

## Title IX General

### What is Title IX?

Title IX is a U.S. civil rights law that prohibits discrimination on the basis of sex in education. Civil rights laws are designed to create access for groups who have previously been marginalized and excluded from participation in the U.S.

People commonly use the term “Title IX” to encompass the statute (Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.), implementing Regulations by the Department of Education (34 CFR part 106, released in 1975 and amended in 2020), Department of Education guidance documents, as well as related laws such as The Clery Act (20 U.S.C. § 1092(f)) and the Violence Against Women Act (42 U.S.C. sections 13701).

At its core, Title IX requires schools to:

- **Prohibit** sex-based discrimination and harassment (including sexual misconduct);
- Take measures to **prevent** sex-based discrimination and harassment (including sexual misconduct);
- Effectively **respond** to discrimination, harassment and misconduct of which it is aware, which includes:
  - Stop it;
  - Prevent it from reoccurring; and
  - Remedy its effects.

### What is Sex-Based Discrimination?

Sex-based discrimination means being treated worse in your education or employment on the basis of:

- biological sex;
- gender identity or expression; and/or
- sexual orientation.

Sexual misconduct is an extreme form of sex-based discrimination, which includes:

- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Dating and Domestic Violence
- Stalking

### What are the relevant policies at Carnegie Mellon?

The University’s prohibition on discrimination on the basis of protected identity (including sex, sexual orientation, and sexual identity) is set forth in the [University’s Statement of Assurance](#).

The University’s prohibition on sexual harassment and sexual misconduct is set forth in the [University’s Sexual Misconduct Policy \(Interim\)](#).

### What does the Title IX Office do?

The Title IX Office is responsible for coordinating the University's efforts to prevent and effectively respond to sex-based discrimination, harassment, and sexual misconduct, which includes:

- Offering training and education to all members of the campus community, including first responders (University Police; University Health Services; CaPS and Student Affairs Staff)
- Maintaining a website and other resources to help people understand their rights, options, and the University's policies
- Receiving and recording all reports of sex-based discrimination, harassment and sexual misconduct with a centralized, trauma-informed approach
- Offering support and assistance to community members impacted by or accused of sex-based discrimination, harassment and sexual misconduct
- Counseling complainants about their options for resolution both at the University and in the community
- Investigating reports when a complainant chooses to pursue formal resolution
- Implementing mutually agreed upon alternative resolution of complaints where appropriate
- Consulting with and advising community members about gender equity and Title IX compliance
- Monitoring, assessing, and responding to patterns and threats to the CMU community, including emergency response and risk assessment, often in conjunction with University Police and Student Affairs
- Maintaining important relationships with campus and community partners, including other colleges and universities, law enforcement, and local non-profits
- Staying informed about emerging best practices and changes to the law

### What does CMU do in terms of prevention?

The University is committed to preventing incidents of sexual misconduct before they occur wherever possible. These efforts include raising awareness, providing education and training programs, and providing campus safety initiatives including police and security patrols.

All incoming first-year students receive sexual misconduct prevention and risk reduction programming as part of Orientation, including online programming by Everfi.

All incoming graduate students are strongly recommended to take sexual misconduct prevention and risk reduction programming as part of Orientation, including online programming by Everfi.

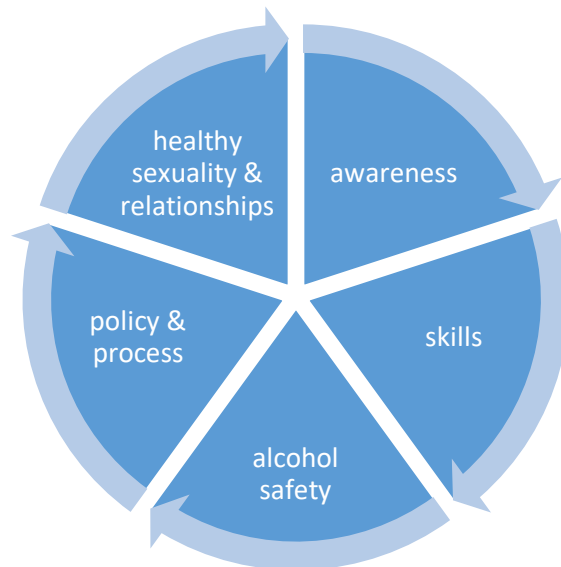
All new staff receive a short presentation about Title IX and sexual misconduct as part of the New Hire Orientation.

