

# University of Pittsburgh



## Student Code of Conduct

**Effective August 15, 2017**

*Division of Student Affairs*

[www.studentaffairs.pitt.edu/conduct](http://www.studentaffairs.pitt.edu/conduct)

## **Contact Information**

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

Office of Student Conduct                      738 William Pitt Union                      412-648-7910

**For questions or information regarding the Level II Appeals Process, please contact:**

University Review Board Moderator      801 Cathedral of Learning      412-624-4222  
(Copy to Office of University Counsel at 2400 Cathedral of Learning)

**For questions or information regarding Title IX, please contact:**

Title IX Office, part of the Office of Diversity and Inclusion  
titleixcoordinator@pitt.edu                      500 Craig Hall                      412-648-7860

<a href="#">Introduction</a> .....	5
<a href="#">Notice</a> .....	5
<a href="#">University’s Notice of Non Discrimination</a> .....	5
<a href="#">University’s Prohibition of Retaliation</a> .....	5
<a href="#">Application, Scope, and Jurisdiction of the Student Code of Conduct</a> .....	6
<b><a href="#">Chapter 1</a></b> : Student Rights and Responsibilities .....	7
<a href="#">Student Rights Within the University Community</a> .....	7
<a href="#">Student Rights under FERPA</a> .....	8
<a href="#">Student Identification Requirements</a> .....	8
<b><a href="#">Chapter 2</a></b> : Medical Amnesty Protocol.....	9
<b><a href="#">Chapter 3</a></b> : Violations of the Student Code of Conduct .....	10
<b><a href="#">Chapter 4</a></b> : University of Pittsburgh Anti-Hazing Policy .....	14
<b><a href="#">Chapter 5</a></b> : Process and Procedure: From Referral to Resolution.....	15
<a href="#">Record Retention Policy</a> .....	15
<a href="#">Filing a Conduct Referral</a> .....	15
<a href="#">Review of the Conduct Referral and Initiation of the Conduct Process</a> .....	15
<a href="#">Interim Action</a> .....	16
<a href="#">General Information for Respondents and Complainants</a> .....	16
<a href="#">Level I Hearing and Appeal Process</a> .....	17
<a href="#">Level I Hearing Process</a> .....	17
<a href="#">Level I Hearing Appeal Process</a> .....	18
<a href="#">Level II Hearing and Appeal Process</a> .....	18
<a href="#">Level II Pre-Hearing Process</a> .....	18
<a href="#">Witnesses</a> .....	18
<a href="#">Evidence</a> .....	19
<a href="#">Level II Hearing</a> .....	19
<a href="#">Final Decision</a> .....	20
<a href="#">Level II Hearing and Sexual Misconduct Appeal Process</a> .....	20
<a href="#">Request to Postpone Sanctions Pending Appeal</a> .....	20
<a href="#">University Review Board Procedures</a> .....	21
<a href="#">Format and Decision</a> .....	21
<a href="#">University Review Board Action</a> .....	21
<b><a href="#">Chapter 6</a></b> : Student Organizations .....	23
<b><a href="#">Chapter 7</a></b> : Sexual Misconduct Process and Procedures .....	24
<a href="#">Reporting Sexual Misconduct and University Response</a> .....	24
<a href="#">Advisor or Support Person</a> .....	24
<a href="#">Informal Resolution Process</a> .....	24
<a href="#">Interim Measures or Accommodations</a> .....	25
<a href="#">Formal Complaint Process and University Initiated Investigations</a> .....	26
<a href="#">University’s Prohibition of Retaliation</a> .....	27
<a href="#">Filing with External Agencies</a> .....	27

