# Marywood University
## Policies and Procedures

## Nondiscrimination and Complaint Procedures Policy of Marywood University

## Policy Statement:

Marywood University (the "University" or "Marywood") "honors the uniqueness and dignity of each human person" (Core Values of Marywood University, Respect). The University declares and affirms a policy of equal educational and employment opportunity and nondiscrimination in its educational programs and all other activities that it operates both on and off University property. Marywood is committed to maintaining a comfortable, healthy and safe learning, living and working environment for all members of the Marywood community. Marywood does not condone and will not tolerate discrimination, harassment, or assault based on race, sex (including sex-based harassment, gender, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity), color, national origin (including shared ancestry and ethnic characteristics), age, creed, religion, disability, marital status, citizenship, genetic information, military/veteran status, use of a guide or support animal, or any other characteristic protected by applicable federal, state, or local law ("Protected Characteristics"). These are explicit civil and legal applications of the formulation of religious beliefs already cherished in Marywood University's Mission, Core Values, and practices.

The term "harassment" in this Policy means unwelcome and offensive conduct based on one's Protected Characteristic. Examples of harassment include, but are not limited to, verbal (including improper joking or teasing), written or physical conduct that denigrates or shows hostility or aversion towards an individual because of any Protected Characteristic, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive environment as defined by law; or (2) has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or (3) otherwise adversely affects an individual's employment or educational opportunities. Such conduct includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and similar conduct whether written, verbal or physical. Harassment is not limited to only behavior that is sexual in nature, and it can occur regardless of the gender of either the harasser or the victim.

Marywood University will make reasonable accommodations to known physical or mental limitations of otherwise qualified individuals with disabilities unless doing so would impose an undue hardship on the University. Any person who believes they may require such accommodation should contact the Director of Student Disability Services (for students) or the Director of Human Resources (for employees).

### Scope of this Policy

This Policy applies to all faculty, staff, administration, employees, students, volunteers, and visitors, including applicants for admission and employment. The Policy applies to conduct that occurs within the University's education program or activities, which includes all of its operations; on-campus conduct; off-campus conduct at University-sponsored events, including, but not limited to, academic and educational programming, internships, athletic events, and all other University programming; conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University; conduct that is subject to the University's disciplinary authority; and conduct outside of the University's education program or activity that contributes to a hostile environment within the University's education program or activities.

Notice of Nondiscrimination can be found here.

Complaints related to all forms of sex discrimination and related retaliation are addressed under the University's *Title IX Policy*. For all other reports and complaints discrimination and harassment on the basis of Protected Characteristics, and related retaliation, this Policy applies.

Regardless of whether this Policy or the Title IX Policy applies, anyone wishing to make a report of conduct they believe may violate either policy should report the incident as soon as possible to the Director of Human Resources or Title IX Coordinator.

**Contact Information**

Individuals reporting an incident they believe may be a violation of this Policy should contact one of the individuals below:

Mr. Nick Moore
Assistant Director of Career Services,
Title IX Coordinator and Title VI
Coordinator
Email: nmoore@marywood.edu
Phone: 570-961-4720
Office: Learning Commons 162

Ms. Kimberly Padden, Director of Human Resources
Deputy Title IX Coordinator
kpadden@marywood.edu
(570) 961-4549

Ms. Nicole Malloy, Associate Director of Athletics and Recreation
Deputy Title IX Coordinator
malloy@marywood.edu
(570) 348-6211 x.2489

**Anonymous Reporting**

Anyone wishing to make an anonymous report may call the University's Whistleblower Hotline at 855-278-2074 and/or use the Internet-based reporting system at Ethics Point See the University's *Whistleblower Polic*y for more details. Marywood University Whistleblower Policy

**Additional resources to whom you may direct inquiries or file complaints:**

On-campus
Marywood University Campus Safety
Maintenance Building
570-348-6242
mpasqualicchio@marywood.edu

Off-campus Local Police Departments

Dunmore Police Department
402 S Blakely Street
Dunmore, Pennsylvania 18512
(570) 343-0851

Scranton Police Department
100 S Washington Avenue
Scranton, Pennsylvania 18503
Phone: (570) 348-4130

Marywood encourages complainants to pursue criminal charges against the person(s) believed to have committed an act in violation of this Policy. The University may be able to direct complainants to the appropriate law enforcement agency to begin the process of filing a criminal complaint. University administrators will notify the appropriate law enforcement officials in accordance with any obligations under federal, state, and local laws. Police investigation and legal prosecution are conducted outside of and in addition to University procedures. Criminal charges and a disciplinary charge may be pursued at the same time. The complainant need not pursue criminal charges, however, to file a complaint with the University. Should the complainant elect to proceed with both a criminal charge and a disciplinary charge, the University will comply with any applicable judicial no-contact, restraining, and/or protective order. Marywood will cooperate with law enforcement agencies to the best of its ability. During the investigation process, the University will implement necessary supportive measures and provide timely updates on the status of the investigation, if required.

