



**Lackawanna  
COLLEGE**  
2024 - 2025  
Student  
Handbook

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# Welcome to Lackawanna College

Dear Student,

Congratulations on choosing Lackawanna College! On behalf of the members of the faculty and staff, it is my pleasure to welcome you to our community. We can provide you with a life-changing educational experience, and we invite you to take advantage of the challenging and rewarding opportunities we present.



Lackawanna College boasts a long history of service to our students and community. For more than a century, it has provided opportunities for people at all academic levels to learn, grow, renew, and excel. Our graduates can be found throughout the country being shining examples of what can be accomplished with hard work and a dedicated faculty and staff.

Serving as the College's ninth President is both an honor and a privilege. I am humbled by the fact I oversee an institution that has so much to offer. We are committed to our mission and policy of being an open enrollment College. We will continue to expand niche programs in fields such as Health Sciences, Petroleum and Natural Gas, Hospitality, Business, Criminal Justice, Human Services, Professional Studies and now Career Technology, allowing our graduates to excel in high-demand fields.

We are also committed to the region outside of our main campus in Scranton where we see unlimited opportunities for the people of Bradford, Wyoming, Susquehanna, Wayne, Pike, Luzerne, and Northumberland counties. The amazing stories of student achievement that have come from our six satellite centers located in Tunkhannock, Towanda, Hazleton, Hawley, Sunbury, and Covington Township, inspire us to increase efforts to grow Lackawanna College throughout northeastern PA.

Equally as important, we recognize that post-secondary students are not the only population we serve. Many teens, children, parents, and adults from the region have benefitted from Lackawanna College's presence. Whether it is learning about the world around them through our Environmental Institute's educational seminars, getting a head start through our pre-college programs, or furthering one's career through our numerous Continuing Education programs, there are opportunities for all area residents to engage in life-long learning.

Finally, Lackawanna College enjoys the reputation of being agile in its response to emerging community and industry need for training and education. While well-earned, we must continue to maintain that reputation through curricular and program innovations. As a learning institution, everything we do must be rooted in meeting the needs of our students.

Sincerely,

## Notice of Non-Discrimination

Lackawanna College is committed to providing a welcoming environment for all members of our community and to ensuring that all educational and employment decisions are based on individuals' abilities and qualifications. Lackawanna College does not discriminate in its educational programs, employment, admissions or any activities on the basis of race, color, religion or creed, national or ethnic origin, age, disability, pregnancy, sex/gender, gender identity and/or expression, sexual orientation, marital or family status, military or veteran status, genetic information, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

Consistent with this principle, Lackawanna College will comply with state and federal laws such as the Pennsylvania Human Relations Act or other applicable state law, Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Ethnic Intimidation Act of 1982 (P.L. 537-154) and other laws that prohibit discrimination.

As a recipient of federal financial assistance for education activities, Lackawanna College complies with Title IX of the Education Amendments of 1972 to ensure that all its education programs and activities do not discriminate on the basis of the categories stated above, including in admissions and employment. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and this Policy.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational or employment access, benefits and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the College's policy on nondiscrimination.

The following persons have been designated to handle inquiries regarding the nondiscrimination policies:

**Kelly Schneider, Esq.**

Title IX Coordinator

Healey Hall Room | (570)961-7890 | [SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu)

**Abbey Judge, Ed.D.**

Affirmative Action Officer/Director of Pre-College Programs/

Deputy Title IX Coordinator

Healey Hall | (570) 955-1516 | [JudgeA@lackawanna.edu](mailto:JudgeA@lackawanna.edu)

**Gopu Kiron, Ed.D.**

Affirmative Action Officer/Associate Dean of eLearning  
and Information Literacy

Seeley Hall | (570) 504-7929 | [KironG@lackawanna.edu](mailto:KironG@lackawanna.edu)

Additional information regarding Title IX requirements and how to file a complaint with the Office of Civil Rights: Office of Civil Rights at [www2.ed.gov](http://www2.ed.gov) (800) 421-3481. Philadelphia Office: Office for Civil Rights U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323. Telephone: (215) 656-8541 or Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

## About the Student Handbook

This handbook contains current information regarding Lackawanna College's policies, procedures, regulations, rights and responsibilities, and services. The statements in this handbook are for informational purposes. The College reserves the right to change any provisions or requirements, including tuition and fees, at any time within the student's term of attendance. No contract is created or implied.

For updates to the Handbook, please refer to the College's website at [www.lackawanna.edu](http://www.lackawanna.edu)

Lackawanna College will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sexual orientation, disability, age, religion, ancestry, union membership, gender identity or expression, or any other legally protected classification. Announcement of this policy is in accordance with state law, including the Pennsylvania Human Relations Act, and with federal law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Americans with Disabilities Act of 1990. Any complaint of harassment or discrimination pertaining to education should be directed to one of the following Equal Opportunity/Affirmative Action Officers:

**Abbey Judge, Ed.D.**

(570) 955-1516 | [JudgeA@lackawanna.edu](mailto:JudgeA@lackawanna.edu)

**Gopu Kiron, Ed.D.**

(570) 504-7929 | [KironG@lackawanna.edu](mailto:KironG@lackawanna.edu)

# About Lackawanna College

## Mission

Lackawanna College's mission is to provide a quality education to all persons who seek to improve their lives and better the communities in which they live.

## Vision

The College's vision is to be the nationally recognized, premier open-enrollment college of choice.

## Core Values

Lackawanna's core values include a commitment to:

- ❖ Academic quality
- ❖ Value/affordability
- ❖ Social and economic impact
- ❖ Meaningful partnerships with industry, other institutions of higher education, regional K-12 entities, and other non-profits
- ❖ Student support and engagement that meets learners where they are
- ❖ Diversity in all its forms
- ❖ Employee empowerment/culture

## Curriculum

### Curriculum Mission Statement

Lackawanna's faculty strives to fulfill the College's institutional mission within the various curricula sponsored by individual departments. These curricula offer students opportunities to advance their knowledge in a variety of disciplines and to pursue a number of different career goals. Irrespective of academic interest or career choice, however, all matriculating students at the College are expected to achieve mastery of designated learning goals through curriculum-wide study, practice, and demonstration.

The overall College Curriculum Mission Statement is as follows:

Lackawanna College is an educational institution, which seeks to empower its students with the knowledge, skills and attitudes that will enable them to:

- ❖ Solve problems and communicate effectively.
- ❖ Foster personal and professional growth.
- ❖ Contribute to community betterment.
- ❖ Promote a spirit of inquiry and a desire for lifelong learning.



## Institutional Learning Goals

**Critical Thinking:** Critical thinking is the ability to apply recognized principles of logic from across the curricula to the analysis of judgments, values, or extended presentations. The critical thinker can subject personal work as well as publicized statements to rational analysis. This individual is also able to apply logical principles in ways that solve problems effectively through information-seeking and objective evaluation. Finally, this individual can develop and practice critical reading skills necessary for success by interpreting, evaluating, and applying what one reads to real-life situations.

1. All students subject a hypothesis to critical analysis utilizing data, and authoritative expertise either to confirm or refute their points of view.
2. All students analyze complex problems and propose feasible solutions based upon the application of logic and knowledge.
3. All students evaluate critically the underlying assumptions behind generally accepted viewpoints and “conventional wisdom.”
4. All students demonstrate respectful skepticism in utilizing information for decision-making.

**Communication Skills:** Communication skills are those capacities which enable a person to express ideas orally and in writing in a clear, correct, concise, and thoughtful style. These capacities include the ability to listen carefully, to read with confidence, and to comprehend the material. Communication skills will be delivered through a variety of media, including, but not limited to, websites, social networks, email, presentation, and written word.

1. All students demonstrate the ability to communicate effectively both orally and in writing through careful reading and listening.
2. All students assert and develop a thesis by applying established expository or persuasive modes.
3. All students prepare and present an oral argument and deal with audience response fairly and courteously.

**Diversity Awareness/Global Awareness:** Diversity/global awareness refers to one’s sensitivity to the socio-economic, political, cultural, and ecological environment. Such awareness is extended to more global dimensions when taking into account the multitude of nations, races, traditions, belief systems, values, and

lifestyles that constitute the worldwide community of humankind. Achieving this goal should enable one to live and work harmoniously with diverse populations.

1. All students subject a hypothesis to critical analysis utilizing data, and authoritative expertise either to confirm or refute their points of view.
2. All students analyze complex problems and propose feasible solutions based upon the application of logic and knowledge.
3. All students evaluate critically the underlying assumptions behind generally accepted viewpoints and “conventional wisdom.”
4. All students demonstrate respectful skepticism in utilizing information for decision-making.

**Ethics:** Respect for and acceptance of others’ social and ethical beliefs are demonstrated by attitudes of openness, empathy, and good will toward all lifestyles and philosophies that do not infringe upon another person’s freedom. Individuals will establish clear ethical directives for themselves and demonstrate a level of maturity and respect for others in thought, work, and action. Individuals will also be able to make informed decisions on moral questions, particularly those involving plagiarism, cheating, or lying. Finally, individuals will be able to recognize racism, discrimination, sexism, and other forms of intolerance as elements which negatively challenge open-mindedness, empathy, and mutual respect.

1. All students establish clear moral directives.
2. All students demonstrate a level of maturity in thought, word, and action.
3. All students are able to make informed decisions on moral questions, particularly those involving plagiarism, cheating, or lying.
4. All students recognize racism, discrimination, sexism, and other forms of intolerance as elements which subvert open-mindedness, empathy, and mutual respect.

**Teamwork/Collaboration:** Teamwork/collaboration involves one’s ability to work effectively with others in common activity. An effective team member commits talents and resources to the common project or goal and contributes fully to its joint achievement. Individuals are encouraged to commit to community involvement and establish leadership skills through this process.

1. All students demonstrate knowledge of various leadership styles and the ability to work effectively with persons of various backgrounds in all types of group settings.

2. All students demonstrate understanding of the process of problem-solving in a group setting.
3. All students demonstrate negotiation skills and the ability to develop agreed- upon goals through consensus-building.
4. All students demonstrate the ability to initiate and carry out projects in a group setting.

**Lifelong Learning:** A life-long learner is willing to update and upgrade skills periodically to develop abilities, to supplement knowledge long after a degree has been earned, and to add on to previously learned concepts and formulations to test and apply the continuing relevance throughout one's life.

1. All students demonstrate effective research and information management skills.
2. All students demonstrate the ability to apply effective job finding skills.
3. All students demonstrate understanding of the continuing impact of societal, technological, governmental, and economic forces on their professional lives.
4. All students demonstrate perseverance and learn from mistakes as they self- direct life-long learning.

**Knowledge Application:** Knowledge application refers to how a person translates theoretical or abstract concepts into practical applications. Such knowledge affects one's work, thinking, environment, social life, and family life daily.

1. All students understand the connections among theoretical, practical, and experiential knowledge as the bases for their thinking and for their life experience in society and within families.
2. All students demonstrate the ability to construct knowledge, manifest an in- depth understanding of knowledge through the use of primary resources and connect knowledge to value beyond the classroom.
3. All students demonstrate the ability to solve semi-structured problems where hypotheses must be formed and tested.
4. All students demonstrate the ability to identify knowledge gaps and solutions to pursue needed information.

**Science/Technology Skills:** Science and technology skills are those aptitudes and competencies which enable one to utilize contemporary science and technology, both in the workplace and in one's personal life, knowledgeably and effectively.

These skills are not necessarily those of an expert, but they are consistent with the level of scientific and technical development manifested in one's personal and professional environment.

1. All students demonstrate familiarity with common applications of contemporary technology and can appreciate its usefulness in solving varying problems.
2. All students demonstrate mastery of practical skills using computer hardware and software as tools in their course of study.
3. All students manifest a level of scientific literacy commensurate with established academic and career directives.

**Information Literacy:** Information literacy is the capability to determine what information is needed and to locate, evaluate, organize, and properly credit the information for a specific task or presentation. Familiarity with standard print, non-print, and electronic information resources and research techniques is an essential element in this skill set.

1. All students are able to determine their research needs.
2. All students are able to locate and access necessary reference works, books, journals, and other printed, non-print and electronic information resources skillfully and confidently.
3. All students are able to evaluate critically the usefulness, relevance, scholarly accuracy and veracity of the print, non-print, and electronic resources they may access for a particular assignment.
4. All students understand how best to utilize the resources essential to support a thesis statement in a learned manner.
5. All students adhere to Lackawanna College's academic integrity policy as well as have a functioning knowledge of copyright law.

## Department Directory

Students can access the full Lackawanna College directory, including key offices and faculty contacts, on the College's website and Portal. Current students can access department phone numbers, emails, and appointments through the Starfish link in any Canvas course.

## Lackawanna College Satellite Centers

Lackawanna College's main campus is in Scranton, Pennsylvania, but the College also has satellite centers across Northeastern Pennsylvania, each offering different and unique programs. Lackawanna College also has a 5,000 square-foot facility, which houses the Environmental Education Center.



**Scranton (Main) Campus**  
 501 Vine Street  
 Scranton, Pennsylvania 18509  
 Phone: (570) 961-7810  
 Fax: Admissions (570) 961-7843

**Environmental Education Center**  
 93 MacKenzie Road  
 Covington Township,  
 Pennsylvania 18444  
 Phone: (570) 842-1506  
 Fax: (570) 955-1535

**Hazleton Center**  
 2 East Broad Street  
 Hazleton, Pennsylvania 18201  
 Phone: (570) 459-1573  
 Fax: (570) 459-1958

**Lake Region Center**  
 8 Silk Mill Drive  
 Hawley, Pennsylvania 18428  
 Phone: (570) 226-4625  
 Fax: (570) 226-4671

**Sunbury Center**  
 Sunbury Plaza  
 45 N. 4th Street  
 Sunbury, Pennsylvania 17801  
 Phone: (570) 988-1931

**Towanda Center**  
 1024 South Main Street  
 Towanda, Pennsylvania 18848  
 Phone: (570) 265-3449  
 Fax: (570) 265-2730

**Tunkhannock Center**  
 420 Tioga West Plaza, Suite 104  
 Route 6  
 Tunkhannock, PA 18657

Telephone: (570) 866-1900

Phone: 1 (877) 346-3552

## Office of Enrollment Information

### Purpose and Support

The Enrollment Department at Lackawanna College provides a supportive, trustworthy enrollment experience that empowers its students and future graduates to be successful. We provide an equal opportunity for every student to set educational goals that are realistic, challenging, yet motivating and achievable. Our Enrollment Counselors encourage students to concentrate on career goals in the pursuit of their college education. The enrollment team assists individuals of various ages and academic backgrounds with admission to courses and programs suitable to their interests and goals, while always maintaining an “open door” policy for students who are seeking advice, guidance, or answers to their questions.

### Personal Referral

We have found that some of our best students are those personally recommended to us by students who are currently attending Lackawanna College, or graduates and individuals just like you. Referring a family member, friend, colleague, or someone you think will benefit from a Lackawanna College education is very important to us. Recommending an individual to the college can be both a positive and rewarding experience for the both of you. While we are able to provide a “life changing” opportunity to achieve a college degree, you are also “changing” that person’s “life.” Once you refer a future Falcon to us, rest assured our Enrollment team will be supportive and help guide them through the enrollment process successfully.

To contact an enrollment department please call (570) 961-7898 or email [admissions@lackawanna.edu](mailto:admissions@lackawanna.edu).



# Schedules and Calendars

# Academic Calendars

## FALL 2024

August 26 (Mon)	Fall Semester Begins
August 28 (Wed)	Last Day to Add An Online Class
August 30 (Fri)	End of Drop/Add
Sept 1 (11:59pm Sun)	Drop Date For Subterm 1 Online Students Not Participating In Module 0
September 2 (Mon)	Labor Day/College Closed
September 4-13	First Advising Period
September 27 (Fri)	Last Day to Withdraw Without Academic Penalty From Subterm 1
October 14 (Mon)	College Closed/Columbus Day/Indigenous People Day
Oct 21-Nov 5	Advising/Online Registration
October 18 (Fri)	Subterm 1 Ends
October 21 (Mon)	Subterm 2 Begins
October 23 (Wed)	Last Day to Add An Online Class
Oct 27 (11:59pm Sun)	Drop Date For Subterm 2 Online Students Not Participating In Module 0
November 11 (Mon)	Veteran's Day/College Closed
November 13 (Wed)	Last Day to Withdraw Without Academic Penalty From On-ground Classes
November 25 (Mon)	Last Day to Withdraw Without Academic Penalty From Subterm 2
Nov 27-Nov 29	Thanksgiving Break
Dec 9-Dec 13	Finals Week

## INTERSESSION 2025

January 6 (Mon)	Interession Begins/Last Day to Add an Online Class
January 10 (11:59pm Fri)	Drop Date
January 17 (Fri)	Last Day to Withdraw Without Academic Penalty
January 20 (Mon)	College Closed / MLK Jr. Day
January 24 (Fri)	Interession Ends

## SPRING 2025

January 27 (Mon)	Spring Semester Begins
January 29 (Wed)	Last Day to Add An Online Class
January 31 (Fri)	End of Drop/Add
February 2 (11:59pm Sun)	Drop Date For Subterm 1 Online Students Not Participating In Module 0
February 5-Feb 14	First Advising Period
February 17 (Mon)	Presidents' Day Observed/College Closed
February 28 (Fri)	Last Day to Withdraw Without Academic Penalty From Subterm 1
March 3-7 (M-F)	Spring Break
March 21 (Fri)	Subterm 1 Ends
March 24 (Mon)	Subterm 2 Begins



March 24- April 8	Advising/Online Registration
March 26 (Wed)	Last day to Add An Online Class
March 30 (11:59pm Sun)	Drop date for Subterm 2 online students not participating in Module 0
April 4 (Fri)	Last day to withdraw without academic penalty from On ground classes
April 17-18(Thurs, Fri)	College Closed
April 25 (Fri)	Last day to withdraw without academic penalty from Subterm 2
April 29 (Tues)	Honors Convocation
May 12-16	Finals Week
May 17 (Sat)	Graduation

## SUMMER SESSIONS 2025

### Subterm 1

May 27 (Tues)	Summer Subterm 1 begins
May 29 (Thurs)	Last day to add an online class
June 1 (11:59pm Sun)	Drop date for online students not participating in Module 0
June 13 (Fri)	Last day to withdraw without academic penalty
June 27 (Fri)	Summer 1 ends

### Subterm 2

June 30 (Mon)	Subterm 2 begins
July 2 (Wed)	Last day to add an online class
July 4 (Fri)	College Closed
July 6 (11:59pm Sun)	Drop date for online students not participating in Module 0
July 18 (Fri)	Last day to withdraw without academic penalty
Aug 1 (Fri)	Subterm 2 Semester ends

### Subterm 3

Aug 4 (Mon)	Subterm 3 begins*
August 22 (Fri)	Subterm 3 ends*

\*Class starting and ending times vary. Please see full schedule for more details.