All incoming faculty and staff are required to take an online harassment prevention program from United Educators within thirty (30) days of hire.

Throughout the year, the Title IX Office (in conjunction with on- and off-campus partners) offers various programs and trainings for students, staff and faculty to attend voluntarily or as requested by a department, student organization, residence hall, or other group, including:

- Programming about Title IX, including the University policy, reporting expectations, and how to support an impacted party, that can be customized based on your needs for 30, 60 or 90 minutes of content (or more or less if needed).
- An interactive 30-45 minute workshop on sex-based discrimination in education and employment, including second generation forms of discrimination (such as unconscious bias and micro-aggressions), with practical suggestions for prevention and response.
- An interactive 60-90 minute workshop on what sexual harassment looks like, why it matters, and what can be done about it.
- An interactive 45-60 minute workshop on healthy, unhealthy, and abusive relationships.
- An interactive 45-60 minute workshop on consent and communication.
- An interactive 45-60 minute workshop on assertiveness.
- Green Dot Bystander Intervention Training.
- Other programs by request.

We are working with key campus partners to build a comprehensive, scaffolded prevention strategy (CDC 2016, UN 2018).



## Reporting Sexual Misconduct/Sex Discrimination

### How do I make a report?

- You can simply call 412-268-7125 or email [tix@cmu.edu](mailto:tix@cmu.edu)
- You can also download the [form](#) from our website, complete it, and return it to us
  - via email to: [tix@cmu.edu](mailto:tix@cmu.edu)
  - or mail to: Title IX Coordinator, 5000 Forbes Avenue, Cyert Hall, Suite 140, Pittsburgh, PA 15213
- If you wish to report something anonymously, you can use the Ethics Reporting Hotline
  - Call 877-700-7050, or

- Visit [www.reportit.net](http://www.reportit.net) (user name: tartans; password: plaid)

### What concerns should I report to Title IX?

You should make a report to the Title IX Office if you believe that you or someone you know has been (or is being):

- discriminated against on the basis of sex, gender identity, or sexual orientation;
- harassed on the basis of sex, gender identity, or sexual orientation; and/or
- impacted by sexual misconduct, which includes:
  - sexual harassment,
  - sexual assault,
  - dating or domestic violence,
  - stalking, and/or
  - sexual exploitation.

### What happens when I file a report about something that impacted me?

Someone from the Title IX Office will reach out to you and provide you with information about the supportive measures available to you, as well as your options if you should choose to pursue next steps. We typically like to meet (in person, via Zoom, or by phone), as it is a lot of information to cover. However, you are not required to meet and we are happy to provide information via email.

***You choose what happens next.*** Sometimes, people may just want to register the concern with us. Often, people want to seek out support, but do not want the University to take any further actions. Other times, people may want to pursue some sort of resolution through the University, the courts, or both. We will make sure that you understand your options, and what happens next is up to you.

In very, very limited circumstances, the University may be required to take additional steps to protect the campus community. For example, the University may need to investigate if there are multiple reports of similar conduct against one individual. Additionally, if there is a crime reported to have occurred on or near campus that represents a possible threat to the community, the University Police Chief may need to send out a “[timely warning](#)” to the community; the warning will not include identifying information about the impacted party.

### What happens when I file a report about something that impacted another person?

We will respond to you to acknowledge the report and provide information about support and next steps. Our preference is to contact the impacted person directly, so we can talk through the options and resources above. However, if need be, we can work with you to provide you with the information to pass along. Our most important goal is to make sure that the impacted person knows about the resources and supportive measures available, as well as their options. If you do not have mandatory reporting expectations, you can consult with us without disclosing the name of the person or persons who have been impacted.