Complainants are encouraged to seek assistance both on-and off-campus, as needed, to address issues stemming from the incident. A list of services both on-and off-campus is included below.

**On-campus Confidential Resources**

Center for Well-Being
McGowan Room 1017
24/7 Crisis Services
Phone: 570-348-6245

MyHealth Marywood
Student Health Clinic
Loughran Hall
Phone: 570-348-6249
healthservice@marywood.edu

Campus Ministry
Swartz Center for Spiritual Life
570-961-4703

Marywood University Chaplain
570-961-4703

Student Disabilities Services
Learning Commons, Second Floor
570-348-6211 x2335
disabilityservices@marywood.edu

**Off Campus Confidential Resources:**
Women's Resource Center of Lackawanna County
(570) 346-4671

Geisinger Community Medical Center
1800 Mulberry Street, Scranton, Pennsylvania 18510
(570) 703-8000

**National Hotline:**
National Sexual Assault Hotline is a free confidential resource available 24 hours a day by calling (800) 656- HOPE or the RAINN hotline.

**Responsible Employees and Confidentiality**

With the exception of employees who are considered confidential resources, each employee of Marywood University has a duty to report all incidents that may be in violation of this Policy to the Title IX Coordinator or Director of Human Resources. University faculty members, staff, and administrators who know, or in the exercise of reasonable care should have known, of conduct that may be a violation of this Policy and fail to handle the report of the incident appropriately may be subject to disciplinary action up to and including termination.

For anyone who is not an employee of the University who becomes aware of a potential violation of this Policy, the University strongly encourages reporting.

Regarding a person who is the recipient of conduct that may be in violation of this Policy, the University understands they may wish to keep the incident confidential. As such, the University wants complainants and potential complainants to be aware of confidentiality and mandatory reporting requirements so they are able to make an informed decision regarding reporting the incident.

As an initial matter, for those complainants who wish to make a report but do not want the University to take any action, the University encourages them at least to consult with a University employee who has the legal obligation to maintain the conversation as privileged and confidential, such as a professional counselor, medical professional, or ordained member of the clergy. At the University these individuals include licensed counselors in the Counseling/Student Development Center (acting in that capacity); licensed counselors in the Psychological Services Center (acting in that capacity); and the University Chaplain (acting in that capacity).

Additionally, if the complainant wishes to remain anonymous, does not wish for an investigation to take place, or does not wish to pursue a formal complaint, the complainant may make such a request to the Title IX Coordinator or Director of Human Resources. The University's response, however, may be limited, including not pursuing discipline because the University has an obligation to maintain a safe environment for all members of the University community. Thus, the University may not be able to fully honor a complainant's request as it may have an obligation to pursue an investigation without the complainant's cooperation. When evaluating such request, the Title IX Coordinator or Director of Human Resources will examine certain factors, including, but not limited to, whether violence, weapons or alcohol were involved; one of the parties is a minor; there is a pattern of such behavior; or a continuing threat to the community exists.

Cases involving alleged conduct that may violate this Policy demand special attention to issues of privacy. In all cases, the University will take preventative measures to preserve confidentiality and privacy to the extent possible and permissible by applicable law.

**Supportive Measures**

The University will review with complainants their right to obtain assistance for supportive changes to academic, living, transportation, and working conditions. If the complainant requests such accommodation, and the accommodation is reasonably available or an equally effective other accommodation is available, then the University will take prompt action to implement the accommodation.

Examples of supportive measures include, but are not limited to, no contact orders, changes in academic or living situations as appropriate with an effort to minimize the

burden on the complainant if possible, counseling, escort services, academic support, as well as the option to retake a course or withdraw from a course without penalty.

**Procedures:**

**Complaint Procedures**
Complaints made under this Policy should be made with the Title IX Coordinator or Director of Human Resources. Once a report of an incident is made, the Title IX Coordinator or Director of Human Resources will meet with the complainant to discuss the importance of preserving evidence, the right to file a criminal complaint, supportive accommodations, and the right to file a complaint with the University.