## Class Cancellations

Cancellations due to inclement weather will be announced by 6 a.m. for day classes and 3 p.m. for evening classes. Cancellations will be announced on all major television and radio stations as listed below and through the RAVE emergency messaging system for Apple and for Google. When the College opens late, you will be advised in the message if it is a delayed schedule or compressed schedule. Scranton campus usually follows a compressed schedule and satellite locations will vary.

Television: WBRE 28, WYOU 22, WNEP 16

Radio: WARM 590 AM, Magic 93 (92.9 FM), 97 BHT (97.1 FM & 107.7), WKRZ (98.5 FM), WEZX Rock 107 (106.9 FM)

Monday, Wednesday, Friday	
Regular Schedule	Compressed Schedule
1st Period .....8 - 8:50 a.m.	1st Period.....9:30 - 10:10 a.m.
2nd Period.....9 - 9:50 a.m.	2nd Period .....10:20 - 11 a.m.
3rd Period ..... 10 - 10:50 a.m.	3rd Period .....11:10 - 11:50 a.m.
4th Period ..... 11 - 11:50 a.m.	4th Period..... Noon - 12:40 p.m.
5th Period.....Noon - 12:50 p.m.	5th Period .....12:50 - 1:30 p.m.
6th Period ..... 1 - 2:15 p.m.	6th Period .....1:40 - 2:30 p.m.
7th Period..... 2:30 - 3:45 p.m.	7th Period ..... 2:40 - 3:30 p.m.
8 <sup>th</sup> Period.....4 - 5:15 p.m.	8th Period.....4 - 5:15 p.m.

Tuesday, Thursday	
Regular Schedule	Compressed Schedule
1st Period ..... 8 - 9:15 a.m.	1st Period.....9:50 - 10:40 a.m.
2nd Period..... 9:30 - 10:45 a.m.	2nd Period .....10:50 - 11:40 a.m.
3rd Period.....11 a.m. - 12:15 p.m.	3rd Period ..... Noon - 12:50 p.m.
BREAK .....12:15 - 1 p.m.	BREAK ..... CANCELLED
4th Period..... 1 - 2:15 p.m.	4th Period..... 1 - 2:15 P.M.
5th Period..... 2:30 - 3:45 p.m.	5th Period ..... 2:30 - 3:45 p.m.
6th Period.....4 -5:15 p.m.	6th Period.....4 - 5:15 p.m.

## Scranton Compressed Schedules

The above schedules will go into effect whenever a compressed schedule is announced. Depending on the timing of inclement weather, the College may open at noon. Morning classes would be cancelled, offices would open at noon, and scheduled classes would be held starting at noon. This notification will be announced as all other delays. Currently, these delays are provided via the RAVE app and via local television and radio stations.

## Scranton Final Exam Schedule

Final exams for Fall and Spring semesters will be held during week 16 of the semester. Please refer to the following table for exam scheduling.

Monday Classes Meet At	Monday Final Exams Meet At
8 a.m.	8 - 10 a.m.
10 a.m.	10:10 a.m. - 12:10 p.m.
Noon	12:20 - 2:20 p.m.
2:30 p.m.	2:30 - 4:30 p.m.
6 p.m.	6 - 8 p.m.

Tuesday Classes Meet At	Tuesday Final Exams Meet At
8 a.m.	8 - 10 a.m.
11 a.m.	10:10 a.m. - 12:10 p.m.
2:30 p.m.	12:20 - 2:20 p.m.
5:30 p.m.	5:30 - 7:30 p.m.

Wednesday Classes Meet At	Wednesday Final Exams Meet At
9 a.m.	8 - 10 a.m.
11 a.m.	10:10 a.m. - 12:10 p.m.
1 p.m.	12:20 - 2:20 p.m.
4 p.m.	2:30 - 4:30 p.m.
6 p.m.	6 - 8 p.m.

Thursday Classes Meet At	Thursday Final Exams Meet At
9:30 a.m.	8 - 10 a.m.
1 p.m.	10:10 a.m. - 12:10 p.m.
4 p.m.	12:20 - 2:20 p.m.

Friday Classes Meet At	Friday Final Exams Meet At
Make-Up Day or Evening	Only for students who miss finals for legitimate reasons (at the faculty member's discretion and appointment made). Students must contact instructor prior to the missed exam.

## Scranton Final Exam Compressed Schedule

Because adverse weather conditions may cause the College to either delay opening or to close entirely on any given day during final exam week, the following contingencies may go into effect:

### Closing

If the College must be closed, all exams for the affected day or evening will be given on Friday of exam week. The exact same schedule should be followed on Friday as was published for the lost day.

## Compressed Schedule

If the College is forced to announce a compressed schedule for any morning during exam week, the following adjustments will be made. Unless otherwise announced, evening final exams will run at the regularly scheduled time.

	If Your Regular Class time Is:	Compressed Schedule For Final Exam Will Be:
MONDAY	8 a.m. 10 a.m. Noon 2:30 p.m.	9:30 - 11:30 a.m. 11:40 a.m. - 1:40 p.m. 1:50 - 3:50 p.m. 4 - 6 p.m.
TUESDAY	8 a.m. 11 a.m. 2:30 p.m.	9:50 - 11:50 a.m. Noon - 2 p.m. 2:10 - 4:10 p.m.
WEDNESDAY	9 a.m. 11 a.m. 1 p.m. 4 p.m.	1 p.m. 11:40 a.m. - 1:40 p.m. 1:50 - 3:50 p.m. 4 - 6 p.m.
THURSDAY	9:30 a.m. 1 p.m. 4 p.m.	9:50 - 11:50 a.m. Noon - 2 p.m. 2:10 - 4:10 p.m.

## Interruption of Service Policy

In the event of an unanticipated impact to instruction, the Lackawanna College administration will support each Division Chair and/or Program Director in developing an appropriate plan for all impacted areas of study. These plans will consider all modalities of instruction, including but not limited to, converting lecture-based content to an online format. These plans will also address necessary space and equipment requirements to assure continuity of the educational experience and follow all state and federal health/safety regulations and guidelines. Final plans will require approval by AVP of Academic Affairs/Dean of Health Sciences or Dean of Curriculum and Faculty Affairs. Students will be made aware of these changes to classroom formatting verbally and/or in writing, with frequent updates provided. In the event of requiring change to a course modality, college staff will reach out to all students impacted to assure continuity of educational services and meet each individual need.



**Academic  
Information**

# Academic Information

## Process to Formally Appeal A Course Grade

Students have the right to appeal their course grades. Please remember that the responsibility to judge student performance and assess student learning rests solely with the instructor. Rarely are instructor grades overturned. For grades to be overturned, one of the two following criteria must be demonstrated:

1. The instructor failed to follow the grading policies and procedures outlined in the course syllabus.

OR

2. The instructor considered irrelevant or capricious factors in determining the course grade.

If a student believes that one of these criteria was present, he or she may make a formal appeal to change the grade. The appeal process includes the following steps:

1. The student must begin the appeal process by contacting the instructor and completing the Formal Grade Appeal Form located on the Portal. Understanding that students may be out of town at the time grades are posted, students may begin the appeal process via phone or email. The student has the right to review all their assignment grades as well as any other factors that were considered by the instructor in determining the course grade.
2. If the student is not satisfied after meeting with their instructor, they may appeal to the appropriate division chair or program director. The student should be prepared to demonstrate why a grade change is warranted, including documentation that the grade was reached in error or that irrelevant factors were considered.
3. If the student is not satisfied after meeting with the appropriate division chair or program director, they may appeal to the supervisor of the division chair or program director, i.e. The Dean of Curriculum and Faculty Affairs or the Associate Vice President of Academic Affairs. The student should again be prepared to demonstrate why a grade change is warranted, including documentation that the grade was reached in error or that irrelevant factors were considered.
4. If the student remains unsatisfied, the final step of the appeal process is to meet with the College Provost, who will consider the student's case and render a decision. All grading decisions made by the College Provost are final.

Please note that grades must be appealed in a timely fashion. Grades must be appealed before the end of the first week of the subsequent semester. All fall grades must be appealed one (1) week into the following spring semester; spring grades must be appealed one (1) week into the following fall semester. If the student needs further assistance in determining how to contact the required faculty/staff member, please contact [academics@lackawanna.edu](mailto:academics@lackawanna.edu).

## **Change of Degree Levels (Non-Graduates)**

Students are not permitted to change degree levels (i.e., Associate's to Bachelor's or vice versa, and Certificate Program to Associate's or Bachelor's degree) after the official start of the semester. Students who wish to change degree levels must submit this request to the Student Success Center and the Registrar's Office at least one week prior to the start of the semester. Students who request to change degree levels must also meet with Student Financial Services, as any change in degree levels could have a potential financial impact within the current year as well as future funding/repayment. Each potential impact is unique and should be discussed prior to requesting the official change in degree.

Students who have earned credits while registered as an associate or bachelor's degree-seeking student may not be retroactively awarded a UG certificate for courses completed in a previous semester or semester(s).

Students wishing to change their degree level after completing an associate degree should fill out the Change of Degree form on the portal. The form will be approved or denied by the Student Success Center after a student consults with Student Financial Services and then forwarded on to the Registrar for final approval and processing.

## **Change of Major**

Any student desiring to change majors should meet with their academic advisor, an advisor in the Student Success Center, or their center advisor to complete a Change of Major form and review the requirements of the new curriculum to ensure that the appropriate courses are scheduled. Please note that a change in major may delay timely completion of graduation requirements. If the student has transfer credits from another college, reevaluation of these credits by the Registrar's Office is necessary and could result in an adjustment in the number of credits accepted for transfer. The change of major is effective in the subsequent semester.

## **First Year and Graduation Seminars**

**COL 101** - Freshman Experience is a course for first semester students at Lackawanna College intended to maximize the benefits of the college education by developing supportive relationships with faculty, staff, and classmates. Emphasis will be placed on the college experience, academic skills, life skills, and institutional values.

Note: College 101 is a mandatory course for all students. Students may not withdraw from COL 101 except full college withdrawal). Failure to complete the course will result in a grade of F, and students who earn an F will be required to repeat the course. A transfer student earning at least 12 credits with a minimum cumulative GPA of a 2.00 has an option to take a waiver quiz. Contact Student Success for more information [studentsuccess@lackawanna.edu](mailto:studentsuccess@lackawanna.edu).

**COL 201** - The Capstone is the culmination of the Lackawanna College learning experience for all associate graduates. Students will reflect on their overall experience, demonstrating how education has been applied to illustrate the values of a profession. Students will gather important information and tools necessary to prepare all for success in post-college employment and / or future education.

Note: COL201 is mandatory for all students. Students who fail this course will repeat in subsequent semester or Subterm. Student who ultimately fail will receive a failing grade on their transcripts, which will affect their overall GPA.

\*\* Some specialty programs embed the COL 101/201 objectives into other courses. See curriculum guides for details.

\*\* Bachelor programs have major-specific capstone requirements built into the final semester of curriculum. Students should refer to the relevant curriculum guides for details.

## Academic Complaints

### Concerns About Teaching Faculty or Academics

If a student has concerns about teaching faculty or academics, the student should meet with the faculty member, if feasible. If not satisfied, the student should then meet with the division chairperson or the appropriate program director. If still not satisfied, the student may meet with the Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/Dean of Health Sciences or their designee. If not satisfied, please contact [academics@lackawanna.edu](mailto:academics@lackawanna.edu).

### Concerns With Policy, Regulation, and/or Procedure

If a student has concerns with policy, regulation, and or procedure, the student should meet with a staff member. If not satisfied, the student should then meet with a staff member's supervisor. If still not satisfied, the student meets with the College Provost. If the student needs further assistance in determining how to contact the required faculty/staff member, please contact [academics@lackawanna.edu](mailto:academics@lackawanna.edu). Meetings can be in-person or set up via Teams or phone.



# Graduation, Honors, and Alumni

All students meeting graduation requirements for December, May, or August graduation must complete an application for graduation through their Capstone – COL 201 or COL 401/441 class.

All potential graduates are required to register for the Capstone class and complete all class requirements. The College is not responsible for those students who fail to apply by the deadline, as graduation orders must be placed well in advance. Students who meet requirements but do not apply for graduation will not be listed on the graduation roster, nor will completion of degree be indicated on the student transcript. No diploma will be ordered for students who do not apply for graduation.

For any questions regarding graduation requirements, please contact the Registrar.

## Graduation Honors

The graduation program and the bachelor's degree, associate degree, or certificate diploma will indicate scholastic honors as follows:

- ❖ Summa cum laude (with highest honors): 3.90 – 4.00 Cumulative Quality Point Index.
- ❖ Magna cum laude (with high honors): 3.80 – 3.89 Cumulative Quality Point Index.
- ❖ Cum laude (with honors): 3.70 - 3.79 Cumulative Quality Point Index.

## President's List

A matriculated student qualifies for the President's List if they achieve a Cumulative Quality Point Index (CQPI) of 3.5 or better for at least 24 earned Lackawanna College credits. In the most recently completed semester, the student must have earned at least 12 credits.

## Dean's List

A student qualifies for the Dean's List if they achieve a CQPI of 3.2 for the semester and the student has completed at least nine (9) credits during the semester.

## Alumni Association

Upon graduating, students will be inducted into the Lackawanna College Alumni Association. To learn more about the Alumni Association and how to get involved as a student, contact the Office of Advancement by calling (570) 961-7841 or email [alumni@lackawanna.edu](mailto:alumni@lackawanna.edu).

## Internships and Conferral Dates

Final grades for internships must be submitted prior to conferral dates so the Registrar's Office can audit the student record, confer it, and submit to NSC for mandated reporting. Students who do not complete internship hours by the end of the term in which the internship is registered can apply for an incomplete. However, the grace period will end five (5) days prior to the next available conferral date. Degrees for students who do not meet these deadlines will be conferred on the following conferral date.

## Diploma Name Change Policy

Change of Name/Address Forms for the documentation and processing of name and/or address changes are available at the Registrar's Office and on the Portal. Processing of a name change will not be completed without legal documentation of the name change, such as a driver's license, Social Security card, etc. It is the student's responsibility to keep the College informed of any changes. If an updated diploma is requested after distribution, a fee of \$20 will apply for new document. A diploma re-order must be accompanied with official name change documentation. While preferred name, pronoun, and address changes can be made on the portal, these changes cannot be put on the diploma without legal documentation.

## Schedule Changes

### Schedule Adjustments (Drop/Add)

Students may consider dropping or adding a class during the first week of each semester or the period designated for each Subterm/Summer/Winter Session. Dates are listed in the Student Handbook, College Catalog, website, and on the portal. Please refer to health sciences program handbooks for additional limitations of drop/add for these selective admission programs. A drop/add form is used to adjust a schedule with the equivalent number of credits or to add credits to the current semester load.

An advisor from the Student Success Center in Scranton or center personnel must approve drop/add requests. If a student's credit load is being increased by a schedule adjustment, a Financial Aid advisor may also need to approve the drop/add form. If schedule changes result in a decreased credit load, a withdrawal form must be completed (see withdrawal information in next section).

## Leave of Absence Policy

A leave of absence is an official period during which a matriculating student is not currently enrolled. Lackawanna College students may request a leave of absence from the College for up to two consecutive semesters or one year by completing a form available online (portal). Approval from an academic advisor is required. If a student requests a leave of absence during a semester in which they are currently enrolled, a college withdrawal form must also be completed and processed.

Students following this procedure are governed by the degree requirements that exist at the time of application for leave. However, the student must understand that this policy does not bind the College to offer their curricula or major programs which may have been discontinued or substantially altered during their leave of absence.

Students on leave who do not return within the one-year time frame must reapply for admission in the event they wish to return. Upon their readmission, current curriculum requirements will apply.

A student on a leave of absence will be considered by any loan lender to be not enrolled in school and will receive notices regarding repayment of any loans. Students who begin a leave of absence during a semester need to consult the refund policy and discuss their financial obligations with the office of Student Financial Services.

Deferment of student loan repayment due to a leave of absence is only available in limited circumstances.

## Withdrawal from Course or College and Exit from Lackawanna

Student withdrawals without academic penalty will be accepted up to and including the final date to withdraw as indicated on the Academic calendar. To officially withdraw from a course or from the College, a student must obtain the Withdrawal from Course/College/Exit/Leave of Absence form from the Student Success Center or Center Advisor/Director. This form must be completed, signed by the persons specified and filed with the Registrar's Office before the last day to withdraw without academic penalty as indicated on the calendar. The Athletic Department MUST sign for any athlete who wishes to withdraw from a course or courses and the Chair of Academic Development or Center Advisor MUST sign for those students withdrawing from developmental courses. All students must speak to someone from Student Financial Services to understand the impact of the withdrawal on their financial status at the College.

Refund of tuition for properly filed withdrawal forms will be based on the refund policy (the refund policy is maintained on the portal under the Student Financial Services information page).

Official withdrawals will result in a "W" grade on the student transcript, which is not calculated in the QPA. If a student stops attending a course for which he or she is registered after the published census date without having officially withdrawn from the course, the student will be assigned an "AW" (failure) for the class. A student must formally withdraw to change the AW to a W in the required withdrawal timeline. The importance of an official withdrawal cannot be over-emphasized.

Students should consider the following before withdrawing from a class:

- ❖ If a full-time student, will the student remain at full-time status (12 credits)? Dropping below full-time status may affect financial aid.
- ❖ When will the course again be offered, and is the course needed before taking an advanced course?
- ❖ Has tutorial assistance been sought, or has the professor been asked for help?

Students need to be aware that withdrawing from classes will slow down progression toward completion of a chosen program of study. Should a student enrolled in a specialty program complete the withdrawal process from a program-specific course, this may result in the student's inability to continue progressing within the program. Please refer to specialty program handbooks for additional information. It is required that students consult an advisor in the Student Success Center advisor, Center advisor, and Financial Services advisor before withdrawing from a class.

It is required that students consult with an advisor in the Student Success Center, Center/Program Director, or Designee prior to completely withdrawing from the college.

Refund of tuition for properly filed withdrawal forms will be based on the Refund Policy, which can also be accessed on the Student Financial Services portal page.

If a currently registered student decides not to return to Lackawanna College for the next semester, they should complete the "Exit from LC" section of the form. This should be completed ONLY if the student is not registered for classes for the next semester (a withdrawal form is then required). Current students are advised that they may break enrollment for one academic year (two full semesters) before needing to return to the College as an admissions reentrant.