<a href="#"><u>Appendix A</u></a> : Sanctions.....	29
<a href="#"><u>Appendix B</u></a> : Title IX and Sexual Misconduct Resources and Information.....	35
<a href="#"><u>Getting Help</u></a> .....	35
<a href="#"><u>Confidentiality</u></a> .....	36
<a href="#"><u>Different Types of Employees and Their Confidential Responsibilities</u></a> .....	36
<a href="#"><u>Privileged and Confidential</u></a> .....	36
<a href="#"><u>Pastoral Counselors</u></a> .....	36
<a href="#"><u>Professional Counselors: University Counseling Center; Medical Staff,</u></a>	
<a href="#"><u>Counselors, and Advocates: Student Health Service</u></a> .....	36
<a href="#"><u>Exceptions to Confidential Communications</u></a> .....	37
<a href="#"><u>Reporting to Responsible Employees</u></a> .....	37
<a href="#"><u>Requesting Confidentiality from the Title IX Office</u></a> .....	38
<a href="#"><u>University Sexual Misconduct Resources Explained</u></a> .....	39
<a href="#"><u>The University’s SHARE Office</u></a> .....	39
<a href="#"><u>University Counseling Center</u></a> .....	40
<a href="#"><u>Student Health Service</u></a> .....	40
<a href="#"><u>Additional Resources</u></a> .....	40
<a href="#"><u>Title IX Explained</u></a> .....	41
<a href="#"><u>Definitions</u></a> .....	42
<a href="#"><u>Prevention</u></a> .....	42
<a href="#"><u>Glossary</u></a> .....	44

## 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 [Residential Handbook](#).

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.studentaffairs.pitt.edu/conduct/](http://www.studentaffairs.pitt.edu/conduct/). Copies of the *Code* are also available at the Office of Student Conduct, 738 William Pitt 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 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 412-648-7910.

Regional campuses may also have campus-specific policies and procedures which should be consulted as applicable.

# 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](#) for [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 the appeals period has ended and 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 Residence Life on campus at 935 William Pitt Union or at 412-648-1200 and/or the Office of Student Conduct on campus at 738 William Pitt Union or at 412- 648-7910.

## 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 appropriate University officials or emergency officials by calling 412.624.2121 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\(s\)](#) 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 a 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 repeated, unwanted communications or by putting another person in objective and subjective fear of injury or unreasonably causing severe or pervasive distress by: purposely following another person; 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](#) (also available at the Office of Diversity and Inclusion, 500 Craig Hall) 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](#) (also available at the Office Diversity and Inclusion, 500 Craig Hall);
  - b. University of Pittsburgh [Anti-Hazing Policy](#);
  - c. [University of Pittsburgh Student Organization Registration Guidelines](#);
  - d. [University of Pittsburgh William Pitt Union Student Alcohol Policy](#) (also available at Reservations on the main floor of the William Pitt Union);
  - 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](#), the [Club Sports Handbook](#), 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.

9. Violates any provision of the [Residential Handbook](#), 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; 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.
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](#).
14. Uses, misuses, possesses, distributes, sells, 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. 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.”
16. Operates a motor vehicle while impaired by or under the influence of drugs or alcohol.
17. Possesses, consumes or is under the influence of alcoholic beverages if under the age of 21, or dispenses alcoholic beverages to an individual who is under the age of 21.
18. Is knowingly present during the commission of the [Violation\(s\)](#) of "possesses or consumes alcoholic beverages if under the age of 21 or dispenses alcoholic beverages to an individual who is under the age of 21."
19. Violates any provision of any University alcohol policies or possesses alcohol paraphernalia, such as beer bongs.
20. Activates emergency warning equipment, or communicates false information regarding any emergency situation.
21. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
22. Engages in games of chance in violation of federal, state, or local law.

23. Ignites or burns materials, including but not limited to incense and candles, without proper authorization, while on [University Property](#).
24. Without proper authorization, possesses, abuses, damages, destroys, removes, (mis)uses, misappropriates, or sells the property of a person or the University.
25. Removes food or property from University Food Services areas unless expressly authorized by University Food Services personnel.
26. Throws anything from windows, balconies, patios, or any other area of any University building.
27. 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.
28. Obtains the personal information of another person by misrepresentation or fraudulent means.
29. Enters or uses property of another person or the University without proper authorization.
30. Forges, alters, takes possession of, duplicates, or uses documents, records, keys, identification, or computer accounts without proper authorization.
31. Falsifies information or records submitted to a University official or office.
32. 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.
33. Fails to present University identification or gives false identification or identifying information upon request by an authorized University official.
34. Represents the University or another person in the University community without proper authorization.
35. 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.
36. 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.
37. Participates in the sale or misuse of class materials, recordings, papers, examinations or any other class materials.
38. 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.
39. 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.
40. Obstructs or interferes with the apprehension or discipline of another person who may be involved in a commission of a [Violation](#) of the *Code*.