### What happens if a report is filed about me?

We know that it can be scary to be accused of harming another person. As a member of our community, we will provide you with the same support and resources we offer to a complainant. It is crucial for you to be able to meaningfully participate in the process.

The Office of Title IX Initiatives records information provided by the complainant or a third party. Based upon our experiences, often complainants are seeking supportive measures only, in which case you would not be notified that a report has been made. Our records are private, and we do not disclose or confirm the existence of a report to community members or third parties (student organizations, other educational institutions or employers) except as required by law, subpoena, search warrant or court order. In very limited circumstances, when necessary to safeguard the community, such reports may be shared with Senior Leadership at the University who need to know including, University Police and/or the Dean of Student Affairs.

If a complainant does choose to pursue investigation and/or resolution (or if there are multiple reports of a similar nature that suggest a possible threat to the community), someone in the Title IX Office will reach out and ask to meet (whether in person, by Zoom or by phone). It is important that you respond to any such outreach. During the meeting, we will talk with you about the nature of the concerns, the complainant's wishes, and the next steps. We will also give you a chance to respond to the concerns. You are presumed not to be responsible for policy violation(s) unless and until either (1) you voluntarily accept responsibility or (2) you are found responsible after a fair and impartial investigation and determination of facts.

Punitive actions cannot and will not be taken against you unless you've either voluntarily accepted responsibility or you've been found responsible for a policy violation. In very rare circumstances, the University may take action to protect the safety of the community, which may negatively impact you (such as an interim removal from campus or interim restrictions on your ability to access campus property and/or University events). In such instances, you will be provided with notice and the opportunity to appeal as set forth in the university's [Safety Intervention Protocol](#).

### What happens in a formal investigation?

First, a trained investigator will sit down with the complainant and try to get a full picture of the concerns. The investigator's purpose is to create an objective report of the alleged misconduct. Although there are often not witnesses or evidence available, the investigator will ask whether anyone may have additional information (witnesses) or if there may be additional types of evidence (for example, phone logs, messages, video recordings, et cetera). The complainant may have a support person or advisor of their choosing at all meetings and contacts with the Title IX Office.

Then, the Title IX Office will notify the respondent about the reported concerns, and will provide an opportunity for the respondent to sit down with the investigator and respond to the concerns and share their perspective. The respondent can also identify if there are any individuals with additional information. The respondent may have a support person or advisor of their choosing at all meetings and contacts with the Title IX Office. Additionally, the respondent is not required to respond to the concerns

if they do not wish to do so; however, the investigation and resolution will continue based upon the other evidence the investigator collects, including what has been shared by the complainant.

The investigator will reach out to appropriate witnesses and will attempt to interview them. The investigator will also collect and review all available evidence and information. The investigator may have follow up questions for any of the parties or witnesses.

The investigator will then draft a report summarizing the investigative process and the relevant information that has been collected. Each party will have ten (10) business days to review the report and provide any supplements or corrections. The investigator will review any additional information or documentation provided by the parties, and will update the report accordingly.

The investigator does not decide whether there has been a policy violation. Instead, the investigator turns over the report to a decision-maker to determine whether any University policy has been violated. If the decision-maker determines that the policy has been violated, appropriate outcomes and remedies will be imposed.

Each party has the right to appeal the finding (responsible or not responsible) based upon specific grounds within seven (7) calendar days of the official notification of the determination.

### What are employee reporting obligations?

All Carnegie Mellon community members are ***strongly encouraged*** to report information about potential violations of this Policy to the Title IX Coordinator. Sharing information with the Title IX Coordinator does not initiate a formal investigation or impose any obligations on the Complainant. However, disclosing information to the Title IX Coordinator enables the university to offer supportive measures to the party so that they may maintain equal access to their education and work environments.