If the complainant chooses to file a complaint with the University, the individual may proceed formally or informally. Each option is outlined below. Regardless of which path the complainant chooses; the Title IX Coordinator or Director of Human Resources will acknowledge in writing receipt of the complaint to the complainant and simultaneously notify the respondent of the complaint. Both notices will include the specific alleged offenses, the name of the investigator (if assigned) to the complaint, and a copy of this Policy (or link). Unless special circumstances exist, the University will notify the respondent of the name of the complainant.

Although neither party can be required to participate in the process, all parties are encouraged to participate to ensure an accurate and objective process and outcome. If a respondent chooses not to participate, the University will proceed with the investigation process without the respondent's participation.

**Informal Complaint Procedure**

In situations when the complainant elects to proceed informally, in which case the parties do not proceed through the University's formal resolution process, the Title IX Coordinator or Director of Human Resources will determine the necessary steps needed to resolve the issue. The parties may elect to resolve the matter through mediation or another form of alternative resolution. If the complainant elects to proceed informally, they have the option at any time to stop the informal process and proceed through the formal process.

**Formal Complaint Procedure**

If the complainant decides to proceed formally, either initially or after opting out of the informal process, the complainant should communicate a request for an investigation, preferably in writing, to the Title IX Coordinator or Director of Human Resources.

The Title IX Coordinator or the Director of Human Resources will meet with the complainant to gather factual information concerning the incident(s) and the action the complainant feels will remedy the situation. The Title IX Coordinator or Director of Human Resources will appoint an investigator, who may be a trained faculty member, administrator or professional staff, or an external professional. Marywood shall ensure

to the extent possible that there will be no real or perceived conflicts of interest by those handling the investigation.

Upon receiving a formal complaint, the investigator promptly will commence a thorough investigation. Investigations will be conducted as expeditiously as possible and the University will endeavor to complete them within sixty (60) calendar days after the complaint, either formal or informal, is filed. This timeframe may vary, however, depending on a number of factors, including, but not limited to, confidentiality requests, the availability of witnesses, the scope of the investigation, and any unforeseen circumstances.

During the investigation, the investigator will update the complainant and respondent when and as appropriate and reasonable under the circumstances, typically every twenty (20) days.

The investigation may include, where appropriate, interviews with the complainant, the respondent, and witnesses identified by either party at the beginning of or during the course of the investigation, as well as the examination of documentation. Both parties are encouraged to present potential witnesses and relevant documentation.

Should the investigation include meetings with the complainant and/or the respondent, the complainant and the respondent are permitted to be accompanied by an advisor of their choice. Advisors may attend proceedings with their advisee but may only speak to their advisee. Advisors may not interrupt or otherwise disrupt proceedings. All communication throughout the entire investigatory process will be directed to the advisee.

The University cannot guarantee equal advisors. The University has counselors and other employees who may be able to assist in the proceedings, and upon request, the University will provide such assistance to either party. The University is not responsible for paying for the services of an attorney or other outside advisor.

Both parties are allowed to discuss and share information relating to their complaint with others that may support or assist them in presenting their case. Advisors are expected to keep all information shared private.

Individuals may request review of documents included within the investigatory file. Due to privacy issues, some of the documentation may be redacted prior to the request being honored. Requests to review documentation should be addressed to the Title IX Coordinator or Director of Human Resources.

Upon conclusion of the investigation, the investigator will provide a written report of their investigation to the Title IX Coordinator or Director of Human Resources. As appropriate, the Title IX Coordinator or Director of Human Resources will share with the complainant and the respondent the outcome and/or conclusions rendered by the

investigator. The complainant and respondent will have five (5) calendar days to provide feedback or any other response to the outcome and/or conclusions of the investigator.

If the respondent admits to the charges, or in instances where the investigator determines that no violation of the Policy occurred, the investigator and the Title IX Coordinator or Director of Human Resources will determine sanctions and/or make other recommendations and then conclude the investigation.

In all other cases, the Title IX Coordinator or Director of Human Resources will appoint a decisionmaker, who may be a University employee or an external professional. The decisionmaker may meet with the investigator, witnesses, including the complainant and/or respondent, or alternately may direct the initial investigator to interview additional persons.