## Failure to Withdraw

If a student stops attending a course for which they are registered after the published census date (end of drop/add), without having officially withdrawn from the course, the student will be assigned an AW (penalty-grade failure) for the class. The student will be directed to officially withdraw from the class by the published date (last day to academically withdraw). If the student does not officially withdraw from the course by the designated date, the AW will remain on official transcripts. After Week 10 of the fall/spring semester, students will no longer be dropped from courses for lack of attendance and will instead receive the course grade earned, assuming zeros on all missed assignments, projects, tests, quizzes, participation, etc. Students should contact the Student Success Center or their Center Advisor to process the official withdraw.

New students who do not attend in-person or Subterm one courses in the first two weeks will be dropped from Subterm two courses at the start of week three with the exit reason as "never attended." These students may contact their enrollment counselor to enroll as a new student for sub-term two after week four of the semester.

## Second Degree

Students completing requirements for one associate degree who decide to apply for a second associate degree must complete a minimum of 15 additional credit hours not required for the first degree at the College. If a student is pursuing a second bachelor's degree, they must complete a minimum of 30 additional credit hours not required for the first degree. These additional credits exclude COL101, DEV courses, and COL201 and COL401. If the student applies for graduation under both majors during the same academic year, the student will receive one diploma with both degrees listed. Students should contact the Student Success Center or Center Advisor to discuss the process for applying for a second degree.

## Student Dismissal from Class or Program

An instructor has the right to dismiss a student from a class or program according to the following process.

Additionally, students registered in one of Lackawanna College's specialty programs and/or athletics should refer to the program/athletic policy for more specific information regarding this process. Please note that programs may have specific policies that require following a different dismissal process than listed below. Violation of the Student Code of Conduct could warrant an escalation of these warnings based on circumstances:

### Step 1: Verbal Warning

The instructor provides a verbal warning to the student. The warning shall identify the undesirable behavior and describe the acceptable behavior. Verbal warnings will be documented electronically in the College's Disciplinary Warning System through Starfish. The appropriate office (Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/Dean of Health Sciences, Center Director, and/or Designee) will receive an email copy of the warning. The student receives an email stating that they must contact their instructor immediately regarding the verbal warning and that failure to do so could escalate the consequences of the warning.

### Step 2: Written Warning

The instructor provides a written warning to the student via the College's Disciplinary Warning System found within Starfish, with reference to the previous verbal warning. A copy of the correspondence will be sent to the appropriate office (Dean of Curriculum and Faculty Affairs, Dean of Students, Associate Vice President of Academic Affairs/Dean of Health Sciences, Center Director and/or Designee), and the student will be notified that they must contact one of the above offices to schedule an appointment. For behavior violations, the student will be required to meet with the Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences, Center Director, or Designee before being allowed to return to class. The student will receive a letter signed by the Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences,

Center Director, or Designee to return to the instructor after this meeting to verify that they did meet with the required office and have an action plan.

### **Step 3: Request For Dismissal**

The instructor provides a written request for the student's dismissal from class via the College's Disciplinary Warning System in Starfish. A copy will be sent to the student and the appropriate office (Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences, Center Director, and/or Designee), and the student will be notified to contact one of the above offices to schedule a mandatory appointment. The appropriate office (Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences, Center Director or Designee) will respond within three (3) business days.

### **Step 4: Dismissal**

The appropriate office (Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences, Center Director, or Designee) will have a letter delivered to the student notifying the student of the dismissal from class within three (3) business days of notification. The dismissal will be effective the date the correspondence or announcement is issued. A student may have the right to appeal the dismissal from class or program. In the case when a student is dismissed without appeal, no further recourse is available. Students may waive this right when responsibility is taken or when they choose to accept dismissal. The dismissal letter will include instructions regarding the process to appeal the decision if an appeal is applicable, and if an appeal is made, the student will be scheduled to appear before the College Appeal Board. The letter will advise the student of the potential effect that a dismissal may have on their financial aid. A copy of the letter will be sent to the instructor and the College Provost.

### **Step 5: Student Appeal**

Students executing their right to appeal the dismissal may appeal to the College Appeal Board, which is comprised of one officer from the Student Government Association or another student leader, Residence Life Director or designee, faculty member or designee, Student Wellness Program staff or designee, and Dean of Curriculum and Faculty Affairs or designee. Please refer to the Student Dismissal from Class or Program Appeal Policy in the Academic Policy section of the Handbook.

## **Transcripts**

Following the completion of a term, transcripts will include all official course grades. In case of a discrepancy between the grade displayed in the Canvas LMS and the transcript, the transcript grade shall be considered the official record. Official Lackawanna College transcripts are requested online through the National Student Clearinghouse.

You can order a transcript by going to our website under Registrar's Office and simply follow the step-by-step instructions listed. Please have the correct recipient/receiver's email address available for the electronic order delivery. A transcript is not issued to or for a student who is in debt to Lackawanna College.

If you attended our Continuing Education Program and are requesting a transcript, please call (570) 504-1586 or e-mail [ContinuingEducation@lackawanna.edu](mailto:ContinuingEducation@lackawanna.edu).

If you attended our Paramedic Program and are requesting a transcript, please email [registrar@lackawanna.edu](mailto:registrar@lackawanna.edu).

NOTE: Transcript requests will not be processed if a financial and/or administrative hold is on record.

## Transfer of Credit to Lackawanna College

Before a student can be considered for transfer evaluation, they must apply to the College as a matriculating student. The student must then request that official transcripts be forwarded to the Registrar's Office. Lackawanna College's transfer policy requires that all transfer credits completed before initial enrollment be submitted no later than the official start date of the student's first semester. Previous coursework will be evaluated by the Registrar in direct relation to the student's declared major.

Only credit for courses with grades of C- or better may be accepted in transfer regardless of the method of delivery. Transfer of coursework from other institutions is granted as credit only unless prior written approval has been obtained to repeat and replace a course in transfer (see Repeated Coursework). Credits eligible for transfer evaluation include, but are not limited to, those earned at institutions that have been accredited by the following organizations:

- ❖ Middle States Association of Colleges and Schools
- ❖ New England Association of Schools and Colleges
- ❖ North Central Association of Colleges and Schools
- ❖ Northwest Association of Schools and Colleges
- ❖ Southern Association of Colleges and Schools, Inc.
- ❖ Western Association of Schools and Colleges
- ❖ Accrediting Commission for Community and Junior Colleges
- ❖ Accrediting Commission for Senior Colleges and Universities

Credits earned at non-accredited institutions, foreign institutions, or institutions accredited by organizations other than those listed above are evaluated for transfer at the discretion

and consensus of the Registrar, College Provost, and corresponding division chair/program director.

Credit earned at foreign institutions must be evaluated by a professional transcript evaluation service before transfer credit will be reviewed. AP and CLEP exams will be reviewed for possible transfer credit once the Registrar's Office receives an official score report directly from the College Board.

Transfer of Credit earned prior to 20 years before the student's application will be at the discretion of the Registrar.

\*Transfer evaluation of Vascular Technology, Diagnostic Medical Sonography, Cardiac Sonography, Physical Therapist Assistant, Occupational Therapy Assistant, Surgical Technology and Nursing curriculum candidates are based upon criteria specified in program guidelines and according to program-specific accreditation standards.

## Transfer of Credit Subsequent to Matriculation

To assure transferability, any degree seeking Lackawanna College student who elects to take coursework at an outside institution with the intention of transferring it back to Lackawanna College must obtain written approval from the Registrar. Forms requesting permission to transfer credit from outside institutions to Lackawanna College are available on the portal under Registrar's Office. Course descriptions must be submitted with requests, and a minimum of five (5) business days will be required for review and approval. Requests should be sent to the Registrar.

# Academic Affairs Policies

## Academic Development Policy

Academic Development coursework is designed to provide students who may require additional instruction with the basic reading, writing, and mathematics skills they will need to find success at the college level. The College uses SAT, ACT, and/or ACCUPLACER scores to determine the proper placement of students.

This coursework is considered a prerequisite before any additional courses may be taken in the corresponding area. Academic Development courses receive institutional credit only. They may not be used in any of the College's curricula, but the grades earned in developmental courses will be calculated into the student's GPA.

The developmental courses are DEV 010 Basic Writing Skills, DEV 020 Reading for College, and DEV 030 Basic Math Skills. The bridge courses are ENG 102 Fundamentals of Writing, ENG 103 Critical Reading, and MAT 110 Introduction to Algebra. Bridge courses may be used as a free elective in some programs.



Progression from DEV courses is as follows:

DEV 010 – Basic Writing Skills – Students must earn at least a “B-” grade in DEV 010 before they may enroll in ENG 105. Students receiving less than a “B-” are required to enroll in and successfully complete ENG 102, Fundamentals of Writing, before moving on to ENG 105. Students who earn a D+, D, or F must repeat the course.

DEV 020 – Reading for College – Students receiving less than a “B-” in DEV 020 are required to enroll in and successfully complete ENG 103, Critical Reading. Students may not enroll in PSY 105 while enrolled in Reading for College; however, they may enroll in both PSY 105 and ENG 103 in the same semester. Students who earn a D+, D, or F must repeat the course.

DEV 030 – Basic Math Skills – Students enrolled in DEV 030 must successfully complete the course with a C- (70%) or better to enroll in MAT 110 (Introduction to Algebra). Students who earn a D+, D, or F must repeat the course. Students will not be allowed to enroll directly into MAT 120 (College Algebra) without successfully completing MAT 110.

Policies Applicable to DEV and Bridge-Level Courses:

1. A student may only take a developmental or bridge level course if he or she places or progresses into it. If a student wishes to take a developmental or bridge course without placing or progressing into it for a specific educational reason, he or she may appeal this policy to the Academic Development Division Chair.
2. Students who place into all three developmental courses may not enroll in the college after the first day of the term (semester or Subterm).
3. Full-time students who place into one or more developmental or bridge-level courses must enroll in these courses in their first semester. Full-time students who progress from a developmental course to a bridge course in the same content area must take the bridge course in the semester immediately following the developmental course.
4. Part-time students who place into one or more developmental or bridge-level courses must enroll in one or more developmental or bridge courses each semester until all developmental and/or bridge requirements are completed. Students may appeal this policy to the Chair of the Academic Development Division.
5. Students will not be allowed to register for any science course until required developmental coursework has been successfully completed. Students may appeal this policy to the Chair of the Academic Development Division.

Exceptions will be made ONLY after the Academic Development Division Chair and academic advisor review all academic information with the student.

6. A student who tests into all three developmental courses (DEV 010 Basic Writing, DEV 020 Reading for College, and DEV 030 Basic Math) may not take more than 16 credits in their first semester.
7. English Language Development (ELL 030) is a four-credit course designed to provide students who may require additional instruction with the basic reading and writing skills they will need to find success at the college level. Students are placed in the English Language Development course by identifying as non-native speakers as well as the score earned from SAT, ACT, and/or ACCUPLACER. This course is considered a prerequisite before any additional courses may be taken in the corresponding area. The English Language Development course is institutional credit only. It may not be used in any of the College's curricula. ELL 030 does calculate in the student's GPA. Students who place into ELL 030 are enrolled into the Professional Studies major. Students can change their major after successful completion through the progression of ELL 030 and Academic Development coursework. Students who earn at least a 70% in ELL 030 move to ENG 102 and ENG 103. Students who earn less than a 70% will move to DEV 010 and DEV 020. ELL 030 is offered in person at our Scranton campus. Students who test into ELL 030 but choose to take online classes can appeal this course through the Academic Development division chair. Students who opt out of ELL 030 will take DEV 010 and DEV 020. A student who would like to take ELL 030 out of progression may appeal to the Academic Development Division Chair for permission to do so.

## Academic Integrity Policy

Academic dishonesty in any form, such as plagiarism and cheating, will not be tolerated. Sanctions will include an automatic 0% grade for plagiarism on the assignment in question, but the severity or frequency of the violation may further result in a failing grade in the course, dismissal from an academic program, or dismissal from the College. The following are among the forms of dishonesty for which sanctions may be applied:

- ❖ Using books, notes, or other materials during an examination, unless expressly permitted.
- ❖ Using purchased essays, term papers, or preparatory research for such papers.
- ❖ Copying others' work or engaging in unauthorized cooperation during an assignment or examination.

- ❖ Allowing another student to copy from an examination or other assignment intended to be performed independently.
- ❖ Borrowing from published works, whether material is taken verbatim or with minor alterations without proper and/or sufficient acknowledgment.
- ❖ Submitting as one's own work originally done by someone else.
- ❖ Submitting the same written report in more than one course without prior approval from the instructor(s) involved.
- ❖ Stealing examinations or assignments.
- ❖ Supplying or selling examinations or assignments.
- ❖ Misrepresenting statements concerning work submitted.
- ❖ Falsifying or fabricating experimental data or results.
- ❖ Falsifying or fabricating the need for extensions on papers or make-up examinations; and
- ❖ Misrepresenting identity in an online course.
- ❖ The submission of text or other material generated by AI (artificial intelligence) not expressly allowed by the instructor.

The purpose of the Academic Integrity Policy is to ensure that faculty oversees the application of sanctions resulting from academic dishonesty and that due process is provided to all parties. The primary responsibility for maintaining personal integrity and honor in academic activities rests with the student. Lackawanna College reserves the right to use plagiarism detection tools, such as Plagiarism Check or similar. Lackawanna College's faculty members have agreed to proceed in a uniform manner whenever they detect violations of academic integrity. Therefore, regardless of the form these violations take (see list above), and regardless of the class, location, or instructor, an offending student (or students) will incur the same penalty: a grade of 0% for the assignment. This action will be taken immediately after the violation has been reported and, unless reversed through the appeal process (see below), will remain in effect.

If a student violates the Academic Integrity Policy for a second time, the offense will result in a failing grade (F) in the course. This action will be taken immediately after the violation has been reported and, unless reversed through the appeal process (see below), will remain in effect no matter the consequences to one's financial aid, athletic eligibility, or overall academic standing. Repeated violations of the Academic Integrity Policy may also result in dismissal of the student from an academic program or from the College. Under unusual circumstances, the provost reserves the right to dismiss the student from a class or an academic program after the first infraction of the Academic Integrity Policy.

All violations of the Academic Integrity Policy are reported through the College's Disciplinary Warning System, Starfish. Instructors may request that the Dean of Curriculum and Faculty Affairs counsels students after a first violation. Students will be required to meet with the Dean of Curriculum and Faculty Affairs after their second violation.

## Academic Integrity Appeal Process

The student has the right to appeal the action of the instructor and/or Dean of Curriculum and Faculty Affairs when accused of a violation of the Academic Integrity Policy if one of the following criteria are present:

- ❖ **Unsupported finding:** The instructor and/or Dean of Curriculum and Faculty Affairs reached a conclusion about the academic integrity offense that was not supported by evidence.
- ❖ **New information:** The student has new information that was not available at the time of the original decision.
- ❖ **Procedural error:** The instructor and/or Dean of Curriculum and Faculty Affairs did not follow the Academic Integrity Policy when responding to academic integrity offense.

A student who wishes to appeal an academic integrity offense must contact the Associate Vice President of Academic Affairs (AVPAA) to request the appeal in writing within three days of the action taken by the instructor and/or Dean of Curriculum and Faculty Affairs, describing in detail which of the above criteria are met in the situation. The AVPAA will review the request for appeal, and if the AVPAA determines that one of the above criteria have been met, the AVPAA will assemble an appeal board to investigate further.

Academic Integrity Appeal Boards will consist of three members of full-time faculty, program staff, eLearning Department leadership, and/or the Registrar. Appeal Boards will be responsible for considering the original accusation and information from the instructor along with the student's appeal based on the above criteria. The outcome of the appeal will be based on a majority vote of the Appeal Board. The Appeal Board will communicate the outcome of the investigation in writing to Academic Affairs leadership.

Possible outcomes include:

- 1. Upholding the original offense and consequence:** In this case the zero grade on the assignment (first offense) or the final grade of F in the course (second offense) will stand.
- 2. Overturning the original offense and consequence:** In this case the zero grade on the assignment (first offense) or F in the course (second offense) will be overturned. The instructor will work with Academic Affairs leadership to provide the student a reasonable opportunity to make up the work in the form of either a new attempt at the original assignment or an alternative assignment related to the same learning outcome(s).

\* All decisions of the Appeal Board are final.

# Academic Standing Policies

## Good Academic Standing

To qualify for a degree, a student must attain a minimum G.P.A of 2.0 and satisfy all curriculum requirements. Students in good academic standing must have the minimum progress requirements to prevent them from being placed on academic probation, academic suspension, or receive an academic dismissal as described below. Students in specialty programs should refer to their program handbook for additional information.

## Academic Probation

The following criteria will be used in determining Academic Probation

Credits Attempted	Minimum Progress (GPA)
1-11 (freshman)	1.75
12-31 (freshman)	1.85
32+ (upperclassman)	2.0

## Minimum Progress Requirements

To avoid academic dismissal, a student on Academic Probation must attain in the next semester a Cumulative Grade Point Average (CGPA) that meets the following minimum progress requirements.

Credits Attempted	Minimum Progress (GPA)
0-31	1.85
32+	2.0

Students on Academic Probation are referred to the Commit to Success Program. They will meet with a member of the Student Success Center or Center personnel designee to identify their strengths/barriers to academic success and create an academic plan.

Commit to Success is a support program designed to develop/improve academic skills to better the education of students with an academic probation status. Students will meet with the Academic Success Coach or Center Designee throughout the semester to create an academic success plan.

## Program Policy

- ❖ Students must attend (in-person or virtually) the three sessions provided by the academic success coach or center director throughout the semester.
- ❖ During these sessions, students will learn the strategies and tools needed to be successful in and out of the classroom.

- ❖ Students can enroll in a maximum of 13 credits during the semester that they are on probation.
- ❖ Students are only eligible to register for the following semester upon completion of the Commit to Success program. There will be a hold placed on their account until the completion of the program. This hold will only keep them from registering; it will not interfere with their ability to complete any coursework.
- ❖ Students are also required to complete their FAFSA and meet with a member of the Financial Aid office prior to registering.
- ❖ Upon completion of the program, students will receive a certificate of completion.
- ❖ Students are required to attend (in-person or virtually) a success workshops throughout the semester.

Students on Academic Probation should contact the Success Coach at [studentsuccess@lackawanna.edu](mailto:studentsuccess@lackawanna.edu) or their Center Advisor to enter into the Commit to Success program to ensure continuous enrollment in the college.