Employees and student leaders who have been designated as “[Responsible Employees](#)” are ***required to report*** all information they have learned about a possible violation of the University’s Interim Sexual Misconduct Policy, including but not limited (to the extent known):

- The name(s) of the party/ies involved including the impacted party and the accused party;
- Details about the nature of the incident(s); and
- Other relevant facts including date(s), time(s) and location(s).

A Responsible Employee is not required to seek additional information beyond what has been provided to them, but they must disclose the information of which they are aware.

Please note, if an impacted party is a minor (under age 18) at the time of disclosure, University employees are required to report potential child abuse to the child protection services agency under the [Child Protective Services Law](#).

### Support and Assistance

## What types of support and assistance does Title IX provide?

The University will offer support to both reporting and responding parties, based upon what is appropriate given the circumstances of the report and the needs of the individual. Examples of Supportive Measures include:

- Assistance in seeking academic support services and accommodations, including the ability to reschedule classes, exams and assignments, transfer course sections, or withdraw from courses;
- Academic schedule modifications (typically to separate complainant and respondent);
- Work schedule or job assignment modifications (for university employment);
- Changes in on-campus work or university housing location;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- No contact agreements (agreements between parties to stop all attempts at communication or other interaction with one another);
- Temporarily limiting an individual's access to certain university facilities or activities;
- Work schedule or job assignment modifications,
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absence
- Increased monitoring and security of certain areas of the campus;
- Individualized limitations on the parties' communications and interactions with each other; or
- A combination of any of these measures.

## How do I support someone who has been impacted by sexual misconduct?

Some tips and strategies to help a friend who has been affected by sexual misconduct include:

- Learn more about the types of sexual misconduct and resources available.
- Listen.
- Validate.
- Tell them that what happened was not their fault.
- Ask how you can help. Examples might include offering to walk them to Health Services or CaPS, or helping to contact the Office of Title IX Initiatives or University Police.
- Respect your friend's privacy. Only tell people who need to know in order to help your friend.
- Don't ask for details. Accept what your friend feels comfortable telling you.
- Don't try to "fix" everything.
- Don't minimize the friend's experience; avoid saying things like "everything will be alright" or "it could have been worse."
- Don't ask "why" questions, which might make your friend feel like they are being blamed for what happened.
- Don't promise not to tell anyone. You might need to tell someone to get your friend the help they need.
- Consider contacting the Office of Title IX Initiatives for support, information, resources and referrals. We can consult with you without knowing the person's identity or on a "hypothetical basis."
- Be sure to take care of yourself.

## How do I support someone who has been accused of sexual misconduct?

We encourage you to use more or less the same tips and strategies to support someone who has been accused of misconduct as someone who has been impacted by misconduct. It is important to remember that very few people intentionally and maliciously go out of their way to harm other people (although, of course, it does happen). From the perspective of the person who has been accused (“respondent”), it is very scary to be accused of harming another person, let alone to face a formal process and potential consequences. In supporting a respondent, it is helpful to think through the universe of possibilities when it comes to a report, more specifically that the respondent:

- Did something wrong, intentionally, and knows it;
- Did something wrong, unintentionally, and knows it;
- Did something wrong, unintentionally, and does not know it;
- Different interpretations/perceptions of similar fact set by parties;
- Did not do anything wrong/violate University policy, though complainant acting in good faith;
- Did not do anything wrong/violate University policy, and complainant acting maliciously (“process abuse”); or
- Mutual abuse (two wrongs don’t make a right, but this means the person you’re dealing with is both a complainant and a respondent).

The golden rule (treating another person as you would like to be treated) is always a good place to start, and, as the Dalai Lama recognized: “compassion is the radicalism of our time.” Moreover, research has consistently demonstrated that isolation and ostracism can lead to negative effects.

As noted above, please be sure to take care of yourself.