41. 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.
42. 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 the Pitt Police (412-648-2121), the Office of Student Conduct (412-648-7910) or the Office of Fraternity and Sorority Life (412-648-7832).

Hazing related to any University of Pittsburgh athletics teams may also be reported to the Director of Athletics (412-648-8230) or Associate Athletic Director for Student Life and Compliance at 412-648-8452).

## 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.

[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, the Student Conduct Peer Review Board 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 Dean of Students or their designee may take interim action and impose interim sanctions on a student. The Dean of Students 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.

Prior to taking any interim action, the Dean of Students or their designee will make reasonable efforts to give the [Student](#) an opportunity to respond to the alleged offense. Interim actions may include interim suspension from the University, removal from University housing, suspension of privileges, and other similar measures.

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 Dean of Students 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 Dean of Students 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 Dean 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 Dean’s 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 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. If the [Respondent is found responsible for violating the Code](#), the [Respondent](#) will have the option to:
  - a. Accept the findings and imposed [Sanctions](#).
  - b. Accept the findings, but reject and appeal the imposed [Sanctions](#).
  - c. Reject the findings and imposed [Sanctions](#) and appeal both.
7. If the [Respondent is found not responsible](#) for violating the *Code*, no [Sanctions](#) will be imposed.
8. 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.

## **Level I Appeal Process**

[Respondents](#) seeking to appeal any decision from a Level I Hearing must file an Appeal Form with the Office of Student Conduct within five (5) business days of the date of the Hearing decision letter. The Appeal Form also can be obtained by contacting the Office of Student Conduct.

The reason for appeal must fall within the scope of review. The scope of review shall be limited to statements and facts supporting one or more of the following questions:

1. Whether [Rights](#) affirmed by the Board of Trustees have been denied.
2. Whether the Level I Hearing process was conducted in compliance with the Level I 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.

Once the Office of Student Conduct receives a request for an appeal, the Student Conduct Officer or their designee will review and notify the [Respondent](#) whether the appeal will be heard. If the appeal is to be heard, the Student Conduct Officer or their designee will notify the [Respondent](#) of the date, time, and place of the appeal meeting. Decisions following the appeal meeting are final.

## **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:

- a. Accept responsibility for violating the *Code*, accept the recommended [Sanction\(s\)](#) and waive the Level II Hearing and Appeal Process.
- b. Proceed before the Conduct Board for a [Sanctions-Only Hearing](#).
- c. 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 ten (10) 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 ten (10) business days prior to the Hearing date.

Both [Complainants](#) and [Respondents](#) may review, not less than five (5) 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 ten (10) business days prior to the Hearing date. Both the [Complainant](#) and [Respondent](#) shall then have the opportunity to review, not less than five (5) 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 Provost and Dean of Students. **The Dean of Students 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 Provost and Dean of Students 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 Review Board](#) (URB) (with a copy to the Office of University Counsel). 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 Dean of Students must make a written request to the [URB](#) 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 [URB Moderator](#), one [Student](#), and one faculty member of the [URB](#). In requests related to Sexual Misconduct [Violations](#), the postponement shall be reviewed by the [URB Moderator](#) and two faculty members of the [URB](#).

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 [URB Moderator](#).

### **University Review Board Procedures**

The [URB Moderator](#), in consultation with one [Student](#) and one faculty member of the [URB](#), 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 [URB Moderator](#) shall consult with two faculty members of the [URB](#).

Where it has been determined that an appeal's petition does not fall within the Scope of Review, the [URB Moderator](#) and two [URB](#) 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 [URB 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 [URB 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 [URB Moderator](#).