## Academic Suspension

A student on Academic Probation whose Cumulative Grade Point Average falls below the College's minimum progress requirements as listed above will be suspended. A suspended student ordinarily cannot register for courses in the subsequent semester. Once a student is on probation and then falls below the required academic progress, they are automatically put on academic suspension.

If a suspended student believes that extenuating circumstances contributed to academic difficulties during a particular semester, they may appeal the suspension to the Lackawanna Appeals Committee prior to the date published within the notification letter.

Students are permitted to appeal their academic suspension one time. If a student is academically suspended for a second time, they will be academically dismissed from the College. See the Academic Dismissal Policy for details.

To appeal an academic suspension and obtain the requirements to overcome suspension, the student should email [appeals@lackawanna.edu](mailto:appeals@lackawanna.edu). Students who appeal an academic suspension and are subsequently approved to return to the College because of a successful appeal must show academic progress in their first semester upon return. In this case, academic progress is defined upon successful appeal and documented via the student's success plan. If a student on suspension does not show progress during their first semester following a successful appeal or does not achieve good academic standing after two semesters, the student will be dismissed. Good academic standing is defined as a GPA of 1.85 for a student who has completed 1-31 credits or a GPA of 2.0 for a student

who has completed more than 31 credits. If a student returns after appealing an academic dismissal but does not show progress after their first semester upon return or does not achieve good academic standing after two semesters upon return, the student will be dismissed without appeal.

## Academic Dismissal

A student on Academic Probation whose Cumulative Grade Point Average falls below a 1.50 or who is academically suspended for a second time will be academically dismissed from the College. Academic Dismissal is permanent unless, with good cause, the student may reapply to the College after one calendar year and be accepted under special consideration by the Lackawanna College Appeals Committee. Students in specialty programs should refer to their program handbook for additional information. To request an appeal for an academic dismissal, a student should email [appeals@lackawanna.edu](mailto:appeals@lackawanna.edu). Financial aid eligibility is a separate policy, and the student must contact the Student Financial Services to verify eligibility. A student must be in good disciplinary standing to be removed from academic suspension. Students on disciplinary probation or suspension should contact the Student Accountability and Restorative Practices office for their disciplinary status at (570) 955-1522.

Students who appeal an academic dismissal and are subsequently approved to return to the College because of a successful appeal must show academic progress in their first semester upon return. In this case, academic progress is defined upon successful appeal and documented via the student's success plan. If a student previously dismissed does not show progress during their first semester following a successful appeal or does not achieve good academic standing after two semesters, the student will be dismissed with no appeal. Good academic standing is defined as a GPA of 1.85 for a student who has completed 1-31 credits or a GPA of 2.0 for a student who has completed more than 31 credits.

### Deadlines for Academic and Financial Aid (SAP) Suspension/Dismissals Appeal

To return for:	
Fall Semester	3 weeks before Fall semester begins
Spring Semester	2 weeks before Spring semester begins

To adequately prepare for your return, appeals received after these deadlines will be considered for the following term.

## Attendance Policy

Class attendance and engagement are crucial to student success and are expected in all in-person and online courses. Students are responsible for all content, assignments, and announcements shared during class. Make-up work in any missed class is at the discretion of the instructor, per the instructor's course policy located in the syllabus.

If a student does not attend class by the end of the drop/add period, he or she will be removed from the class as “never attended” and will not be allowed back into the class. If a student no longer wants to remain in a course, the student should contact the Student Success Center or Center Academic Advisor to discuss the policy for course withdrawals.

The standard attendance policy is as follows:

Deadlines: Academic Suspension/Dismissals	Maximum Number of Absences Allowed
DEV010, DEV020, DEV030	The equivalent of one week of class
100 and 200 level courses	The equivalent of two weeks of class
300 and 400 level courses	To be determined by instructor
On-ground Sub-term Courses (Culinary, Baking & Pastry, Hospitality)	The equivalent of one week of class
Clinical Coursework and fieldwork in the Health Sciences	To be determined by the instructor

Students enrolled in credit-bearing courses at Lackawanna College will be administratively withdrawn (AW) from any course(s) in which they accumulate absences beyond the maximum number allowed. This will be recorded as an AW on the student’s transcript and will calculate as an F unless a student finalizes the withdrawal prior to the last day to withdraw from courses. Changes in credit hours due to AWs or withdrawals may impact financial aid/billing, so students should contact Student Financial Services prior to any changes in credit hours. Students wishing to withdraw or not be impacted by the AW, should contact their Advisor or the Student Success Center to officially withdraw from class (see Withdrawal from Course or College).

After week 10, students who are passing a course will no longer be administratively withdrawn from the course for lack of attendance and will instead receive the course grade earned, assuming zeros on all missed assignments, projects, tests, quizzes, participation, etc. However, a student with a course grade of F after week 10 may still be administratively withdrawn by the instructor. These norms will apply for traditional fall and spring semester schedules. Separate scales will be devised for intersession and summer sessions. Students enrolled in online classes should refer to the Attendance Policy for Online Courses, which is included here and in each online course syllabus.

The Office of Student Success or Center Advisor can provide additional guidance related to these situations.

Program-specific attendance requirements may supersede general attendance requirements.

Attendance for in-person classes will be tracked in Starfish daily.



## Attendance Policy Appeal

Appeals for perceived errors related to the attendance policy and its enforcement may be made in writing to the Dean of Curriculum and Faculty Affairs or Associate Vice President of Academic Affairs/Dean of Health Sciences. The appeal must include documentation to substantiate the request. Appeals must be made in a timely manner, and all decisions of the Dean of Curriculum and Faculty Affairs are final.

## Planned Absences

If a student expects to be absent for any of the following reasons, the student must inform their instructor as soon as possible in writing, prior to the missed course meeting. If a student or College designee reports that a student will be absent for one of the following reasons, the student may be excused for an additional absence. Instructors may require verification of planned absences. Students should be aware of each instructor's policy regarding missed assignments and alternative academic engagement.

- ❖ Travel considered part of the instructional program of the College (e.g., school sponsored field trips)
- ❖ Travel as part of a team or organization that is representing the College (e.g., club field trips, NJCAA competition, etc.)
- ❖ Jury duty or other official civil service such as National Guard (see also leave due to military service)
- ❖ Religious Holidays

## Unforeseeable Absences

Students who cannot attend class for an extended period due to an unforeseen circumstance, such as house fire, accident, severe weather, funeral, etc. should contact all applicable instructors immediately to determine next steps. This communication must take place before the student exceeds the number of allowed absences in the course. The student should also inform the Student Success Department of the concern. A student can find the correct alert in Starfish to start the notification process.

If a student must miss class due to medical reasons or extended military leave, the student should refer to the Leave Due to Medical Exigency and Leave Due to Military Service policies.

## Attendance Policy – Online Courses

Students enrolled in credit-bearing courses at Lackawanna College will be administratively withdrawn from any course(s) in which they accumulate absences beyond the maximum number allowed. This pertains to online courses as well. Attendance is defined by participating in an academic activity within the online classroom, which includes making posts and replies in a course-related graded discussion forum or submitting a course-

related written assignment. Students who fail to participate in an academic activity in an online classroom as described above prior to the last day to drop/add will automatically be dropped from the course.

- ❖ Students are required to engage in discussion by making an initial post to the instructor's prompt by the assigned day of the week (Wednesday), and then submitting the required number of replies by the end of the week (Sunday). Please note that the initial post by Wednesday is separate from the three replies due by Sunday. Students are encouraged to responsibly manage their time, participate in the online course as early in the week as possible (while also being mindful of other obligations and responsibilities).
- ❖ Students who do not participate in any course-related discussions AND who do not submit any course-related assignments for any ONE week (prior to the last day to withdraw for the Subterm) will be DROPPED from the course.
- ❖ Students who do not participate in any discussions AND who do not submit any assignments for any ONE week (after the last day to withdraw for the Subterm) will receive zeros on all missed discussions/assignments.
- ❖ Students who have a course grade of F and do not submit any assignments for any ONE week after the last day to withdraw for the Subterm may be dropped by the instructor.
- ❖ It is the responsibility of the student to formally withdraw from the course through the Student Success Center or center advisor, or see withdrawal from course policy.

If a student anticipates missing class for an extended period of time, 3 days or longer, the student should reach out to the Student Success Center, prior to the absence, to discuss options regarding the Active Military Service Leave Policy or the Medical Exigency Policy.

## Leave Due to Medical Exigency

If a physician determines that a student requires medical treatment during a semester and is unable to continue in their coursework, the College has mechanisms in place to protect the student's academic and financial status as follows:

- ❖ If a student requires medical treatment for more than 14 calendar days, he or she will be unable to continue in on-ground courses. If a student requires medical treatment for more than 7 calendar days, he or she will be unable to continue in online courses.
- ❖ If a student misses up to 14 calendar days of an on-ground class and/or up to 7 days of an online class for medical treatment, a member of the Student Success Office will assist the student in developing an academic plan to catch up on missed work and assignments upon the student's return. The Manager

of Student Success or designee will collaborate with faculty members, tutors, and the Student Wellness Office to create an individualized plan for the student's re-entry into coursework.

- ❖ If a student requires medical treatment for more than 14 consecutive calendar days (and/or 7 days for an online class) during the first three weeks of the semester, the student will be “dropped” from classes as if he or she never attended and given a full refund. Summer and Intersession dates will be prorated – 8 days for summer sessions, 3 days for Intersession to receive full refund and be “dropped” from the classes.
- ❖ If a student requires medical treatment for more than 14 consecutive calendar days (and/or 7 days for an online class) after 70% of the semester or term is complete, the Student Success Office will initiate the Incomplete Policy on the student's behalf for all classes in which the student has a passing grade when the student is unable to proceed. Per the College's Incomplete Policy, the student will have 30 days from the end of the semester to complete coursework. Otherwise, the Incomplete turns to an F. If a student chooses not to pursue an Incomplete at the time of initiation of the medical leave, or if the student does not have a passing grade in a course or courses, he or she may withdraw without academic penalty.
- ❖ If a student requires medical treatment for more than 14 consecutive calendar days (and/or 7 days for an online class) between week 3 and the 70% mark of the semester (Week 11 for ground courses), the student will be withdrawn without academic penalty. This will begin after day 8 for summer sessions and day three for Intersession courses through their 70% mark.
- ❖ In all cases, if a student chooses to return to the College at any point after their medical leave, the Student Success Office will help create an individualized support plan.

If any student, at any location, anticipates missing class for an extended period of time, 3 days or longer, due to medical reasons, they should reach out to the Student Success Center prior to the absence to discuss the medical exigency policy options. Students can raise the medical concern alert in Starfish to begin this process. If a student was unable to notify Student Success prior to their medical absences, they should reach out immediately upon return to class.

## Leave Due to Military Service

The purpose of this policy is to facilitate and support the transition of students ordered to active military service. The following procedure will be observed:

1. The student notifies Student Success of their “Order to Active Military Service.”

2. The student is required to produce a copy of their official military orders directing them to report for active duty, which will be copied and retained in the student's academic file. (A fax copy is not acceptable.)
3. The "Ordered To Active Military Service" form found on the portal must be completed, and it is recommended that he or she see their advisor, their Student Success Coach, Center Director, or Manager of Student Success and appropriate professors to discuss and determine the best possible option (specific options follow) given the circumstances. Once the best option is determined, the completed form will be signed by the student and faculty members (where applicable) and returned to the Office of the Registrar.
4. OPTIONS (the following are guidelines; the student elects the option):
  - a. If coursework is at 70% or more of completion, the student may consider accepting Incomplete (I) grades. Full tuition charges will apply, and the student will be given every reasonable opportunity to complete their coursework. Faculty approval is required for this option. A student will have 8 weeks subsequent to semester's end to complete coursework with their instructor. Should extenuating circumstances be present which delay timely completion, an appeal for extension may be made in writing to the Dean of Curriculum and Faculty Affairs. The results of said appeal will be conveyed by the Dean of Curriculum and Faculty Affairs to pertinent administrative departments (Registrar, Financial Services, Student Success).
  - b. If the semester is close to completion, the student may confer with their instructors and the Manager of Student Success to determine if an early final might be allowed, and final grades assigned. Faculty approval is required for this option.
  - c. If coursework is not near completion, the student may consider withdrawal with full tuition refund or tuition credit.
  - d. The student may elect a combination of the above. Faculty approval is option. If option D is taken, the course specifics will be noted on the form.
5. The student selecting option C will be asked if they elect a tuition refund or credit. This will be noted on the form.
  - a. The student will be advised to obtain departmental signatures. Once completed, the form will undergo data processing and distribution. Departmental procedures are as follows:
  - b. The Student Financial Services Department will administer the student's tuition in accordance with the option chosen. Should the student elect option A, B or D, any applicable tuition will be billed to the student, a deferred payment may be available. Where applicable, Residence and

Meal Plan charges will be pro-rated from the date the student takes leave of the college.

- c. The Student Financial Services Department will adjust or remove all financial assistance if the student elects option C and notify the student's lending institution if they have borrowed a federal student loan. The office will forward a copy of the student's "Order to Active Military Service" papers to the student's lenders.
  - d. The Registrar's Office will withdraw students from any subsequent semester courses for which they are pre-registered, process the selected option and retain the supporting paperwork.
6. If the student is a college resident, the Director of Residence Life will be notified by the Associate Vice President of Student Engagement.

## On-Ground Course Policy Regarding Remote Learning

Students are expected to attend on-ground classes in person according to the applicable published attendance policy. Make-up work in any missed class is at the discretion of the instructor, per the instructor's course policy located in the syllabus. Instructors have no obligation to allow a student to attend an on-ground class remotely via Teams, teleconference, video lecture, etc. unless directed to do so explicitly by the Dean of Curriculum and Faculty Affairs or the AVP of Academic Affairs and Dean of Health Sciences.

## Pregnant & Parenting Student Policy

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." Please refer to the full Pregnant & Parenting Student Policy and Lactation Policy in the Title IX section of the Student Handbook.

## Classroom Behavior Policy

All classes at Lackawanna College must be conducted in an atmosphere characterized by courtesy, respect, attentive interest, and the decorum that prevails in well-organized professional or business meetings. Instructors are obliged to interact with their students in a manner appropriate to such settings. Therefore, profanity, crude humor, intentionally intimidating, sexist or racially offensive assertions, personally degrading remarks directed at individual students, or any other violation of the Student Code of Conduct as published in this Handbook are strictly prohibited in or out of class. Likewise, students are expected to extend every courtesy and consideration to their instructor and classmates. They should remain seated and attentive throughout each class, should not speak unless recognized,

should refrain from sleeping or using cell phones in the classroom, should bring no food or beverages to their classrooms, and should refrain from raising any issue not directly relevant to the subject matter of the particular course they are studying. If a student violates these norms or any part of the Student Code of Conduct in such a way as to invite reprimand, an instructor will proceed according to the policy guidelines (Student Dismissal from Class or Program). By gradually escalating their warnings and actions, as suggested in this process, an instructor may bring about a desired behavioral change with minimum difficulty.

## Credit by Examination Policy

The College wishes to recognize knowledge attained through professional experience or self-study. Matriculated students who feel that they have mastery of the content of a course (as outlined in the course syllabus) may apply for Credit by Examination. The student must seek initial approval from the appropriate division chairperson. If this approval is secured, the Dean of Curriculum and Faculty Affairs or Associate Vice President of Academic Affairs must grant final permission before the Credit by Examination form can be obtained on the portal under Registrar's Office. Students should not presume that all Credit by Examination applications will be approved. Only those courses that lend themselves to completion by examination will be considered for such credit. For more information regarding this policy, please contact the Registrar's office.

Upon the student's completion of the application form, the division chairperson will arrange for a faculty member to administer a comprehensive examination to the applicant. A letter grade is assigned for this examination and included in the computation of the student's Cumulative Quality Point Index. The charge for this service is the cost of one (1) credit, including fees, and is due upon approval. Student Financial Services should be contacted for applicable charges.

## Credit for Experiential Learning Policy

Lackawanna College recognizes that students may have comprehensive experiential learning that may lend itself to verifiable academic achievement. Therefore, the College will allow for an equitable review of experiential learning for the possible granting of credit. Any matriculating Lackawanna College student who has completed a minimum of 15 credits with a 2.0 average or better in residence may apply. To determine whether the student may be considered eligible for Credit for Experiential Learning, the student must contact the appropriate Division Chair/Program Director, Dean of Curriculum and Faculty Affairs, Center Director, or the Registrar. Once eligibility for evaluation has been established, the steps for application are as follows:

1. The student completes and submits a form to the Registrar requesting evaluation for Credit for Experiential Learning. Forms are available at the Registrar's office, or on the Portal at [https://portal.lackawanna.edu/ICS/Student Services/Registrar/](https://portal.lackawanna.edu/ICS/Student%20Services/Registrar/). Applications must be submitted before the

semester in which the student applies for graduations. Applications that aren't submitted within this time-frame will be denied.

2. The request should indicate the course(s) for which the student is requesting consideration and should be accompanied by a portfolio of supporting documentation with clear emphasis on demonstrated learning and proficiency as well as experience. Documentation may include but is not limited to Certificates of Training, Continuing Education Units, etc. Letters of recommendation, job performance evaluations, etc., may also be submitted but will be considered supplemental to the evaluation process. Additionally, a written narrative must be prepared, numbering from three to five pages, which details the student's knowledge, expertise, and experience regarding the area of the requested credit.
3. The student must submit a \$35 non-refundable, processing fee per course (payable to Lackawanna College) at time of application. Upon receipt of the written application and payment, the relevant division chair/program director will review the file and make a determination. Faculty consultants may be called in to offer their expertise. If accepted, the form will be sent to the Dean of Curriculum and Faculty Affairs or Associate Vice President of Academic Affairs for final approval. Students will be notified by email of the College's decision.
4. Once approved, the student is responsible for paying for the cost of one credit per approved course (which is separate from the \$35 processing fee). Once payment is made, the Registrar's office will enter the credits on the student record.

The evaluation for Credit for Experiential Learning is at times a lengthy process and supporting documentation must be sufficient to verify eligibility for credit; therefore, students should not anticipate approval of every Credit for Experiential Learning request.

Please note that Credit for Experiential Learning is not considered to be credit earned "in residence", and, as such, is not graded. Credit(s) granted will be recorded on the student's transcript. A student's CQPI is not affected by Credit for Experiential Learning. Students may not earn more than 15 credits for experiential learning.

Under the College's residence requirement, Lackawanna College will grant associate degrees to transfer students and students otherwise awarded extra-institutional credit after they have fulfilled degree requirements and earned a minimum of 31 credits in residence.