## What should I do if I am close with both of the parties?

This is a very challenging, and unfortunately in our work, not an uncommon place to be. Start by taking good care of yourself. We recommend reading the answers to the questions above: “How do I support someone who has been impacted by sexual misconduct?” and “How do I support someone who has been accused of sexual misconduct?” Think carefully about what role(s) you can play for either or both of the parties. If you feel comfortable doing so, try to find out how each person feels about you remaining in touch with the other. Maintain good boundaries, and again, be sure to take good care of yourself.

## Resolution

### What are my options for resolution?

- **No Resolution:** You can simply share a concern and access support and resources. The University will not take any further action.
- **Formal Resolution at the University:** If you choose, you may file a Formal Complaint to initiate an investigation of the concerns and there will be a formal process to determine whether any University policies have been violated, and if so, what the appropriate outcomes would be. This



is the only way that punitive or disciplinary outcomes can be imposed against a University community member.

- **Informal/Alternative Resolution at the University:** This can be a resolution that is agreed upon by the parties and does not include the formal resolution process. Examples may include: providing an educational intervention or experience for the responding party; implementing a No Contact Agreement and agreeing upon measures to reduce possible interactions; and/or programming or training for a group (department, student organization, residence hall, et cetera).
- **External Options:** In addition to (or instead of) University resolution, individuals may also seek resolution in the world outside of Carnegie Mellon. Examples include:
  - **Criminal Justice System:** Some conduct that violates University policy may also violate the criminal law. You may file a police report and go through the criminal justice process.
  - **Civil Courts:** You may always seek relief by filing a complaint in a civil court. In some circumstances, you may be able to seek a Protection from Abuse or Restraining Order.
  - **National Science Foundation's Office of Diversity and Inclusion (ODI):** The office is charged with enforcing Title IX among NSF grantees. To file a complaint, or for more information on Title IX, contact (703) 292-8020, e-mail [programcomplaints@nsf.gov](mailto:programcomplaints@nsf.gov) or complete and submit [this form](#)
  - **Office for Civil Rights at U.S. Department of Education ("OCR"):** If you believe that the school has violated your Title IX rights, you may file a [complaint with the OCR](#).
  - **Other University's Title IX Processes:** if the responding party is a student or employee at another school, we can work with you to report your concerns to the Title IX Coordinator at another school.

### Can I pursue more than one option at a time?

Yes, you can. You can only pursue one option for resolution at a time at the University (formal or informal/alternative). However, you can also pursue any or all of the external options at the same time, before, after or instead of University resolution.

### What is the difference between an NCA, NCO, PFA and restraining order?

A **No Contact Agreement** ("NCA") is a document that reflects that two people have mutually and voluntarily agreed not to contact one another, directly or indirectly.

- An NCA is not a punishment or a finding of responsibility for violating a University policy.
- Violating an NCA can result in disciplinary action being taken by the University.
- An NCA does not restrict individuals from being in the same place, organization, class or otherwise restrict their physical distance.

A **No Contact Order** ("NCO") is a University directive issued by a University Official that prohibits one person from contacting another. It can only be issued for good cause where:

- (1) An NCA is reasonably necessary to prevent further unwanted contact, and one of the parties is not willing to agree to an NCA;
- (2) One or both parties have violated an existing NCA; or

- (3) As a disciplinary outcome where one of the parties has been found responsible for violating University Policy.
  - An NCO can be – but is not necessarily – imposed as a punitive measure after a finding of responsibility for violation of University policy.
  - Violating an NCO can result in disciplinary action being taken by the University.
  - An NCO can be accompanied by directives restricting an individual’s access to University property or events.

A **Restraining Order** is an order from a Court of Law designed to protect one person from another. While some States have restraining orders, Pennsylvania has **Protection from Abuse Orders** (PFAs). A PFA is only available when:

- (1) another person (must be a family member or past or current intimate partner)
- (2) has caused or threatened physical or sexual violence against you, and/or stalked you, and
- (3) you are in reasonable fear of further harm if the order is not granted.