The [URB](#), 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 [URB Moderator](#) will provide written instruction to the appropriate parties. The [URB](#) appeal process does not include testimony from witnesses. The [URB Moderator](#) may develop supplemental rules of procedure.

### **Format and Decision**

If the [URB](#), 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 [URB](#) and the [URB Moderator](#) may question the parties.

The majority of the [URB](#) 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 [URB](#) may remand a matter to the Office of Student Conduct for further proceedings when the [URB](#) determines that there are insufficient written findings or prejudicial procedural error. In other cases the [URB](#) shall render a written opinion and recommend action to the Provost, 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 the Offices of Fraternity and Sorority Life, Student Life, or Campus Recreation, 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](#) (412-648-7860).
- You may file a criminal complaint by contacting the Pitt police (412-624-2121) or City of Pittsburgh police (911).
- 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. See <http://www.police.pitt.edu/node/230>. 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 412-648-7910 or [usjs@pitt.edu](mailto:usjs@pitt.edu). 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
- Assistance with connecting to University's [Saferider](#) program
- 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 such as Pittsburgh Action Against Rape or other support services
- Assistance in contacting legal resources such as County Bar Association Legal Referral, or other legal support
- 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 Dean of Students for approval of any recommended [Sanctions](#). The Dean of Students will have discretion to accept or alter the recommended [Sanctions](#), as appropriate. Once the Dean has made a determination on [Sanctions](#), either the Title IX Office or the Dean of Students 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](http://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](mailto: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 Dean of Students 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

**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.

**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 Dean of Students 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 Provost and Dean of Students 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 Provost and Dean of Students 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 Disciplinary 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 Dean of Students 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 Dean of Students 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 Office, the office of the person directly responsible for the day-to-day operation of the facility or area, the University 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 Provost and Dean of Students 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 Dean of Students 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 Provost and Dean of Students 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 Dean of Students 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 Dean of Students 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.

**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.

**Marijuana 102** – Marijuana 102 (MJ102) consists of a minimum of two individual meetings with the Health Educator. Meetings are scheduled for one hour each. Homework assignments are also required as part of the program. MJ102 provides individualized education to assist [Students](#) in examining their use, and developing an action plan to address it. MJ102 is a typical Sanction for a second [Violation](#) of the University's marijuana policy.

**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.

**Personal Education, Assistance, and Referral Program I (PEAR)** — PEAR I consists of a one time, three hour educational class and an additional one-on-one meeting with a PEAR graduate facilitator. Homework assignments are part of the requirement to complete this educational Sanction. The course explores alcohol as it relates to the body and mind, as well as alcohol culture and what influences it. This is a typical Sanction for a first [Violation](#) of a University alcohol policy.

**Personal Education, Assistance, and Referral Program II (PEAR II)** - PEAR II consists of a minimum of two one-on-one meetings with the Health Educator. Each appointment is scheduled for one hour in length and there are homework assignments between appointments. This program provides individualized education to assist [Students](#) with examining their drinking, with applying harm reduction strategies, and with developing a personal action plan to decrease high risk drinking in order to avoid further [Violations](#). PEAR II is a follow up course to PEAR I, and is the typical Sanction for a second [Violation](#) of a University alcohol policy.

**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 Dean of Students.

**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](#).

**Greek Alcohol Awareness Program (GAAP)** - A program specifically designed for Greek Organizations to: (1) develop a high level of alcohol and other drug awareness and/or (2) identify individuals with substance abuse early so they can be referred to the University's network of support. The program requires mandatory attendance at all sessions. Failure to attend mandatory GAAP programs, or in the alternative, PEAR programs, may result in additional disciplinary action including, but not limited to, monetary fines of the organization and/or individual.

**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.

**Risk Management Programming** - Functions sponsored by the chapter, in conjunction with the IFC, NPHC, and Panhellenic Association, which educate members of the chapter and other chapters on successful event planning and management in adherence to University and National Risk Management policies. A programming plan must be submitted to and approved by the Office of Fraternity and Sorority Life prior to the event(s).