Per College policy, transfer of up to 50% of the required credits (if applicable) for any particular degree program is permitted. The combination of experiential learning credits and transfer credits cannot exceed this limit, and acceptance and approval are at the sole discretion of the Registrar's Office.

## Incomplete Work Policy

The grade of Incomplete (I) is given to a student who, for a reason judged acceptable by the instructor, has not completed all their coursework by the end of the semester. The policy for Incompletes is as follows:

- ❖ Student has completed at least 70% of the coursework.
- ❖ Student is unable to complete the course due to unforeseen circumstances beyond their control.
- ❖ Student is passing the course at the time the petition is filed, and it is possible for them to earn a passing grade if work is completed on time.
- ❖ Student is aware of what is expected of them to complete the assignment(s).

The maximum time allowed to make up an incomplete grade is 30 days after the last day of the semester in which the class(es) occurred. However, the instructor has the right to set a time limit earlier than the allotted time. Once the student completes the work and the instructor submits a change of grade form, the Registrar will send an unofficial transcript to the student. The student is responsible for the change of grade fee. If the work is not completed within the 30 days, your grade will be the grade on record at the time of the Incomplete Petition.

To access the Petition for Incomplete grade form and start the process, visit the Registrar's Office page on the portal and fill out the required form.

## Repeated Coursework Policy

Students may repeat courses to improve an initial grade of C-, D+, D, D-, F, or AW. When a student repeats a course, the initial hours attempted, hours earned, and quality points are excluded from their Cumulative Quality Point Index (CQPI). The highest grade earned for the repeated course is the one used in calculating CQPI. Credit for a course is given only once. Students who wish to repeat a course must do so by registering in a regularly scheduled class. Such courses may not be completed in Reader Course format or through Credit by Examination. Students repeating courses may find that their financial aid and/or veterans' benefits are affected. Therefore, students should consult with the Student Financial Services before registering to repeat a course. Students should meet with their advisor, center advisor, or academic advisor in Student Success to process a repeated course. Students in specialty programs should refer to their program handbook for additional information.

## Student Dismissal from Class or Program Appeal Policy

Students may have the right to appeal a dismissal from class or program. In the case when a student is dismissed without appeal, no further recourse is available. Students may waive



the right to appeal when responsibility is admitted or when they choose to accept dismissal. Students that are registered in one of Lackawanna College's specialty programs and/or athletics should refer to the program/athletic policy for more specific information regarding this process.

In cases where an appeal is granted, a student may appeal their dismissal before the College Appeal Board, which is comprised of one officer from the Student Government Association or another student leader, Residence Life Director or designee, Faculty member or designee, Student Wellness Program staff or designee, and Dean of Curriculum and Faculty Affairs or designee. The Dean of Students or Designee will serve as chairperson of the Board but will not participate in the decision. A Program Director may be requested to present all information related to the incident to the appeal board if applicable.

1. Students wishing to appeal the dismissal decision must submit a written letter or email to the appropriate office (Dean of Students, Dean of Curriculum and Faculty Affairs, Associate Vice President of Academic Affairs/ Dean of Health Sciences, or Center Director), dependent on who issued the dismissal, within three (3) calendar days of the dismissal notice. This letter must be delivered personally to the applicable College Personnel.
2. Upon receipt of the written request for a hearing, the Dean of Students or Designee will notify the members of the College Appeal Board that a formal hearing must convene within three (3) business days. Emergency hearings for special circumstances may happen per the Dean of Students or Designee's discretion in less than three (3) business days.
3. The student will be notified of the date, time, and location of the hearing at least 48 hours in advance unless the Dean of Students or Designee and the student decide that an earlier date is conducive to both.
4. Two-thirds of the Board must be available for a hearing to occur, and a simple majority is necessary for the Board to make a decision. In the absence of Student Government officers, other student leaders may be called upon. A Public Safety representative will likewise be present.
5. The Dean of Students or Designee will present the charges and evidence on behalf of the College or the individual making the charges. The Program Director may be asked to present all information related to the incident to the appeal board if applicable.
6. The accused is entitled to be accompanied by a College faculty member, administrator, or fellow student whose role will be advisory in nature. No one outside of the College community may represent the student in an appeal hearing.

7. A formal hearing includes opening and closing statements from the accused. Neither cell phones nor other electronic devices may be brought to the hearing. A student who attempts to utilize such phones or devices surreptitiously during an appeal hearing immediately forfeits their appeal rights
8. Any party may present witnesses subject to the Board members' determination of the witness's relevance to the case. The members of the Board may ask questions of anyone involved in the proceedings.
9. If, for lack of sufficient reason as determined by the Board, an accused student fails to appear at the hearing, the Chairperson may conduct the hearing without the presence of the accused. If the absence is unexcused, the accused forfeits any right to appeal. No recommendation or imposition of sanctions will be based solely on the failure of the accused to appear.

The Chairperson will notify the student of its judgment after a decision is reached. If the Board upholds the dismissal, the student will be assigned a failing grade and will not be permitted to withdraw. Notification of the results of the hearing will be sent in writing to the instructor, Registrar's Office, Director of Advising, and Athletics if applicable. The Board's decision is final and not subject to appeal, except for circumstances of executive review.

## Student Service Animal Policy

This policy addresses the use of service animals by students with disabilities on the grounds of Lackawanna College and presents a standard of behavior for the animal and student.

### Policy Statement

Pursuant to the Americans with Disabilities Act, the Code of Federal Regulations requires that a public institution modify its policies, practices, and procedures to permit the use of a service animal by an individual with a disability in any area open to the general public. 28 C.F.R. §36.302(c)(1). The Pennsylvania Human Relations Act mandates that a public institution shall not discriminate against any individual who uses guide or support animals. 43 P.S. § 953.

In compliance with the ADA and Pennsylvania law, Lackawanna College recognizes that service dogs can play an important role in facilitating the independence of some individuals with certain types of disabilities. Therefore, an appropriately trained animal, under the control of its partner/handler, may be allowed in campus facilities where animals would typically not be permitted.

The health and safety of Lackawanna College students, faculty, staff, and the service animal are important concerns; therefore, only service animals that meet the criteria described below will be exempt from the rules that otherwise restrict or prohibit animals.

## Definitions

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained, or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. 28 C.F.R. §36.104.

## Documentation Requirements

Students must provide appropriate documentation of their disability that clearly and explicitly explains the need for a service animal and its specific functions to the Department of Academic Development. Two (2) weeks advance notice is recommended in order to make appropriate plans to meet student/animal needs. Additionally, students requiring a service animal who plan to reside in the residence halls must submit a Request of an Exception to the Residential Pet Policy for a Service Animal and comply with the Residence Hall Service Animal Policy. Additionally, if requested, the owner of a service animal must show proof that the animal has met the following regulations:

1. **Licensing:** As appropriate, the animal must meet licensing requirements and wear license tags.
2. **Health records:** As appropriate, the animal must have a health statement, including vaccinations from a licensed veterinarian, dated within the past year. Preventative measures must be taken for flea and odor control.

## Notification Requirement/Check-In

The owner must notify Lackawanna College Public Safety of the presence of a service animal on campus and the College Provost at (570) 961-7849 for academic classroom activities. If it is unclear whether the animal is a service animal rather than a pet, the owner may be asked about the services provided by the animal.

## Behavior of Service Animals

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or if the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. A person with a disability cannot be asked to remove their service animal from the premises unless the animal is out of control and the handler does not take effective action to control it, or the animal is not housebroken.

## Relief Areas

Relief areas on the campus include the nearest grassy areas outdoors. The owner is responsible for cleaning up after the animal defecates and for disposing of the feces. Persons with disabilities who physically cannot clean up after their own service animal will

not be required to do so. However, these individuals are to notify the security or physical plant personnel if the animal relieves itself.

## **Emergency Situations**

In the case of an emergency, the College's Public Safety should inform emergency and local public safety personnel that there is a service animal on the premises. Every effort should be made to keep the animal with its owner. It may be necessary to leave the animal behind in certain disaster situations.

## **Conflicting Disabilities**

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. Should individuals with conflicting disabilities take the same class, the Office of Disability Services should be notified so that staff can make the necessary arrangements to resolve the conflict.

## **Restricted Areas**

There are certain areas that may be considered unsafe for the animal and its partner or where the presence of animal might interfere with the safety of others (i.e., labs, machine rooms, kitchen areas where protective clothing is necessary). Exceptions would have to be made on a case-by-case basis. If it is determined that an area is unsafe, reasonable accommodations will be provided to assure equal access to the student.

## **Appeals Procedure**

Appeals should be submitted to the Dean of Students. The Dean will form an ad hoc committee to discuss and resolve the issue. The ad hoc committee will be comprised of the Director of Disability Services, Public Safety, and other necessary personnel. For more information, or to schedule an appointment, please call the Director of Disability Services at (570) 504-8097.

## **Emotional Support and Assistance Animal Policy**

Information for students who request an assistance animal in their campus residence can be found in the Residence Life Policy section.

## **Policy For Students with Disabilities**

Lackawanna College is an equal employment and educational opportunity institution conforming to all applicable legislation, which prohibits discrimination. Whenever an applicant for admission demonstrates that they are a handicapped individual within the meaning of applicable federal and state law and is otherwise qualified for participation in a course or program, the College will make reasonable accommodation to the known physical or mental limitations of the qualified applicant.

In determining whether an applicant who is hearing impaired and relies on American Sign Language to communicate, such applicant will be required to demonstrate proficiency in

standard written English as a prerequisite to admission. Some examples of accommodations provided by the College are: Policy for Students with Disabilities  
Lackawanna College is an equal employment and educational opportunity institution conforming to all applicable legislation, which prohibits discrimination.

Whenever an applicant for admission demonstrates that they are a handicapped individual within the meaning of applicable federal and state law and is otherwise qualified for participation in a course or program, the College will make reasonable accommodation to the known physical or mental limitations of the qualified applicant.

Such accommodation, however, must not impose an undue hardship on the College in the form of an undue financial or administrative burden. Specifically, it would be an undue financial burden on the College if the cost of the accommodation requested or required by such applicant exceeded the amount of tuition that would be paid by or for the qualified applicant to the College to attend such course or program. In determining whether an applicant who is hearing impaired and relies on American Sign Language to communicate, such applicant will be required to demonstrate proficiency in standard written English as a prerequisite to admission. Some examples of accommodations provided by the College are:

- ❖ Extended time on exams
- ❖ Extended time on assignments
- ❖ Exams in a distraction-free environment
- ❖ Copies of an instructor's notes/outlines
- ❖ Alternative methods of demonstrating mastery of course objectives
- ❖ Note taking services

## How to Receive Accommodations

Students requesting accommodations must begin by submitting documentation to the Office of Enrollment. Such documentation consists of a report supplied by a certified or licensed professional on the basis of an examination conducted within the **last four years**.

The diagnostic report should include a diagnosis of your current disability, as well as supporting information, such as the date of the diagnosis, how the diagnosis was reached, and the credentials and signature of the professional; information on how your disability affects a major life activity; information on how the disability affects your academic performance; and specific requests for accommodations, as well as an explanation as to why each accommodation is requested. Letter submission must include the following elements: typed on letterhead, dated, and signed by qualified individual. If the disability is physical, including hearing or vision impairment, or if it has any other medical implications, including psychiatric, the student should indicate this information to Lackawanna College as well.

A student seeking accommodations must meet with the Director of Disability Services, Academic Development in Suite 110, Angeli Hall or Center Director at the beginning of each semester. Students are responsible for scheduling an appointment in order to complete the accommodation process. A school plan, such as an individualized education plan (IEP), is insufficient documentation. Sources of information used to determine a student's disability and/or accommodations may include student's self-report, direct observation and interaction with the student, and/or third-party documentation from qualified evaluators or professionals. The final determination for providing appropriate reasonable accommodations rests with the institution.

All services are arranged individually on an as-needed basis. The services may vary from course to course and semester to semester. Therefore, students may not automatically be granted each accommodation requested. For more information or to schedule an appointment please call the Director of Disability Services at (570) 504-8097.

Please note, disability accommodations made in the classroom or at Lackawanna College may not be met by a student's internship, externship, clinical affiliation, or fieldwork site as those facilities are not controlled by the College.

## Recording in the Classroom Policy

The use of technologies for audio and video recording of lectures and other classroom activities is allowed only with the express permission of the instructor. In cases where recordings are allowed, the following stipulations apply:

1. Recordings of the class lectures are only for the student's personal use in study and preparation for the class.
2. The student may not share the recordings with any other person at any time, whether or not that person is in his/her class.
3. The students acknowledge the recordings are sources, the use of which is governed by rules of Lackawanna College's policy for Academic Integrity.
4. The student agrees to destroy any recordings at the time they are no longer needed for academic work
5. The student will record only the voice of the lecturer, not the voice of other students, such as a discussion series.

Students who have been given permission to audiotape/audio record class lectures must agree to abide by each of these provisions and sign the contract provided.

# Registrar's Office Policies

## Amnesty Policy

If a student stops attending a course for which they are registered after the published census date (end of drop/add) without having officially withdrawn from the course, the student will be assigned a grade of AW for the course.

Lackawanna College's Amnesty Policy allows students with demonstrated academic progress and respect for college policy the opportunity to have the penalty grade hours attempted, hours earned, and quality points excluded from their Cumulative Quality Point Index (CQPI). Prior to application for amnesty the following requirements must be met:

- ❖ At least one full semester must have passed from the time the AW grades were incurred and the application for amnesty is made.
- ❖ The student must register for and successfully complete additional coursework at Lackawanna College, earning a semester grade point average of at least 2.0 and thereby demonstrating academic progress.
- ❖ The student must complete an equivalent number of credit hours to the number of credit hours for which they are requesting amnesty. This can be done all at once, or students may earn amnesty incrementally to match the number of part-time credits they have earned at Lackawanna College in a subsequent semester.
- ❖ Upon successful completion of required work at Lackawanna College, the student may file an Application for Amnesty form available on the portal and request the necessary approvals.
- ❖ Upon completion and submission of the approved form to the Registrar, a grade of W will replace the grade of AW for the applicable amnesty credits.

It is recommended that students consult with both their academic advisor and Student Financial Services before withdrawing from a course or from the College.

If a course is repeated, the AW will remain. Amnesty will only be granted for any courses that are not repeated.

## Directory Information

Lackawanna College hereby designates the following categories of student information as public or "Directory Information." The institution may disclose such information for any purpose at its discretion:

**Category I:** Name, address, telephone number, dates of attendance, class.

**Category II:** Previous institution(s) attended, major field of study, awards, honors, degree(s) conferred (including dates).

Currently enrolled students may withhold disclosure of any category of information under The Family Educational Rights and Privacy Act of 1974. To withhold disclosure, students must file written notification in the Registrar's Office. Forms requesting the withholding of Directory Information are available in the Registrar's Office.

Lackawanna College assumes that failure on the part of any student to specifically request the withholding of categories from Directory Information indicates approval for disclosure.

Lackawanna College students may be assured that even with their permission, Directory Information is disclosed only on rare occasions. The policy of Lackawanna College allows the disclosure of such information to non-institutional personnel only for serious reasons and at the discretion of the person responsible for the student record involved.

## **Excess Credits Policy**

No student shall carry a credit hour load of more than eighteen (18) credits during any one semester unless they meet the following criteria:

- ❖ The student has successfully completed fifteen (15) credit hours or more
- ❖ The student has attained a minimum Cumulative Quality Point Index of 3.0
- ❖ The student has written approval of an Academic Advisor, Center Advisor, and the Dean of Curriculum and Faculty Affairs or Associate Vice President of Academic Affairs

## **Student Information Policy (FERPA)**

Annually, Lackawanna College informs students of The Family Educational Rights and Privacy Act of 1974 (FERPA). This act, with which the institution complies fully, was designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with The Family Educational Rights and Privacy Act Office concerning alleged failures by the institution to comply with the act.

A directory of student educational records is available at the Registrar's Office located on the first floor of Angeli Hall at the Scranton campus. Students can find more information regarding FERPA and filing a release on the portal.

Questions concerning The Family Educational Rights and Privacy Act may be referred to the Registrar.



Notification of Rights Under The Family Educational Rights and Privacy Act of 1974 as Amended: The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational records. These rights are as follows:

1. The right to inspect and review the student's educational records within 45 days of the day the College receives a request for access. A student should submit a written request, identifying the record(s) they wish to inspect, to the Registrar, College Provost, Academic Division Chair, or other appropriate official. The College official will arrange for access and notify the student of the time and place where the records may be inspected. If the College official to whom the request was submitted does not maintain the records, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's educational records is granted whenever the student believes the records are inaccurate or misleading. The student should write the College official responsible for the record, clearly identifying the part of the record they want changed and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing.
3. The right to refuse disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff), a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent), a person serving on the Board of Trustees, or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting a school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill their professional responsibility.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Lackawanna College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue,  
SW. Washington, D. C. 20202-4605

## Student Registration Policy

Returning students must register through the Lackawanna College portal on the dates specified on the current academic calendar. Students should schedule an appointment with their academic advisor during the advising period to review their course requirements and then register for classes during the online registration period. Any student registering after the online registration period ends may still register by going to the Student Success Center (or their Center Director). Students may also email [advising@lackawanna.edu](mailto:advising@lackawanna.edu) or the appropriate center email to begin the registration process.

# Financial Information

## Student Financial Services

Lackawanna College makes every effort to provide financial assistance to all eligible students. The Student Financial Services program operates in harmony with the principles of student financial aid administration. The primary goal is to help meet the financial needs of students by enabling them to secure a college education, while realizing that the students and parents have the primary responsibility to provide a reasonable amount of financial assistance toward a student's college expenses. Financial aid is regarded as a supplement to students' and parents' resources.

To apply for all federal, state, and campus-based financial aid programs and/or student loans, a student must first complete the Free Application for Federal Student Aid (FAFSA). When this information is processed, financial aid offers are developed after first determining the Student Aid Index (SAI). The types of aid offered will vary with the individual student's needs and may consist of a combination of grant, loan, work-study, and scholarship assistance.

The deadline for submitting applications is May 1<sup>st</sup> for priority awards. Applications received after May 1<sup>st</sup> will be processed, as funds are available. Forms must be filled out on a yearly basis. Eligibility is contingent on need, academic progress from the prior year, and funds available. Financial Aid is not automatically renewed.

Lackawanna College reserves the right to make changes in the amount and type of a student's financial aid at any time during a year in which the student either receives additional unanticipated assistance from an outside source, or the College receives information about current family income, which varies from the income reported on the FAFSA. Such changes are made to protect the equity of financial aid offers and to meet mandated federal program requirements on aid eligibility.