A PFA may provide several different types of relief, including but not limited to:

- prohibiting the other party from contacting you;
- prohibiting the other party from coming within a certain distance from you;
- prohibiting the other party from coming to certain places, such as your place of work;
- prohibiting the other party from engaging in any further abusive contact;
- evicting the other party from the home; and/or
- requiring the other party to turn over weapons to law enforcement.

There are also Protection from Sexual Violence and Protection from Intimidation Orders available in limited circumstances. You can learn more about PFAs and other Protection Orders available in Pennsylvania from the Pennsylvania Coalition Against Domestic Violence ([www.pcadv.org](http://www.pcadv.org)).

### Who can be my support person or advisor?

Your support person or advisor can be any person of your choosing (who is willing and able to serve in this role) including but not limited to: a friend; a parent or guardian; a partner or spouse; a student, faculty or staff member at the University; and a lawyer or a legal advocate.

### What standard of evidence does the University use in formal resolutions?

The University uses the preponderance of the evidence standard, which means “more likely than not.” This is the most commonly used standard of evidence in the US, and applies in most civil court cases and most agency matters. You may have heard of the standard called “beyond a reasonable doubt” which is only used in criminal court cases in the US. A third standard is “clear and convincing evidence” which is used in court in very limited cases in the US, including some types of fraud and child custody matters. A helpful visual of the standards of evidence, demonstrated on scales, is included below:



Images Source: <http://www.byrdslaw.com/faqs/Criminal-Law-FAQs/index.html>.

What are the possible outcomes if someone is found responsible for a policy violation?

There are three types of outcomes that can be imposed if a person is found responsible for a policy violation. The outcomes are not mutually exclusive and in fact are often combined. There may also be a referral for action under other policies.

### 1. Educational/Intervention

- Educational outcomes including conversation with staff and/or reflective paper or project
- Mandatory training
- Written apology
- Written or verbal warning
- Mental health and/or substance use assessment and recommended follow up
- Community service

### 2. Restrictions

- Restrictions/limitations on access to campus programs or activities
- Restrictions/limitations on access to campus property
- Removal/ban from university housing
- Mandated removal from class or change to academic schedule
- Relocation of office
- Restriction or ban on attending Carnegie Mellon programs and events
- Removal/ban from campus

### 3. Status

- Probation
- Suspension
- Expulsion
- Suspension from employment
- Termination of employment

- Suspension of a conferred degree
- Revocation of a degree

### Will Title IX call the police to file a criminal report?

In general, the Title IX Office will not call the police (University, Pittsburgh or otherwise) without your express request or agreement. However, Title IX staff are available to assist you in contacting the police, if you wish.

The Title IX Office does provide de-identified statistics about crimes that are reported on or near campus for purposes of compiling data for the University's [Annual Security and Fire Safety Report](#), as required by the Clery Act.

In very limited circumstances, where a crime or crimes have occurred and pose an ongoing threat to University students and employees, the Title IX Office may be required to provide information to University Police so a "[timely warning](#)" can be issued, as required by the Clery Act. In such instances, the Title IX Office will protect their privacy—to the extent possible—while also providing the community with information regarding potential risks. The warning will not include identifying information about the impacted party.

If you are currently under age 18 and are reporting something that could be child abuse, the Title IX Office is required to make a report to the state child protective services agency under the [Child Protective Services Law](#).

## Retaliation

### What does retaliation mean?

Retaliation means a negative action to punish for or deter a person from making a good faith Title IX report and/or from participating in the University's Title IX process. Complainants, respondents and witnesses can be the victims of retaliation. Examples may include: threats, harassment, poor grade(s) or evaluation(s), and/or discipline.

### What is the University's position on retaliation?

The University strictly prohibits retaliation, both in the [Interim Sexual Misconduct Policy](#) as well as in a stand-alone [Policy Against Retaliation](#).