**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). Magee Women's Hospital 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 Oakland that can assist you:

- Magee Women's Hospital of UPMC Emergency Room  
300 Halket Street, **412-641-4933**  
**Sexual Assault Nurse Examiner (SANE) is generally available at this location.**

- UPMC Mercy Hospital Emergency Department  
1400 Locust Street, 412-232-8222  
**Sexual Assault Nurse Examiner (SANE) is generally available at this location.**
  - UPMC Presbyterian  
Emergency Room  
200 Lothrop Street, **412-647-3333**
  - Student Health Service  
Wellness Center, Nordenberg Hall  
119 University Place, **412-383-1800**
- **Contact the Police:** You are strongly encouraged to call the University of Pittsburgh Police Department (**412-624-2121**) or the City of Pittsburgh Police at **911** and report the situation. The Police are trained and able to assist in obtaining other physical evidence, such as video surveillance.
  - **Contact the SHARE Coordinator,** at **412-648-7930** (8:30 a.m.–5 p.m., Monday through Friday) or **412-648-7856** (after 5 p.m. and on weekends). The SHARE Coordinator will advise [Students](#) of reporting and resource options, and, if desired, can guide [Students](#) through the process of receiving a medical exam, and assist in notifying campus authorities or local police.

## 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 [Complai nant'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:

<http://www.pitt.edu/~chaplain/>

- ***Professional Counselors: University Counseling Center; Medical Staff, Counselors, and Advocates: Student Health Service (SHS)***

Both the University Counseling Center (UCC) and Student Health Service (SHS) 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, the UCC and SHS 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 UCC and SHS counselors and other personnel will provide the [Complainant](#) with assistance if the [Complainant](#) wishes to do so.

Here is contact information for University Counseling Center and Student Health Service:

[Office of Sexual Harassment & Assault Response and Education \(“SHARE”\)](#)

Part of the University Counseling Center. Call 412-648-7930 (M-F 8:30am – 5:00pm) or 412-648-7856 after hours and weekends.

SHARE provides specialized counseling services designed to assist Students who have experienced sexual misconduct, dating violence, stalking and/or harassment.

[Student Health Service](#)

Call 412-383-1800 to schedule an appointment

The SHS can assess for pregnancy risk, test and treat for sexually transmitted diseases, and assess, treat and/or refer for physical injuries.

## **B. Exceptions to Confidential Communications**

While the University Counseling Center and SHS 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 Department of Public Safety 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 and/or the University's Department of Public Safety 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's Office of Sexual Harassment and Assault Response and Education (SHARE)

The University's SHARE office provides counseling to [Complainants](#) of sexual misconduct, assists

[Complainants](#) in obtaining medical care, and offers support in all aspects of the recovery process. The office also coordinates the University's educational programs and active approach to preventing sexual misconduct on campus.

Seeking emotional support in the aftermath of sexual misconduct is very important for recovery. SHARE offers specialized counseling services designed to assist Students who have experienced sexual misconduct or harassment, relationship violence, and/or stalking by another person.

The SHARE Coordinator can be reached by phone at 412-648-7930 during business hours, or 412-648-7856 after 5 p.m. The SHARE Office is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place. The SHARE Coordinator can also assist with referrals to additional specialized counseling services such as the University Counseling Center (UCC) (412-648-7930) and Pittsburgh Action Against Rape (PAAR) (1-866-363-7273).

### **The University Counseling Center (UCC)**

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

The University of Pittsburgh Counseling Center is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place, **412-648-7930**

### **Student Health Service**

The University of Pittsburgh's Student Health Service provides ongoing confidential medical treatment for any physical problems related to an assault. The Student Health Service can assess for pregnancy risk, test and treat for sexually transmitted infections, and assess, treat, and/or offer/give referrals for physical injuries.

Student Health Service is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place, **412-383-1800**.