Each financial aid offer includes a statement of Terms and Conditions. It is important that students read and understand these conditions. Withdrawing from classes may have a serious effect on financial aid eligibility. Be certain to contact a Student Financial Services Counselor for information before dropping or withdrawing from any classes.

The College adheres strictly to all regulations governing the distribution and administration of student aid. The College holds in strict confidence all family financial information and considers any financial aid package to be a confidential matter between the College and the applicant.

Students are encouraged to contact Student Financial Services to discuss financial aid, payments, or if you have questions or concerns.

## **Federal Financial Aid Programs**

### **Pell Grants**

Pell grants are available to students who demonstrate financial need as determined by the program regulations. The potential award per academic year depends on federal funding, the cost of education, and a student's eligibility.

### **Supplemental Education Opportunity Grants (SEOG)**

SEOG grants are offered to students who demonstrate exceptional financial need and a student's eligibility.

### **Federal Work-Study**

The federal government provides part-time employment for students who demonstrate financial need, and work assignments may be offered as available. Federal work-study is determined by the information supplied in the FAFSA. Students interested in a work-study position should apply online via the portal or by visiting the Financial Aid Office.

### **Federal Direct Loan Program**

Students may apply for loans to assist them in meeting their educational costs. Students at the first level (0-29 credits earned) are eligible to borrow \$3,500 subsidized and an additional \$2,000 / \$6,000 unsubsidized. Students at the second level (30-59 earned credits) are eligible to borrow \$4,500 subsidized and an additional \$2,000 / \$6,000 unsubsidized. Students with 60 earned credits or more are eligible to borrow \$5,500 subsidized and an additional \$2,000 / \$7,000 unsubsidized. For transfer students, earned credits include the number of credits accepted into Lackawanna College. The amount of unsubsidized loans is based on the student's dependency level.

### **Federal Direct Parent PLUS Loans**

Direct PLUS loans are unsubsidized loans for the parents of dependent students and for graduate/professional students. PLUS loans help pay for education expenses up to the cost of attendance minus all other financial assistance. Interest is charged during all periods.

## State Aid Programs

### Pennsylvania Higher Education Assistance Agency

Pennsylvania State Grants are offered by the state to students who demonstrate financial need. To qualify, a student must be a high school graduate or the recipient of a General Education Diploma (GED), must be a Pennsylvania resident, be enrolled in an eligible program, and must complete the FAFSA by May 1. Pennsylvania State Grant recipients who received assistance as full-time students must complete a minimum of 24 credits for every two (2) semesters of state grant assistance, while those who received assistance as part time students must complete a minimum of 12 credits for every two (2) semesters of state grant assistance. This requirement must be met even if a state grant was received for attendance at another institution.

### The Office of Vocational Rehabilitation (OVR)

The Office of Vocational Rehabilitation (OVR) provides help to qualified students. Eligibility requirements should be discussed with the local service office, located at 300G Laird Street, Wilkes-Barre, PA 18702 or by phone at 1 (800) 634-2060.

## Institutional Aid

Lackawanna College offers multiple institutional scholarships to qualified students. Selection is made through the Scholarship Committee by the end of April. Information can be obtained on the Lackawanna College portal, in the Office of Student Financial Services, or on the Student Financial Services webpage.

## Private Scholarships and Funding

Lackawanna College encourages all interested students and their families to seek out additional scholarship opportunities. Information on scholarships is available at most public libraries or through a variety of websites. Students should make themselves aware of deadlines and requirements of such funding resources.

## Veterans Benefits

Veterans' benefits may be available under the G.I. Bill or other Veterans' Administration programs. Eligible students should visit the VA Certifying Official in the Financial Aid Office to complete paperwork for educational benefits. Visit the Veterans webpage for more information.

Lackawanna College also complies with the requirements of Title 38 United States Code Section 3679(e). This policy allows any covered individual to attend or participate in the course of education during the period beginning on the date the individual provides the institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 ( a "certificate of eligibility" can also include a "Statement of Benefits" obtained from the Department of Veterans Affairs' (VA) website e-Benefits, or a VAF 28-1905 form for chapter 31 authorization purposes) and ending on the earlier of the following dates:

1. The date on which payment from the VA is made to the institution.
2. 90 days (about 3 months) after the date, the institution certified tuition and fees after receiving the student's certificate of eligibility.

## Student Lending Code of Conduct

To learn more about Lackawanna College's Student Lending Code of Conduct, please see the College's Student Financial Services webpage.

## Satisfactory Academic Progress

Federal regulations require that educational institutions measure students' progress toward a declared educational degree objective both quantitatively and qualitatively. In accordance with these regulations, Lackawanna College has established the following standards to measure a student's academic progress for each academic year. These standards will be applied uniformly to all students when determining their eligibility for federal and/or Lackawanna funds regardless of whether the student previously received these funds. Should a student fail to meet any of these requirements, they are deemed not eligible to receive Title IV funding and/or Lackawanna funds until the deficiency is made up by the student. Students are required to maintain a GPA of at least 2.0 each Academic Year as well as complete at least 67% of their attempted credits. Students will be notified of this via mail and email if they do not meet these requirements. Students do have the right to appeal this financial aid eligibility if there are extenuating circumstances. Please visit the Student Financial Services page under policies for a more comprehensive view of the Satisfactory Academic Progress Requirements as well as a sample Satisfactory Academic Progress Appeal Letter which is located under Forms.

## Payment Policy

The College requires that all tuition and fees be paid in full, or a satisfactory payment arrangement should be made prior to the beginning of any semester, at registration for students who register after the start of the semester, or prior to the residence hall move-in date. Commuter students that have a balance owed to the College that is not covered by financial aid is due in full or a satisfactory payment arrangement must be made prior to receiving their parking pass.

The College offers an interest-free monthly payment arrangement for the fall and spring semesters. Payments start approximately two (2) months prior to the start of the semester and are five (5) monthly installments of any balance due after the total approved financial aid awarded/credited to the student account is deducted from the total charges for tuition, fees, and room and food for each semester. Resident students must pay the equivalent of two monthly installments before the start of the semester, regardless of their enrollment date.

A student who wishes to make online payments can do so through the College's portal, following the steps below:

- ❖ Log onto the portal using your college login credentials.
- ❖ Under **Financial Services Info** – View My Account click “My Account Balance”
- ❖ Under “Pay Using Transact Payments - click “Make a payment” and follow the instructions.

The first payment is due and payable by July 15 for the fall semester and by December 15 for the spring semester. A \$25 past due payment fee will also be assessed by the College each month a payment is late under the payment plan. A \$10 late payment fee is assessed by Transact each month a payment due on the payment plan is not received. If timely payments are not made, the College reserves the right to refuse the agreement to another payment arrangement with the student for subsequent semesters.

Lackawanna College also reserves the right to forward unpaid balances to our contracted collection agency, dismiss any students who do not adhere to scheduled payments, or who attend classes without satisfying financial obligations. The student is responsible for all collection expenses incurred by the College to collect any delinquent receivables.

Outstanding balances and late payments under the payment arrangement will result in the suspension of school activities, including but not limited to, clubs, field trips, and all athletic activities until payment has been made. Students who fail to pay all outstanding balances owed to the College shall not be permitted to receive any degree, certification, or transcripts, and will not be permitted to participate in commencement activities.

All questions concerning tuition costs, student invoices, payments, and payment dates should be directed to Student Financial Services at [financialservices@lackawanna.edu](mailto:financialservices@lackawanna.edu) or by calling (570) 961-7859.

## Refund Policy

The College must engage its faculty and make other costly commitments in advance of each semester based on anticipated revenue from tuition. When students withdraw, they leave a financial void that cannot be filled after a semester has begun. Therefore, the following refund policy has been established for standard semesters (fall and spring semesters only):

- ❖ If a student fully withdraws prior to or until the end of the second week of scheduled classes, only the \$35 application fee and the \$100 commitment fee (\$375 commitment fee for resident students) will be retained. Only payments of tuition and fees will be refunded.
- ❖ Housing costs will not be refunded after the end of the second week of scheduled classes, including the meal plan.
- ❖ If a student withdraws from an individual online class or sub-term course, a full refund will be provided through the last day to drop a sub-term course as noted on the academic calendar. The course will be recorded as a drop and

will not reflect on the transcript. Students will be charged for individual sub-term courses after the last day to drop from a sub-term course.

- ❖ If a student officially withdraws from an in-person full semester course during the spring or fall semester, they may receive a full refund if done within the first two weeks. The course will be recorded as a drop and not recorded on a transcript.
- ❖ If a student fully withdraws from all courses during the third week of classes, the College will retain 25% of the total tuition for that semester.
- ❖ If a student fully withdraws during the fourth week of classes, the College will retain 50% of the total tuition for that semester.
- ❖ If a student withdraws after the fourth week of scheduled classes, the College will retain 100% of the tuition.
- ❖ If a student withdraws from a day, evening or online summer or intersession class they will receive a 100% refund prior to the start of the scheduled classes through the end of the drop period. After the drop period as noted on the academic calendar there will be no refund.
- ❖ If a student's financial aid is impacted negatively because of withdrawal or drop/add adjustments, the student will remain responsible for any balance owed and any costs incurred by the College to collect the monies owed. Students are encouraged to speak to Student Financial Services Counselor before the withdrawal or drop/add of any course(s).

The last date of attendance or academic activity as defined by federal law will be used as the effective date of withdrawal. Students should process their withdrawal paperwork with the Student Success Department or Center designee and must receive all required signatures in order for the formal withdrawal to be complete.

## Student Housing Payment Policy

Any balances owed to the College that are not covered by financial aid are due in full or a satisfactory payment arrangement and must be made prior to the residence hall move-in date. Students enrolling in the College Payment Plan must not be delinquent in that plan to be allowed to move into the residence hall. Students will not be allowed access to their rooms or residence halls until all financial obligations to the College have been paid or payment plan arrangement have been made. All room assignments are tentative and can be changed without prior notice.

## Special Fees

Special fees for registration services must be paid prior to processing of forms. Other fees include:

Activity fee	\$125
Technology Fee (All Locations) (five or more credits)	\$350 per semester
Technology Fee (less than five credits, all sessions)	\$60
Lab Fee (3-credit course)	\$115 (part-time/19+ credit students)
Lab Fee (1-credit course)	\$40 (part-time/19+ credit students)
Culinary Arts Majors	\$375 per semester
Baking and Pastry Majors	\$375 per semester
Communications Fee	\$100 per course
Hospitality Management Majors	\$200 per semester
Nursing (ASN) Majors	Full-time - \$750 per semester Part-time - \$55 per credit
Nursing ATI (ASN) Majors	\$756 per semester
Occupational Therapy Assistant Majors	\$185 per semester
Physical Therapist Assistant Majors	\$185 per semester
School of Petroleum & Natural Gas Students	\$250 per semester
Sonography, Cardiac, Diagnostic, or Vascular Majors	\$185 per semester
Surgical Technology Majors	\$185 per semester
Robotics & Integrated Technologies Majors	\$250 per semester
Transcript Request Fee	\$12
Change of Grade / Incomplete Fee	\$20
Life Experience Processing Fee	\$35
Stop Payment Fee	\$50
Return Check Fee	\$25
Late Fees On Balance Due	\$25
Graduation Fee (One-Time)	\$160

\*All fees are subject to change without prior notice.



# Dining Commons Hours of Operation

The Dining Commons is in the Culinary Center at 409 Adams Ave., Scranton. Dining services are available for Resident Students, as well as commuters. Due to the necessity to follow CDC and Department of Health guidelines, all information for dining services can be found at [www.metzlackawanna.com](http://www.metzlackawanna.com).

## Academic and Career Services

### Academic Advising

Strong academic advising is the key to student retention. The best way to keep students enrolled is to keep them stimulated, challenged, and progressing toward a meaningful goal.

Lackawanna College's Student Advising Services are based on the premise that there is no substitute for academic advisors, who serve as role models and mentors to their students. The academic advising services provided by our faculty and professional staff are some of the most powerful tools available to our students. Academic advisors are available at Scranton and at all satellite centers to make long-lasting connections with students to help them complete their coursework and get on the road to a career or four-year program of their choice.

Our advising program includes two (2) required meetings between advisors and their student advisees each semester, and their availability helps students make the right decisions to meet their education- and career-related goals. Academic advisors are equipped to help students with various educational needs including:

- ❖ Schedule adjustments
- ❖ Withdrawal from a course or from the College
- ❖ Change of major
- ❖ Leave of absence
- ❖ Request for excess of 18 credits (per semester)

Academic advisors help students coordinate their academic plans while at Lackawanna; however, **students bear the ultimate responsibility for ensuring that they meet the requirements for their degrees.**

While there is no substitute for the advisor/advisee connection, Scranton students may also visit the Student Success Center in Suite 105 of Angeli Hall, which is staffed with full-time academic advisors who can work with students when the assigned academic advisors are not available. Students attending a center should meet with their center advisors.

Advising Services is a part of the Student Success Center (Suite 105 – Angeli Hall) and is open Monday through Friday and may also be reached by calling (570) 961-7835 or via email - [advising@lackawanna.edu](mailto:advising@lackawanna.edu).

## Changing Advisors

If a student wishes to change their academic advisor, the student must complete a Request for Advisor Change Form, available as a fillable form on the portal or in the Student Success Center in Scranton. The student must have the approval and signature of the requested advisor before the form will be processed. Students in certain majors (such as any of the Health Sciences programs, School of Hospitality programs, and Cyber Security) will only be allowed to request an advisor change for another advisor within the major. Only active members of the College’s advising program will be considered as academic advisors, so students should check with Advising Services before considering an advisor change.

## Career Services

The primary mission of Career Services is to assist students in determining their personal interests and aptitudes, utilizing this information to develop specific career goals. A variety of resources are available to assist students in their career exploration and job searches including labor market information, job search preparation, job lead information, assistance with preparation of employment documentation such as résumés and cover letters. Full- and part-time employment opportunities are posted regularly to the Student Success Weekly Word email and Career Corner email.

In addition, Career Services acts as a liaison between the College and the business community to facilitate job placement opportunities for Lackawanna students and graduates and to organize on-campus employer recruitment of Lackawanna College students. For more information, view the Career Services page on our website. To contact Career Services, locate the service in Starfish or email [career@lackawanna.edu](mailto:career@lackawanna.edu).

## Student Success Center

The Student Success Center’s (SSC) mission is to provide an individualized approach of connecting students to the resources available from transition into Lackawanna College through graduation. We empower students in making informed academic and personal decisions to meet their goals. We offer a variety of program options to promote student persistence and success. Our goal is to help students thrive at Lackawanna College and beyond. Staff from the SSC communicates with faculty on a regular basis to identify performance or absentee problems, monitor academic warnings, stay in regular contact with students in jeopardy, and connect students with the supports needed on their academic journey. For more information, please contact the Student Success Center located in Suite 105 in Angeli Hall at (570) 961-7836 or [studentsuccess@lackawanna.edu](mailto:studentsuccess@lackawanna.edu).

## Loaner Laptop

Students that do not have access to a computer can apply for the Loaner Laptop program by following the link on their portal or raising their hand in Starfish notifying the Student Success Center of their need of a laptop. Laptops are available on a first-come-first-serve basis. A waiver and contract must be signed prior to each semester of use and the student is responsible for returning the laptop in good condition at the time of withdrawal, exit, graduation, or end of the spring semester. Questions regarding the loaner laptop program can be directed to Student Success or Center Director.

## Success Coach

A Success Coach will work with students individually or in a group setting to assist them in improving skills they need to reach their academic goals. Through their individual or group meetings, students are able to individualize their learning styles in order to be successful in the classroom. Whether there is difficulty with organization, or a student needs a more individualized approach to studying, the Coach is here to assist in improving those skills. For more information, please contact a Success Coach, In Suite 105, Angeli Hall or [academiccoach@lackawanna.edu](mailto:academiccoach@lackawanna.edu).

## Tutoring Assistance

Sometimes students need additional assistance in understanding academic concepts to alleviate any additional stress in the classroom. Students can access Tutoring Center through Student Success for assistance. Through a cooperative, interactive learning experience, Lackawanna College Tutorial Services assist students in becoming independent learners who can then go on to achieve their personal goals. Professional, individual, and group tutoring sessions are available free of charge for matriculating Lackawanna College students. You can find information for Tutoring Services in Starfish. You can also find assistance in the Student Success Center in Suite 105 in Angeli Hall, at (570) 961-7885 or [tutoring@lackawanna.edu](mailto:tutoring@lackawanna.edu).

## Transfer Services

Lackawanna College currently offers a number of baccalaureate degree programs. Lackawanna College students completing comparable associate degrees will seamlessly transition into these programs. For graduates who decide to pursue their studies elsewhere, credits from Lackawanna College transfer well to other colleges. The College cannot, however, guarantee transfer of credits; the receiving college always makes that decision. Graduates of Lackawanna College who wish to continue their education are regularly accepted for transfer into four-year colleges and universities as long as they meet the requirements of the chosen institution.

To assist students interested in transferring upon graduation, the Director of Advising remains in constant contact with representatives from all area colleges, keeps up-to-date information concerning transferability, and coordinates on-campus visits by transfer representatives. Some general guidelines for credit transfers are as follows:

- ❖ Most colleges require a minimum Cumulative Quality Point Index (CQPI) for acceptance (can range from 2.0 to 2.5). However, many specialized

programs such as education, nursing, and physical or occupational therapy have more rigid acceptance requirements, and acceptance is often competitive and limited.

- ❖ The earlier a student applies to a school, the better the chance of acceptance. Acceptance into Pennsylvania state schools is very competitive, so it is important to abide by all application deadlines.
- ❖ Most colleges prefer that applicants transfer with a completed degree rather than just a collection of courses. Without a completed degree, schools will often evaluate each course individually.
- ❖ It is best to transfer into the same or a comparable degree program as you are enrolled in at Lackawanna College.
- ❖ If a student is interested in pursuing a major that Lackawanna College does not offer at the four-year level, they should enroll in our Professional Studies program since it fulfills core requirements, and most courses are readily transferable. Changing a major may result in loss of credit in the transfer process.
- ❖ As a general rule, a grade of C or better is necessary for a course to transfer.

The College is continually updating its transfer agreements with four-year institutions. For more information visit the Student Services section of the Portal or email [advising@lackawanna.edu](mailto:advising@lackawanna.edu).

## Veterans' Services

As a Yellow Ribbon school, Lackawanna College has many services available to the veteran or service members looking to begin or further their education. Starting with a liaison in the enrollment office, the application fee at Lackawanna College is waived for any veteran or service member interested in taking full-time course loads. The College has a Certifying Official in Student Financial Services Offices. Student veterans are allowed early priority registration during semesters.

