these grievance procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **Federal Campus Sexual Assault Victims' Bill of Rights Information**

### **The University of Valley Forge**

The United States Congress enacted the "Campus Sexual Assault Victims' Bill of Rights" in 1992 as a part of the Higher Education Amendments of 1992 (Public Law: 102-325, section 486(c)).

This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. It also requires the school to notify complainants of their option to report their assault to the proper law enforcement authorities. Schools found to have violated this law can be fined up to \$27,500 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made with the U.S. Department of Education.

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.

The University of Valley Forge will ensure that the following rights are afforded to both the complainant and respondent of an alleged incident of sexual assault:

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- The accuser and the accused must have the same opportunity to have others present during any information gathering or disciplinary proceedings.
  - Both parties shall be informed of the outcome of any disciplinary proceedings.
  - Survivors shall be informed of their options to notify law enforcement.
  - Survivors shall be notified of counseling services.
  - Survivors shall be notified of options for changing academic and living situations.

In addition, the University of Valley Forge encourages both parties take advantage of local resources, such as the Crime Victims' Center of Chester County ([www.cvofcc.org](http://www.cvofcc.org)), for direction and advice in reporting the incident and receiving services. Students will also be offered the opportunity to receive regular follow-up contact and mentoring through with one of our Residence Life Directors. Student Life services may be obtained by calling 610-917-1468 (AJ Gansler), the Director On Call number (484-919-8786), or the Health and Wellness Center number (Lauren Born, 610-917-1465).

For more information about services available to victims of sexual assault, or the disciplinary process of the University, please refer to the attached Information Sheet, the Student Handbook posted at <http://www.valleyforge.edu>, the Sexual Misconduct and Violence Policy and the Grievance Process for Title IX Complaints, both of which may be viewed on the Student Consumer Information page of the University's website at <http://www.valleyforge.edu/studentconsumerinformation>, or contact the Student Life Office.

### **Information Sheet**

*We know you are going through a difficult time and understand that there are many issues, feelings, and concerns to be considered. Please know that we are prepared and willing to provide on-going help and support. - Jennifer Gale, Vice President of Student Life*

### **Important Procedures and Resources**

We encourage you to go to the Phoenixville Hospital (144 Nutt Road, 610-983-1222), or Paoli Hospital (W. Lancaster Avenue, Paoli, 484-565-1043) Emergency Room for medical services. These hospitals have trained professionals who specialize in sexual assault. They will conduct an interview and offer to perform a rape kit procedure. Call the numbers above in advance to make sure a Sexual Assault Nurse Examiner is on duty. We can support you by accompanying you to the hospital.

Please do not bathe or shower if an assault just occurred. This is so that important evidence can be gathered during the medical exam. Please place clothes worn after the assault and place into a paper bag and provide this to the responding police agency or take with you to the hospital.

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The Crime Victims' Center of Chester County (CVCoCC—135-137 W. Market Street, West Chester, 610-692-7273 or 7420) provides free professional resources to victims of sexual assault, including victim's advocacy services and counseling. The CVCoCC is available 24 hours/day and can send a trained advocate to accompany you to the hospital exam or law enforcement interview, if desired.

You have the option to notify law enforcement regardless of what action is taken with the University. The Vice President of Student Life, Residence Life Directors, and Campus Security are able to initiate that process. We can support you by accompanying you when being interviewed by law enforcement and/or inviting a representative of the CVCoCC (above) to accompany you.

**Resources Available:**

In addition to the community services above, we encourage you to take advantage of free, professional and confidential counseling and health services through our Health and Wellness Center. You may arrange for a counseling or health center appointment by calling Lauren Born, Director of the Health and Wellness Center, at 610-917-1465 or by emailing [leborn@valleyforge.edu](mailto:leborn@valleyforge.edu).

Both our contracted counselor and nurse can discuss other community counseling and health services which may also be available to you.

**Formal Reporting and the Grievance Process**

The Title IX Coordinator will coordinate the response of the university when it has actual knowledge of a complaint of sexual harassment in an education program or activity of the university against a person in the United States.

The Title IX Coordinator will promptly contact you to discuss the availability of supportive measures, to consider your wishes in regard to supportive measures, to inform you that supportive measures are available without a formal complaint, and to explain the process of filing a formal complaint.

More information on filing a formal complaint and the grievance procedures of the university may be found in the UVF Grievance Procedures for Title IX Complaints found on the Student Consumer Information page of the University's website at <http://www.valleyforge.edu/studentconsumerinformation>.

**Possible Supportive Measures:**

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The Vice President of Academic Affairs Office (610-917-1401) can provide assistance with academic demands by offering help with rescheduling exams and other expectations, as well as provide information on course change or withdrawal policies.

The Director of Human Resources (Ronnie Bird, 610-917-1422) or the Student Co-op Program Coordinator (Judy Walsh, 610-917-1537) can provide assistance with employment or working arrangements.

The Student Life Office, Vice President of Student Life (Jennifer Gale, 610-917-1488) can provide assistance with coordinating changes in living arrangements, if you desire, and information on other possible accommodations.

The University will honor any other protective measures that are the outcome of campus conduct proceedings.

You may decide to pursue legal orders of protection. The University will use reasonable measures to honor any lawful no-contact or restraining order when you notify us of the order.

**You are encouraged to call the Director On-Call number (484-919-8786) or Campus Security (484-614-2965) at any time.**

**The Federal Campus Sexual Assault Victims' Bill of Rights and Information Sheet  
Confirmation of Communication**

**The University of Valley Forge**

The signature below attests that the individual received a copy of The University of Valley Forge's Sexual Assault Victims' Bill of Rights and the Information Sheet.

The individual also asserts that the rights and information described therein were clearly understood.

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Signature)

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\_\_\_\_\_  
VPSL / Director

\_\_\_\_\_  
Date

University personnel encouraged the individual to inform his/her parents or guardians about the matter.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Date

Original placed in Student/Employee /File; Copy to: Rev. Gale