### **Additional Resources**

University of Pittsburgh [Students](#) can contact their resident assistant (RA), resident director (RD), or other residence life staff member for support (available 24 hours a day). Monday – Friday 8:30am – 5pm, 412-648-1200; after hours, call 412-648-1100.

Any member of the University community also may contact the University's Title IX coordinator at **412-648-7860** or at [titleixcoordinator@pitt.edu](mailto:titleixcoordinator@pitt.edu). This office investigates allegations of sexual misconduct.

Title IX Coordinator  
University of Pittsburgh  
500 Craig Hall, 200 South Craig Street  
Pittsburgh, PA 15260  
Phone: 412-648-7860  
Fax: 412-648-7864  
[titleixcoordinator@pitt.edu](mailto:titleixcoordinator@pitt.edu)



If you do not want to call the police after an incident, but feel the need to leave the current environment, Pitt's SafeRider program may be able to provide transportation back to your residence by calling **412-648-CALL (2255)**. More information about SafeRider can be obtained at [www.pc.pitt.edu/transportation/saferider.php](http://www.pc.pitt.edu/transportation/saferider.php).

Community resources include [Pittsburgh Action Against Rape \(PAAR\)](#) at **1-866-363-7273** and the [Center for Victims](#) at **1-866-644-2882**. Both organizations answer 24 hours a day. 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

- **Office of Sexual Harassment and Assault Response and Education (SHARE)**

The University has a comprehensive array of educational programs aimed at preventing sexual misconduct and harassment, relationship violence, and stalking that include the following:

- **Peer Education:** There are two organizations that provide educational programming. Let's RAVE (Raise Awareness and Victim Empowerment) and PantherWELL are Student Organizations consisting of more than 75 highly trained peer educators who present programs on dating violence, domestic violence, sexual misconduct, and stalking. The focus of the programs is bystander intervention, which is designed to provide [Students](#) with the skills necessary to safely intervene when circumstances of sexual or interpersonal violence or stalking are about to occur or are occurring. [Students](#) also are given information on risk reduction strategies to help them to address conditions that facilitate violence.

If you would like to become a SHARE peer educator, please contact Pitt's Sexual Harassment and Assault Response and Education coordinator at **412-648-7930**. If you are interested in becoming a PantherWELL or peer health educator, please contact the Health Educator in The Office of Health Education and Promotion at 412-383-1830.

- **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.
- **Community Speakers:** Pittsburgh Action Against Rape and the Center for Victims also provided

speakers for campus groups during the past year.

- **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 graduate/professional Students 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 Chancellor 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 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.

**Student Conduct Peer Review Board (SCPRB):** The Student Conduct Peer Review Board (SCPRB) hears cases involving *Code* Violations which will not result in suspension or dismissal. The SCPRB is staffed by undergraduate, graduate, and/or part-time Students in good academic standing. The SCPRB shall possess the authority to recommend both residence hall and University-wide Sanctions. Under the guidance of the Student Conduct Officer or their designee, three SCPRB members 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. All SCPRB members will receive appropriate training. No SCPRB member will serve on a Panel when they have any direct interest or prior involvement in or knowledge of the incident under consideration, or where the Respondent has identified the member as having a possible bias.

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

### **URB Structure**

The URB 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) graduate and professional Students appointed by the Graduate and Professional Student Association.
3. Five (5) undergraduate Students.
  - a. Two (2) appointed by the General Studies Student Council.
  - b. Three (3) appointed by the Undergraduate Student Government.

Except in matters involving sexual misconduct where no Students shall be on the panels, initiated appeals shall be heard by the review board of five (5) members of the URB. Except in cases involving sexual misconduct, the URB shall be composed of two faculty members and three students.

### **URB Moderator**

Administrator(s), who shall serve as the URB Moderator, is authorized to:

1. Conduct the administrative and procedural operation of the URB.
2. Determine the appropriateness and completeness of Petitions to the URB in consultation with one Student and one faculty member of the URB.
3. Provide advice and assistance to members of the University community regarding the processing of an appeal.
4. Select members from the URB membership to serve on review boards.
5. Moderate all proceedings before the URB.



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.