The University takes concerns of retaliation very seriously. The Title IX Office advises all parties about the University's prohibition on retaliation. An individual who is found responsible for retaliation can be subject to disciplinary sanctions, even if they are not found responsible for other policy violations.

## New Regulations and Policy

### How do the new regulations impact the University's efforts to prevent and respond to sexual misconduct?

The biggest change is that we have created an Interim Sexual Misconduct Policy, which replaces our previous Policy Against Sexual Harassment and Sexual Assault. The new regulations will not have much of an impact on our day-to-day work of educating and supporting community members. The new regulations primarily impact how complaints are resolved and how our work is documented. ***Please note: we will continue to support community members who have been impacted by sexual misconduct, no matter when or where it occurred, or by whom it was committed.***

The new regulations narrow the scope of cases involving sexual harassment and sexual misconduct that rise to the level of violating Title IX. In our new policy, we call these areas “[Federal Rule Sexual Misconduct](#).” There are special procedures and heightened requirements in place for how Federal Rule Sexual Misconduct cases must be handled.

However, schools are still permitted to prohibit and respond to other kinds of sexual misconduct that do not meet the new narrower definitions and jurisdiction requirements of Title IX. We chose to utilize this option and continue to prohibit all forms of sexual misconduct that impact community members or are otherwise tied to the University. Thus, the Policy has two different procedures: one for sexual misconduct, and the other for Federal Rule Sexual Misconduct. We believe this will be the least confusing and most accessible path for community members to report and address their concerns.

**Other changes of note include:**

- The Title IX Office is now required to post [training materials](#) on its website for individuals who may receive, investigate, adjudicate or otherwise resolve Federal Rule Sexual Misconduct matters.
- Schools are permitted to utilize either the “Preponderance of the Evidence Standard” or the “Clear and Convincing Evidence Standard” in resolving cases. Carnegie Mellon will continue to use [Preponderance of the Evidence](#).
- We have always offered support and resources to parties regardless of whether they chose to pursue any type of resolution. This is more clearly stated in our new Policy.
- The community members who are designated as [mandatory reporters](#) for Title IX purposes has changed.
- Schools are now required to use federal criminal [definitions](#) for most of the types of sexual misconduct (more specifically, the National Incident-Based Reporting System or “NIBRS”). As a result, some of the definitions in the Interim Policy are longer and more technical. We are developing resources to help our community to understand and navigate the policy.
- Consistent with the new regulations, our definition of “retaliation” has been expanded to cover the responding party and witnesses, in addition to the complainant.

[What is the difference between sexual misconduct and Federal Rule Sexual Misconduct?](#)

The University’s Interim Sexual Misconduct Policy identifies six (6) types of sexual misconduct as listed in the chart below.

The University’s Interim Sexual Misconduct Policy applies (i.e. the University has jurisdiction over the conduct) when the conduct is ***reasonably connected*** to the University, for example, if the conduct occurs:

- In a University Program or Activity, including but not limited to:
  - On campus or in property owned or controlled by the University;

- In the context of University employment; &/or
- In the context of University-sponsored
  - Study abroad,
  - Field work,
  - Practica, &/or
  - Internship programs, or
- Outside of a University Program or Activity
  - Poses a serious threat of harm,
  - Has continuing negative effects, or
  - Creates a hostile environment for students, faculty or staff.

Cases that meet any of the definitions and jurisdictional requirements can be investigated and handled through University procedures for determining whether the policy has been violated.