Student-Veterans at Lackawanna College also enjoy the opportunity of an exclusive separate lounge for their use only, consisting of a small kitchenette, computer lab, and lounge area. Many students find this quiet lounge to be useful for studying while grabbing a cup of coffee and meeting others who share similar experiences. More information regarding our programs for Veterans can be found on our College webpage.

## Voter Registration

Your vote is your voice as an American citizen, and voter registration is your opportunity to make your voice heard. In support, the College distributes Pennsylvania voter registration forms at freshman orientation. Additional forms are available in the Student

Life Office. For out of state students, forms are usually available online at your state's website. For more information, please visit the Voter Registration section of the Student Services page on the Portal.

# Information Technology

## Computer Lab Services

Lackawanna College provides computing and internet services to students, faculty, and staff for educational and administrative use. Use of these computing facilities is a privilege. All users of Lackawanna College's computing services are responsible for maintaining the integrity of these resources by using the system in a responsible, ethical, and legal manner. Any attempt to violate the provisions of this policy may result in loss of computing privileges and can result in disciplinary action and/or legal sanctions under international, federal, state, and/or local law.

Room 210 in Angeli Hall is a dedicated student computer lab. All other computer labs are available when classes are not in session.

## Computer Use Policies

### General Use of Computing and Network Resources

- ❖ Users are responsible for computing activity that take place on their account(s). Account holders are responsible for using their account in an appropriate manner. This includes safeguarding passwords, protecting confidential data, and following security policies.
- ❖ Unauthorized use of another individual's account is prohibited.
- ❖ Users are responsible for respecting the privacy of others. Programs and files are confidential unless they have been made available with written permission to other authorized individuals. Attempts to access, monitor, or alter another user's files or electronic messages is prohibited.
- ❖ Lackawanna College respects the copyright protections given to authors, owners, and publishers under federal law. Copying, reproducing, or distributing copyrighted materials, such as files, software, music, movies, or games on College computing equipment without the proper license or the express written consent of the copyright holder is prohibited. Please visit the Information Technology page for more information.
- ❖ Internet access is filtered to only allow connections through standard ports. All other ports are restricted to help prevent peer-to-peer file sharing and limit bandwidth usage.

- ❖ Copying system files is prohibited.
- ❖ Viewing, printing, or sending offensive, pornographic, or discriminatory messages, and/or images is prohibited.
- ❖ Conducting illegal activities is not permitted.
- ❖ The willful introduction of computer viruses or other disruptive/destructive programs is prohibited.
- ❖ Users may not attempt to uncover or exploit security loopholes in our servers, server software, routers, or other network hardware.
- ❖ The intentional attempt to crash or degrade performance of network systems or programs is prohibited.
- ❖ Decryption or capture of system or user passwords is prohibited.
- ❖ Any attempt to secure a higher level of privilege or gain unauthorized access to systems on or off campus is prohibited.
- ❖ Use of the systems and/or networks to interfere with the normal operations of the College, another student, faculty member, or staff is prohibited.
- ❖ Use of the College's computer and network resources for commercial or partisan political activity not related to the mission of the College is prohibited.
- ❖ Selling or advertising services/merchandise not related to Lackawanna College is not permitted.
- ❖ Network users are responsible for all traffic origination from their network device. The College reserves the right to monitor all network activity, incoming or outgoing. All web usage is logged by default.
- ❖ Attempts to reconfigure the network infrastructure are prohibited.
- ❖ Attempting to set up any other kind of server on the College's network is prohibited.

## Computer Labs

- ❖ Computer labs are provided for students to conduct course-related or other academic work.
- ❖ Computer labs are available when the room is open and class is not in session. Please check the sign on the computer lab door for availability.
- ❖ Food and beverages are not permitted in computer labs.

- ❖ Users are not allowed to install software onto the systems. Anyone needing software installed for academic purposes should contact the IT administrator. Notification should be given at least two (2) weeks prior to the date needed in order to provide sufficient installation time.
- ❖ Students must save their work to their own USB drive or to cloud storage. Saving to the hard drive of the computers is not permitted.
- ❖ During peak usage times, students should be considerate of the needs of their peers by limiting their time using the computer equipment to one (1) hour.
- ❖ Users must show consideration for others and refrain from engaging in any activities that would interfere with the work of others or otherwise disrupt the intended use of network resources.
- ❖ Intentionally disabling computer hardware or software, including modifications to settings, is prohibited.

## Email

- ❖ Email accounts are provided to students for academic use.
- ❖ Email account holders are responsible for all activity generated from their account. Therefore, users should not share accounts or disclose passwords.
- ❖ Users may not attempt to impersonate or represent another individual or affiliation by using a false identity or altering the source of an electronic message.

## Violations

Lackawanna College is responsible for securing its network and computing systems in a reasonable and economically feasible way against unauthorized access or abuse, while making it accessible for authorized and legitimate users. By using any of Lackawanna College's electronic and technology resources, users consent to assume personal responsibility for their appropriate use and agree to adhere to all applicable College policies and local, state, federal, and international laws and regulations.

If a user feels that they are a victim of computer abuse, harassment, malicious behavior, spamming, or unauthorized account access they should report incidents to Public Safety.

If a user is suspected of violating any of the conditions of this policy, the appropriate department will initiate an investigation. During the investigation, files may be inspected, and all computing services may be suspended for the individual(s) in question. If a violation of the conditions is confirmed, the user may face disciplinary charges as defined in the Student Code of Conduct and/or legal action.

All users of the network are responsible for respecting and adhering to local, state, federal, and international laws. Any attempt to break those laws using Lackawanna College's computing facilities may result in legal action by the proper authorities. If such an event

should occur, this organization will fully comply by providing any information necessary for the litigation process. While we cannot be responsible for the actions of individual users, it is understood that Lackawanna College will make every effort to ensure compliance with established laws.

## Copyright Policies and Guidelines

Copyright is the right of an author, artist, composer, or other creator of a work of authorship to control the use of their work by others. Protection includes music, movies, software, and other literary and artistic works. Generally speaking, others may not reproduce a copyrighted work without the copyright owner's permission.

It is the policy of Lackawanna College to respect the copyright protections given to authors, owners, and publishers under federal law including the Digital Millennium Copyright Act. Willful infringement may subject a defender to discipline and can impact the privilege to use information technology resources at the College.

### Copyright Guidelines

- ❖ Copying, reproducing, or distributing copyrighted materials such as files, software, music, movies, or games on College computing equipment without the proper license or the express written consent of the copyright holder is prohibited.
- ❖ Not all copyrighted material is denoted with a © symbol, and users should not assume that it is. Prior to downloading a file, image, or any other type of media, users should obtain permission from the author unless the fair use doctrine clearly applies to the situation.
- ❖ Acknowledging the source of copyrighted material does not substitute for obtaining permission.
- ❖ The recording, film, and software industries have become aggressive in their active pursuit of copyright infringement. They have spent millions of dollars and have hired hi-tech firms to develop and maintain software that is able to search the Internet and identify unauthorized distribution of their protected titles.
- ❖ The No Electronic Theft (NET) Act criminalizes sound recording copyright infringements regardless of whether there is financial gain.
- ❖ For further information on copyright infringement go to [www.copyright.gov](http://www.copyright.gov).

### Fair Use Guidelines

There are certain circumstances under which it is permissible to reproduce or display copyrighted works without the permission of the copyright owner. These exceptions known as fair use are outlined in section 107 of the Copyright Act. When determining



whether the use falls under this exception, the following factors should be considered as defined in the Fair Use doctrine:

- ❖ The purpose and the character of the use, including whether it is for commercial or nonprofit educational purposes;
- ❖ The nature or type of the copyrighted material (periodical, film, book, etc.);
- ❖ The amount and substantiality of the portion used in relation to the whole;
- ❖ The effect of the use on the potential market for or value of the copyrighted material.

The Register of Copyrights on the General Revision of the U.S. Copyright Law cites the following examples of activities that courts have regarded as fair use in its 1961 report: “quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work; for illustration or clarification of the author’s observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported.”

## Peer-To-Peer File Sharing

- ❖ Peer-to-peer file sharing programs allow sharing of copyrighted music, movies, and software, often without the knowledge or consent of the user.
- ❖ The use of Peer-to-Peer file sharing networks (KaZaA, Gnutella Morpheus, LimeWire, BitTorrent, Gnucleus, Bearshare, Grokster, Aimster, iMesh) to share copyrighted material is a violation of the Federal Digital Millennium Copyright Act and is prohibited at Lackawanna College.
- ❖ Law enforcement agencies, the Recording Industry Association of America (RIAA), the Motion Picture Association of America (MPAA), and other copyright holders of digital media actively monitor the Internet for users who are distributing copyrighted material. When violations are discovered, they contact the owner of the network on which the offending computer resides. To protect the College and the student, the computer will be removed from the network on receipt of a DMCA complaint.
- ❖ For more information on the laws regarding file sharing, please visit [www.campusdownloading.com](http://www.campusdownloading.com).

## Preventing Illegal File Sharing

- ❖ Avoid using file-sharing programs. Lackawanna College strongly discourages the use of file-sharing programs due to the risk that files may be copyrighted. Many of these programs can turn a computer into a server even if it was not the users' intent.
- ❖ Selected ports are blocked to help prevent file-sharing networks.
- ❖ Use legal online sources such as Amazon Prime Music/Video, Apple Music, iHeartRadio, Netflix, Pandora, Spotify, and YouTube.
- ❖ For further sources of legal online content, please visit [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).

## Digital Copyright Policy Violations

By using any of Lackawanna College's electronic and technology resources, users consent to assume personal responsibility for their appropriate use and agree to adhere to all applicable College policies as well as local, state, federal, and international laws and regulations.

Lackawanna College respects the protections provided under copyright law and takes seriously any violations of these protections. Those who illegally share copyrighted files face charges and additional penalties that are enforced by the College. In addition, violators may be subject to civil and criminal prosecution under the provisions of the Digital Millennium Copyright Act (DMCA).

If a user is suspected of violating any of the conditions of this policy, the appropriate department will initiate an investigation. During the investigation, files may be inspected, and all computing services may be suspended for the individual(s) in question. If a violation of the conditions is confirmed, the user may face disciplinary charges as defined in the Student Code of Conduct and/or legal action. Sanctions may include warning, probation, 7 a.m. community service, student wellness, suspension from activities, housing suspension, academic success coaching, FIT mentoring, deferred suspension, and/or dismissal from the College.

Any attempt to break the law may result in legal action by the proper authorities. If such an event should occur, the College will fully comply by providing any information necessary for the litigation process. While we cannot be responsible for the actions of individual users, it is understood that Lackawanna College will make every effort to ensure compliance with established laws.

# Public Relations Policies

## Photo/Videotaping Policy

The Lackawanna College administration reserves the right to authorize persons to photograph/videotape activities and events on campus, at satellite centers, and places where college functions take place, providing such photographing/taping is performed and utilized without malice to any individuals.

Individuals desiring to be omitted from such photos/taping should make this request known to the Marketing Department in writing. By allowing inclusion of oneself in an authorized photograph/videotape, the individual consents without restriction to such use of the photo/videotape, as the College deems appropriate.

## Social Media Policy

Lackawanna College believes that having a presence in social media will allow the College to communicate information and interact with the public daily. Current and future students, faculty, staff, alumni, and donors utilize media such as Facebook, Twitter, LinkedIn, Instagram, Snapchat, YouTube, and many others to stay connected. To operate within these platforms effectively, Lackawanna has developed a social media policy to ensure that any and all interactions on behalf of Lackawanna represent the College's best interests.

These guidelines are broad in nature to accommodate any differences in online platforms while maintaining a universal code of conduct; the policy may need to be adapted accordingly. The Lackawanna College Social Media Policy only applies to social media accounts created to represent Lackawanna groups, departments, programs, and entities, and does not apply to private, individual accounts.

### Lackawanna College Social Media Accounts

- ❖ For an officially authorized group to obtain a social media account, the group's administrators must seek approval from the Marketing Department.
- ❖ No user may establish social networking sites that use the Lackawanna College logo or other intellectual properties such as photography, video, artwork, and publications copyrighted to the College without authorization from the College. It is a violation of social networking site policies to represent an institution without authorization.
- ❖ The Marketing Department is a resource for the College community for any social media needs. Approved administrators of individual accounts can manage the functions of each approved page, but the Marketing Department will make final decisions regarding any situation that arises in a social media setting.

## Account Administrators

- ❖ All social media accounts officially recognized by Lackawanna College must always have a Lackawanna faculty or staff member as an administrator.
- ❖ Lackawanna College employees identified as administrators of accounts are held responsible for managing and monitoring content of their officially recognized accounts. Administrators are responsible for removing content that may violate the College's Code of Conduct Policy.
- ❖ Privacy does not exist in the world of social media. Use good ethical judgment and follow College policies and federal requirements, such as FERPA and HIPAA when posting on social media sites.
- ❖ Review content for accuracy, grammar, and spelling. This is especially important if posting on behalf of the College in any capacity.
- ❖ Representation of your personal opinions as being endorsed by the College or any of its organizations is strictly prohibited. You may not use the Lackawanna name to promote any opinion, product, cause, or political candidate.
- ❖ Do not post any content that could be deemed to be threatening, harassing, illegal, obscene, defamatory, slanderous, or hostile towards any individual or entity or information that is confidential and proprietary to the College or is a violation of intellectual property rights or privacy laws.
- ❖ Lackawanna College has the right to remove any content for any reason, including but not limited to, content that it deems threatening, harassing, illegal, obscene, a violation of intellectual property rights or privacy laws, or otherwise defamatory, slanderous, or hostile.
- ❖ Be aware that a presence in the social media world is or can easily be made available to the public at large. This includes prospective students, current students, current employers and colleagues, and peers. Consider this before publishing to ensure the post will not alienate, harm, or provoke any of these groups.
- ❖ When using or posting online material that includes direct or paraphrased quotes, thoughts, ideas, photos, or videos, always include citations. Provide a link to the original material if applicable.

## Consequences

Violation of the Social Media Policy will result in discipline as outlined in the Student Handbook or the Employee Handbook, as applicable, and willful violations could result in a range of penalties, including expulsion for students or termination for employees. Please

see specific program handbooks for additional policies regarding social media violations. Questions about this policy should be directed to: [mediarelations@lackawanna.edu](mailto:mediarelations@lackawanna.edu).

# Student Supports

## Bookstore

Lackawanna College has partnered with eCampus.com, an industry-leading provider of online course material solutions for colleges and universities, to provide bookstore services. Bypassing the traditional brick and mortar store, eCampus' Virtual Bookstore solution will provide cost saving solutions to Lackawanna students as they take advantage of every purchasing option, including new, used, rental, eTextbooks, and an expansive network of third-party Marketplace sellers. Financial aid may be available for books and supplies. To visit the bookstore, go to [www.lackawanna.ecampus.com](http://www.lackawanna.ecampus.com).

## Information Literacy and Library Services

### Lackawanna College Library Services at Albright

Library Services advocates information literacy not only for Lackawanna College students but also for all individuals. Information literacy is a set of skills that enables learners to recognize the need for information, to competently locate it from appropriate sources, and effectively evaluate its use and potential. Included is the knowledge of how to ethically and legally access and use information while understanding the economic, legal, and social issues that surround it. The ability to critically evaluate and effectively use information aids student success and helps create independent lifelong learners who will thrive in the workplace and beyond.

Lackawanna College and Scranton's Albright Memorial Library entered into a cooperative agreement in December 2014. Lackawanna's library resource materials are now located at the Albright. Students, faculty, and staff interested in borrowing any of these items at the public library must first obtain a Lackawanna County Library System library card.

At the Albright Memorial Library, you can explore a vast collection of books, print and electronic resources, and tools available for downloading to your computer, tablet or mobile device. Patrons can download an eBook, improve their financial literacy, rent a DVD or listen to music, get homework help, read an eZine, or access a number of informational databases.

Lackawanna College Library at Albright provides:

- |                           |                           |
|---------------------------|---------------------------|
| Academic Reserve          | eBooks                    |
| Books for Leisure Reading | Electronic Audio Books    |
| Books for Research        | Electronic Databases      |
| Computers                 | Free Movie Streaming Apps |
| DVDs                      | Research Assistance       |

## Databases

Most faculty at Lackawanna College hold database research in high regard especially as it relates to their assignments for students. Students are often required to utilize library databases for their research or term papers. Scholarly or peer-reviewed from different sources are frequently a faculty requirement.

When it comes to this type of research, students find that library databases facilitate the process by being fast and precise. Most contain an interface that simplifies navigation and features a variety of search tools intended to refine one's work.

Unlike the open web, authorship and publication information is completely visible. A researcher can quickly generate a citation, locate full-text articles, choose only scholarly or peer-reviewed writings, or even center their search on a particular time-frame. These electronic resources empower LC students by allowing them to spend less time searching for information and more time devoted to research. The intention is for students to get the most out of their work and achieve success in the classroom.

The following databases are available to currently enrolled Lackawanna College students, faculty, and staff. All databases are accessible through the Library Services webpage.

- 1. Albright Resources**

Has over 80 resources and databases that you can access.

- 2. AMA Manual of Style**

American Medical Association Manual of Style 11th edition, not only has the citation styles necessary for the medical student and professional, but also has valuable resources.

- 3. Britannica Online (Now Britannica Academic)**

- ❖ This is not only an academic online encyclopedia, but a scholarly resource with contributors that includes experts, Nobel laureates, and prominent world leaders. Britannica Academic highlights daily headlines from both the NY Times and BBC News.

- 4. Business Book Summaries (EBSCO)**

Business Book Summaries include book subjects such as business strategy, leadership, management, productivity, technology, and book summaries on health care. There is also a weekly summary.

- 5. Business Source Complete (EBSCO)**

Provides comprehensive full-text coverage on a range of business disciplines, including management, marketing, entrepreneurship. This database also includes over 200,000 eBook and audio book titles.

- 6. CINAHL Complete (EBSCO)** CINAHL Complete is the definite research tool for nursing and Health Sciences students and professionals. Users get fast and

easy full-text access to top journals, evidence-based care sheets, and more!

#### **7. JSTOR Books**

Does not only provide a list of books for specific topics for your research paper but has several full-text articles in the humanities.

#### **8. MeSH Subject Headings**

MeSH Heading (Medical Subject Headings) by the National Library of Medicine is a thesaurus for vocabulary used for indexing, cataloging, and searching of biomedical and health-related information.

#### **9. ProQuest**

ProQuest's Academic Complete is ProQuest's award-winning subscription database trusted by libraries around the world. For more than a decade, students have relied on Academic Complete's unlimited access, multidisciplinary coverage, and powerful research tools.