The decisionmaker will determine based on a preponderance of the evidence whether the respondent violated the Policy. The decisionmaker will then provide disciplinary recommendations to the /Title IX Coordinator or Director of Human Resources. After a decision is made concerning resolution of the complaint and any disciplinary actions to be imposed, the Title IX Coordinator or Director of Human Resources will notify simultaneously the complainant and the respondent in writing of the outcome of the investigation. Such notification will include the allegations, findings based on a preponderance of the evidence, rationale, and sanctions in accordance with the Policy and applicable laws. The /Title IX Coordinator or Director of Human Resources will notify any other parties of recommendations assigned to them.

**Sanctions**

If the respondent is found responsible for violating this Policy, action will be taken to eliminate the discriminatory or harassing conduct, including, but not limited to, extending the supportive actions, as well as issuing a warning, a no contact order, suspension, transfer, discharge, or dismissal of the respondent. If it is determined that the complainant knowingly made a false complaint, the complainant shall be subject to disciplinary action. The University reserves the right to modify sanctions depending on the facts and circumstances of the particular incident.

**Appeal**

Either party, if not satisfied with the final decision of the hearing panel and the Title IX Coordinator or Director of Human Resources will have ten (10) calendar days after receipt of the outcome to file an appeal for one of the following reasons:

1. Presentation of new evidence;
2. Allegation that relevant evidence was not considered;
3. Allegation of procedural error;
4. Disproportionate sanctions.

Appeals must be in writing and submitted to the Title IX Coordinator or Director of Human Resources, who will determine within three (3) calendar days whether the appeal has merit based on one of the above- reasons. The Title IX Coordinator or Director of Human Resources then will forward the written appeal to a neutral and impartial appeal officer, who may be a University employee or external professional. The appeal officer will review and make a determination on the merits of the appeal, which will be communicated to the parties in writing within thirty (30) calendar days of receipt of the appeal. The decision of the appeal officer is final and binding.

## No Retaliation

Retaliation of any kind is prohibited. Anyone who in good faith reports conduct that they reasonably believe constitutes a violation of this Policy, or who cooperates and/or participates in an investigation of an incident under this Policy, shall not be subjected to retaliation. Any student complainant or student witness who believes they have been subjected to retaliation, should contact the Title IX Coordinator or Interim Vice President of Academic Affairs as soon as possible. Any employee complainant or employee witness who believes they have been subjected to retaliation should contact the Director of Human Resources. Anyone found to be in violation of this retaliation provision may be subject to disciplinary action. Further, individuals who knowingly make false reports may be subject to sanctions depending on the facts and circumstances of the particular incident.

## Resources

A list of Marywood and community resources is available at the Human Resources Office, the Center for Well-Being, MyHealth Marywood – Student Health Clinic, and the Office of Student Disabilities Services.

Students are encouraged to use the services of the Center for Well-Being, MyHealth Marywood – Student Health Clinic, and the Office of Student Disabilities. Employees are encouraged to contact the University's Employee Assistance Program (EAP) or the Director of Human Resources for a list of providers.

## Related Policies:

*Interim Title IX Policy*
*Parenting, Pregnancy, or Related Conditions Policy*

**History of the Policy:**

**11/04/21 – The establishment of this policy was approved by the President of the University as recommended by the Policy Committee of the University at their 10/29/21 meeting. This policy replaces the Nondiscrimination and Complaint Procedures Policy dated 11/10/20 which was recommended for abolishment by the Policy Committee of the University at**

**their 10/29/21 meeting, and approved by the President of the University on 10/29/21.**
**09/30/2022- The Vice President for Finance and Administration approved the title change to Director of Human Resources from Executive Director of Human Resources and the update to contact information.**
**10/10/2022- The Vice President for Finance and Administration approved the title change from Director of Human Resources to Director of Human Resources and the update to contact information.**
**03/07/2023 - The President of the University approved revisions to the policy upon recommendation of the President's Cabinet.**
**07/31/2024 - Lisa A. Lori, J.D., President of the University, upon recommendation of the President's Cabinet at their July 31, 2024 meeting, approved revisions to the policy to comply with new federal regulations issued by the United States Department of Education, Office for Civil Rights (OCR).**
**08/28/2026 – Non-substantial changes made to update the name and contact information of the Title IX Coordinator and names of campus resources.**

**MARYWOOD UNIVERSITY**
**POLICIES AND PROCEDURES**
**Mary Theresa Gardier Paterson, Esquire**
**Secretary of the University and General Counsel**