### Sexual Misconduct

Type of Sexual Misconduct	Simplified Definition ( <i>see Policy for full definition</i> )	University Jurisdiction
Sexual Assault	<ul style="list-style-type: none"> <li>● physical sexual act</li> <li>● directed toward another person</li> <li>● without their consent</li> </ul>	Reasonably connected to the University
Sexual Harassment – “Quid Pro Quo”	<ul style="list-style-type: none"> <li>● unwelcome conduct or cues of a sexual nature</li> <li>● tied to a person’s employment or education status</li> <li>● by a person in greater power or authority</li> </ul>	
Sexual Harassment – “Hostile Environment”	<ul style="list-style-type: none"> <li>● unwelcome conduct or cues of a sexual nature</li> <li>● severe or pervasive</li> <li>● interferes with education or employment</li> </ul>	
Dating or Domestic Violence	<ul style="list-style-type: none"> <li>● threats or acts of physical or sexual violence</li> <li>● directed toward a partner, spouse or family member</li> </ul>	
Stalking	<ul style="list-style-type: none"> <li>● pattern of conduct &amp;/or communications</li> <li>● directed at one person</li> <li>● causes fear of harm or emotional distress</li> </ul>	
Sexual Exploitation	<ul style="list-style-type: none"> <li>● taking sexual advantage of someone without consent, or</li> <li>● violating someone’s sexual privacy without consent</li> </ul>	

There is a subset of sexual misconduct, called Federal Rule Misconduct. The subset includes more limited categories of behavior and very strict jurisdictional requirements. There are specific procedural requirements for handling a Federal Rule Misconduct complaint, including:

- each party must have an advisor of their choosing (or an advisor appointed by the University);
- each party will have the opportunity to cross-examine (ask questions of) the other party, through their advisor; and
- statements and/or relevant materials cannot be considered when the person submitting the information does not agree to be cross-examined at the hearing, even if the information was previously provided as part of the investigation.

Federal Rule Sexual Misconduct

Type of Sexual Misconduct	Simplified Definition ( <i>see Policy for full definition</i> )	University Jurisdiction
Sexual Assault	<ul style="list-style-type: none"> <li>• physical sexual act</li> <li>• directed toward another person</li> <li>• without their consent</li> </ul>	<ul style="list-style-type: none"> <li>• occurs in the United States; AND</li> <li>• occurs in University’s educational program or activity; AND</li> <li>• impacts a person who is currently or is trying to access the University’s Programs and Activities</li> </ul>
Sexual Harassment – “Quid Pro Quo”	<ul style="list-style-type: none"> <li>• when an employee of the university</li> <li>• conditions the provision of an aid, benefit, or service of the university</li> <li>• on a student’s participation in unwelcome sexual conduct.</li> </ul>	
Sexual Harassment – “Hostile Environment”	<ul style="list-style-type: none"> <li>• unwelcome conduct of a sexual nature</li> <li>• so severe, pervasive, and objectively offensive</li> <li>• that it effectively denies a person equal access to the university’s programs or activities</li> </ul>	
Dating or Domestic Violence	<ul style="list-style-type: none"> <li>• threats or acts of physical or sexual violence</li> <li>• directed toward a partner, spouse or family member</li> </ul>	
Stalking	<ul style="list-style-type: none"> <li>• pattern of conduct &amp;/or communications</li> <li>• directed at one person</li> <li>• causes fear of harm or emotional distress</li> </ul>	
Sexual Exploitation	<ul style="list-style-type: none"> <li>• <del>taking sexual advantage of someone without consent, or</del></li> <li>• <del>violating someone’s sexual privacy without consent</del></li> </ul>	

Does the University still prohibit sexual misconduct that occurs off-campus?

Yes.

Do I need to hire a lawyer if I am involved in a Title IX process?

You do not need to hire a lawyer if you are involved in the Title IX process; however, you are welcome to do so if you choose. You can have any person of your choosing serve as your support person or advisor including but not limited to: a friend; a parent or guardian; a partner or spouse; a student, faculty or staff member at the University; and a lawyer or a legal advocate.

In a case involving Federal Rule Sexual Misconduct, if you do not have an Advisor present at the hearing, the University will provide an advisor for you, at no cost to you, for the purpose of conducting cross examination.

If you wish to hire an attorney, we cannot make recommendations. However, we would encourage you to contact the Allegheny County Bar Association Lawyer referral service at <https://www.getapittsburghlawyer.com/> or 412-261-5555 or [lrs@acba.org](mailto:lrs@acba.org).