#### **10. ProQuest Ebook Central**

With the widest selection of content, the most flexibility, and backed with the market's most sophisticated administrative engine, Ebook Central enables libraries to significantly improve users' Ebook research outcomes.

#### **11. SIRS Issues Researcher (ProQuest)**

SIRS Issues Researcher is a fantastic source for topics that one might need in a College writing class for persuasive essays.

### **Additional Free Online Resources Include:**

- ❖ Bartleby.com
- ❖ CDC Centers for Disease Control and Prevention: Environmental Health
- ❖ Child Care & Early Education Research Connections
- ❖ Directory of Open Access Journals
- ❖ FracFocus Chemical Disclosure Registry
- ❖ Genetics Home Reference
- ❖ GovSpeak: A Guide to U.S. Governmental Acronyms & Abbreviations
- ❖ GreenFILE
- ❖ Household Products Database
- ❖ Medline Plus
- ❖ NBR: The National Bureau of Asian Research
- ❖ National Council on Disability
- ❖ National Gallery of Art
- ❖ NREL: National Renewable Energy Laboratory
- ❖ Open Library
- ❖ The Pennsylvania Digital Library (PADL)

- ❖ Project Gutenberg
- ❖ PubMed Central
- ❖ Scirus0
- ❖ WorldCat
- ❖ ArchiveGrid

The Albright Memorial Library has a number of eResources that are available with a public library card. They are also accessible through the Library Services webpage.

## Library Hours

Lackawanna College at Albright has day and evening hours. These hours also can be found on the LC Library Services at Albright quicklink on our portal or by calling (570) 504-1590. The library is always open to accommodate the hours in which the College is open as well as evenings and weekends.

Albright Memorial Library  
 500 Vine Street  
 Scranton, PA 18509  
 (570) 348-3000

Sunday 1 p.m. - 5 p.m.	Thursday 9 a.m. - 8 p.m.
Monday 9 a.m. - 8 p.m.	Friday 9 a.m. - 5 p.m.
Tuesday 9 a.m. - 8 p.m.	Saturday 9 a.m. - 5 p.m.
Wednesday 9 a.m. - 8 p.m.	

## Seeley Hall Computer Lab

The Seeley Hall Computer Lab is located on the ground floor of Seeley Hall, 406 North Washington Avenue. The lab contains 22 computers and printing services for all Lackawanna College students and faculty. The lab closes for most holidays. Hours are subject to change.

### Seeley Hall Computer Lab Hours

Monday - Thursday.....	7 a.m. - 9 p.m.
Friday.....	7 a.m. - 4 p.m.
Saturday.....	8 a.m. - 6 p.m.
Sunday.....	8 a.m. - 6 p.m.



# Lackawanna College Information Literacy and Library Services

Library Services advocates information literacy not only for Lackawanna College students but also for all individuals. Information literacy is a set of skills that enables learners to recognize the need for information, to competently locate it from appropriate sources, and effectively evaluate its use and potential. Included is the knowledge of how to ethically and legally access and use information while understanding the economic, legal, and social issues that surround it. The ability to critically evaluate and effectively use information aids student success and helps create independent lifelong learners who will thrive in the workplace and beyond.

Library Services has instituted an Information Literacy Program at the college. The mission of the program is to support teaching students the skills and knowledge required to recognize the need for information, how to locate it effectively from appropriate sources, and the ability to evaluate its use and potential. The program seeks to cultivate critical thinking and encourage the development of strong legal and ethical research practices to create independent lifelong learners who will thrive in their academic careers.

## Creation Station

Artists and hobbyists who want to work with audio files, photos, video, and graphics but do not have the right programs on their home computers can do their work at the library. Adobe programs including Premiere, for video editing, Audition, a workstation for mixing, finishing, & editing audio, Photoshop, a program for working with photos and other digital images, and Illustrator, an application for working with visual art and graphics, are available at Creation Station, located on the second floor of the library.

## Math Center

The Math Center welcomes all members of the Lackawanna College community to meet with one of our tutors for assistance with studying for their math classes. Its primary function is to provide students with the opportunity to receive personalized help from tutors ready and able to answer their math questions. The Math Center is located in Angeli Hall suite 110 and has appointments available Monday-Friday. To make an appointment, visit the Math Center services on the Starfish.

## Writing Center

The Writing Center welcomes all members of the Lackawanna College Community to meet with a trained collaborator for assistance during any stage of the writing process and on any writing project. The Writing Center is located in Room 109 of Angeli Hall on the Scranton Campus. Students may arrange for individual or small-group collaboration either in-person or online at their convenience. To schedule an appointment with the writing center, follow the Writing Center link on the portal or Starfish.

## Athletics

The mission of the Lackawanna College Athletics department is to prepare our student-athletes for transfer to four-year institutions, productive careers, active and responsible citizenship, and lifelong learning. The Athletics department emphasizes personal development, professional preparation, and degree completion. The Lackawanna College Athletics department is located on the third floor of the Student Union building.

For more information, visit the Athletics website, call (570) 961-0700, or email [athletics@lackawanna.edu](mailto:athletics@lackawanna.edu).

# Public Safety Information

## Public Safety

Lackawanna College's Department of Public Safety's mission is to ensure the safety and security of students, faculty, staff and visitors on all our campuses. We seek to ensure a safe and secure learning and working environment for all. Public Safety works closely with all departments in the college and local first responders to provide and maintain safety and security.

Public Safety officers regulate and enforce vehicle parking regulations, conduct random rounds throughout the campus to ensure a safe environment, check compliance with college rules and regulations, identify safety concerns and maintenance problems, assist with Student ID replacement and security risks, investigate and resolve problems and complaints, and offer assistance to anyone on the college's grounds. Lackawanna College's Public Safety department is available on campus 24 hours a day, 7 days a week, and 365 days a year and can be reached by calling (570) 241-2022 or (570) 961-7899. In case of a medical emergency, call 911 first.

## RAVE

In its ongoing effort to keep the College community safe, Lackawanna College allows students to anonymously report on-campus crime and other incidents through RAVE. RAVE is a comprehensive, web-based risk management and prevention platform that notifies key personnel on campus of potential incidents. You can also download the "RAVE Guardian" app to your cellular devices through your device's app store, or register by visiting the [website](#).

## Incident Reporting

What types of Incidents should be reported?

The following list is not all inclusive of incidents that should be reported. If this is an emergency, please contact 911 immediately.

## **Physical/Personal Security**

- ❖ Abuse Including Physical, Sexual, Emotional and/or Psychological
- ❖ Aggravated Assault
- ❖ Arson
- ❖ Bullying/Cyber-Bullying
- ❖ Burglary
- ❖ Campus Safety/Security Concerns
- ❖ Criminal Homicide
- ❖ Disorderly Conduct
- ❖ Domestic Violence
- ❖ Hate Crime
- ❖ Hazing (Fraternity and Sorority)
- ❖ Hazardous Campus Housing Conditions
- ❖ Mistreatment
- ❖ Robbery
- ❖ Sexual Offense
- ❖ Sexual Misconduct/Inappropriate Behavior
- ❖ Stalking
- ❖ Theft
- ❖ Unsafe Campus Conditions
- ❖ Unsafe Work Conditions
- ❖ Vandalism
- ❖ Weapon Law Violations
- ❖ Workplace Violence

## **Information Security/Identity Theft**

- ❖ Copyright Violations
- ❖ Cyber Bullying
- ❖ Disclosure of Confidential Information
- ❖ Identity Theft

- ❖ Social Networking Leak
- ❖ Unauthorized Access To Computerized Academic or Administrative Records or Systems

## **Employment**

- ❖ Discrimination
- ❖ Harassment
- ❖ Racism
- ❖ Sexual Harassment
- ❖ Violation of the 1974 Family Educational Rights & Privacy Act (FERPA)
- ❖ Violation of Policy

## **Emergency Scenarios**

- ❖ Student Health Emergencies
- ❖ Terrorism
- ❖ Threat of Violence
- ❖ Weapon Suspicion
- ❖ Suspicious Picture/Note Taking
- ❖ Threat of Shooter/Bombing

## **Ethical**

- ❖ Misappropriation of funds
- ❖ Misuse of authority

## **Once I submit an incident, what happens?**

Incident Reports are securely transmitted to and stored on the RAVE platform. Once the Incident Report is received, notifications are sent to the appropriate personnel and the threat assessment team members selected by Lackawanna College. Your Incident Report will only be viewed and accessible by personnel that your organization has approved for each incident type. You may be contacted by a member of the appropriate department to address your report.

## **Is My Incident Report Anonymous?**

Yes, if you choose to not share your personal information when submitting an Incident Report. Please keep in mind the more information you can provide to the investigating team the best chance at a conclusive answer.

## Emergency Notification and/or Timely Warning

Presently, Lackawanna College is offering emergency notification alerts via RAVE Guardian Alert system. Lackawanna College uses this service to notify its students in the case of an emergency and/or unusual event. In the event of an emergency and/or unusual event, a phone call, text, and/or e-mail will be sent to the mobile number and/or email registered to receive alerts outlining the nature of the emergency. This is a free, mandatory service provided by the College, however normal text message fees may apply. Please note failure to register for the RAVE Guardian app may inhibit your ability to receive proper emergency notification.

Depending on the particular circumstances of an emergency and/or unusual event, especially in any situation that could pose an immediate threat to the Lackawanna College community and individuals, Public Safety, with the concurrence of the Associate Vice President of Student Engagement, may post a notice via RAVE Guardian alert to every student, staff, and faculty member registered to receive alerts. The email/text/phone call is immediately accessible via computer/phone by all students, staff, and faculty registered. In addition, a notice containing essential information will be forwarded to the College community via the RAVE Guardian Alert system.

## Public Safety Crime Reports

All Annual Security and Fire Safety Reports are kept up to date on the Lackawanna College website. Please refer to the Clery Reports page of the site, which can be accessed in the footer of every Lackawanna College web page.

## Student ID Cards

All students are issued a student ID card at orientation. This card is your official College identification and must be carried at all times. Report a lost, damaged, or stolen card immediately to Public Safety to prevent unauthorized use of the card. Replacement fees are charged on an escalating fee schedule as follows:

**First replacement: \$35**

**Second replacement: \$40**

**Third and subsequent replacements: \$60**

Failure to present a student ID when requested by a College official shall result in disciplinary action up to and including dismissal. Please reference the Creating Safety Hazards policy on page 70 for more information.

Using another's ID to obtain goods and services at the College or to provide false identification shall result in immediate sanctioning up to and including dismissal, depending on the level of the offense.

Failure to surrender Student ID upon college exit, withdrawal, or dismissal could result in fines or institutional sanctions.

## Student Right to Know Act

In compliance with the Student Right to Know Act, current re-enrollment rates, athletic graduation rates, and campus security statistics are published and posted on the Lackawanna College website. Graduation rates are available in the Registrar's Office, Office of Student Success, Student Engagement, and other rates are available through the corresponding departments.

## Public Safety Policies

### Fire and Emergency Evacuation Policy

All students, faculty members, administrators, and classified personnel must consider the ringing of the fire alarm as a real life or death emergency signal and react accordingly. Upon the sounding of the fire alarm, all rooms and buildings will be vacated in an orderly fashion and as quickly as possible. No one is allowed to remain in the building with the exception of First Responders.

When exiting the building, students, staff and faculty are asked to take backpacks, purses, coats, and valuables they have on or near their persons. They should not return to the area for any items left behind until given permission to return to the area by a college administrator, Public Safety, or the Fire Department.

In case of an evacuation, please keep in mind:

- ❖ Exit the building quickly and safely.
- ❖ Do not panic.
- ❖ Use the closest safe exit and await instructions in the nearest parking area.
- ❖ All those exiting Angeli Hall from the front shall gather in the parking area on Vine Street.
- ❖ All those exiting Angeli Hall from the back shall gather in the parking area on North Washington Avenue.
- ❖ No one should remain near the doors or windows to the building.

After the emergency is over or the drill is completed, an administrator will give the signal to return to class. If it is not possible to re-enter the building, notification of how to proceed will be given by an administrator. Additional information of fire drills can be found in the Resident Life Handbook.

Any person who, through smoking or use of prohibited items, deliberate malice, carelessness, or neglect, causes the alarms to sound and the fire company to be dispatched to any College building, will be required to pay \$1,000 to the College due to the levy placed upon the College by the City of Scranton for false alarms. If such person is a guest of a student, the fine will be assessed to that student. Deliberately causing a fire alarm with malicious intent is a criminal offense, and the responsible person, if they are a student, may be dismissed from the College. The fine levied is currently \$1,000 and is subject to change without notice.

## **Missing Persons Policy**

Upon acceptance all students are required to enter their contact information and emergency contact information on the student portal.

In the event a resident student is reported missing, the Director of Public Safety or their designee will notify the Associate Vice President of Student Engagement no later than 24 hours after receipt of the report. Public Safety will then begin the search process including speaking with the student's roommate, classmates, professors and the Residence Hall Director and detailed description will be disseminated to all staff and resident students. The students listed emergency contact person(s) will be contacted by the AVP of Student Engagement. If the investigation concludes the student is indeed missing, a missing person's report will be filed with the Scranton Police Department, and the Police Department that has jurisdiction over the students home address.

In the event any college official receives a report of a missing commuter student, they must immediately contact Public Safety. The Director of Public Safety or their designee will notify the Associate Vice President of Student Engagement upon initial report. The AVP of Student Engagement and Public Safety will simultaneously notify the person(s) on student emergency contact form and the Police Department where the student resides.

If a missing person report is received on a student under the age of 18, and they are not an emancipated individual, the Associate Vice President of Student Engagement will immediately contact the student's legal guardian upon receiving the information. The Director of Public Safety or their appointed designee will contact one, or more, of the following law enforcement agencies: Scranton Police (570) 348-4141 or the Pennsylvania State Police Dunmore Station (570) 963-3156. The initial contact will be to the authority of original jurisdiction, and the Director of Public Safety will reserve the right to contact all of the above.

The Director of Public Safety will also activate the College's internal emergency response procedures upon any missing persons report.

## **Student Motor Vehicle and Parking Policy**

All motor vehicles parked on a Lackawanna College-owned or leased parking lot must be registered in Public Safety's parking database located at

[www.tocite.net/lackawannacollege/portal](http://www.tocite.net/lackawannacollege/portal). Refer to the link to apply for a parking permit for new vehicles. Permits are issued each semester at a cost of \$50 (plus a \$3 handling fee).

NOTE: You DO NOT have to display a parking permit/sticker/etc. Parking permissions are tracked digitally, online. Once an individual applies for a permit, it will be approved by Public Safety. Once approved, registration is recorded and can be tracked without any visual display on the vehicle.

Handicapped permits must be displayed per state statute. No one will be permitted to utilize another handicapped individual's parking placard. The penalty for improper use of a handicapped placard will be revocation of parking privileges. Any vehicle without a valid parking permit registered on the above listed website will be subject to citations and/or towing. All illegally parked vehicles are subject to be towed or booted without notice. The driver/owner is solely responsible for all towing and storage fees incurred. Parking privileges in the campus lots will be revoked for repeated offenses.

Lackawanna College assumes no responsibility for vehicles parked on College property. Students, faculty, and staff are solely responsible for their vehicles (including parking citations and/or towing or booting charges) while the vehicles are located on College property. Parking spaces are designated as faculty, staff, students, handicapped, visitor, and reserved. Park in proper spaces only.

Parking is allowed only in marked spaces, within the lines. Vehicles parked inappropriately in spaces, unmarked areas, or causing any properly parked vehicle to be blocked from entering or exiting will be subject to fine and/or immediate towing or booting. No notice will be given. Parking is prohibited in drives, driveways, walkways, and seeded areas.

Resident students are not permitted to park on-campus unless granted a specific exception by Public Safety. Residence Life staff can assist residents with options for off-campus parking.

## **E-Powered Micro-Mobility Vehicles**

The use or storage of personal electric motorized vehicles, including but not limited to, electric scooters, e-skateboards, hoverboards, electric bikes, and other self-propelled devices, within campus residence halls and other Lackawanna College buildings is strictly prohibited.

Electric mobility aids for individuals with disabilities or with official instruction from a physician may be permitted on campus.

## **Human-Powered Micro-Mobility Vehicles**

The use of human-powered vehicles, including but not limited to bicycles, skateboards, and rollerblades, is prohibited within campus buildings. Resident students may store these vehicles in their room, but not in common areas of the residence hall, unless specifically designated for vehicle storage.



Any violation of this policy will result in confiscation of vehicles, a violation fine, and/or pathways provided by Residence Life & Housing or the Student Accountability and Restorative Practices Office.

Vine Street (Entrance) Lot	Designated for staff, faculty, handicapped staff and faculty, visitors, and reserved VIP parking
North Washington Avenue (Entrance) Lot	Designated for students, handicapped students, and vendor parking
McKinnie, Tobin, and Healey lots	Designated for employees only
Wyoming Avenue	Designated for staff and student overflow only

Students with a balance owed to the College that is not covered by financial aid is due in full or satisfactory payment arrangements must be made prior to receiving their parking pass. See the financial information section on how to make payment arrangements and set up a payment plan.

## Masking Policy

No student shall, while wearing any mask whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, enter, be or appear in any portion of any building owned or operated by Lackawanna College. For purposes of this policy, a mask is defined as any device or hood (including, but not limited to, facemasks, balaclavas, and ski masks) whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.

Exemptions from this rule shall be obtained from the Director of Diversity, Equity, and Inclusion+ for use of a mask that is deemed appropriate by the College or protected by the Constitution of the Commonwealth of Pennsylvania or the United States Constitution.



**Student  
Services  
Information**

# Student Health and Wellness

The mission of the Student Wellness Program is to engage, educate, and empower students with the goal of promoting the overall wellness and personal effectiveness of the individual as well as the collective College community.

**Engage** - We engage students to explore the skills, attitudes, and resources necessary to both succeed in the college environment and better the communities in which they live.

**Educate** - We educate students on mental health issues, alcohol and other drug prevention, sexual misconduct awareness, as well as teach them about healthy lifestyle choices.

**Empower** - We empower students to enhance their social, emotional, physical, intellectual, and spiritual wellness to reach their academic goals and assist them in making the most of their educational experience at Lackawanna College.

The college experience can be one of the most challenging transitions in a young person's life. The Lackawanna College Student Wellness Program is dedicated to promoting healthy lifestyles, positive choices, and total wellness for all students. Students can get support to overcome the difficulty of adjusting to the social, emotional, and educational demands of college.

Students can gain access to local resources to overcome a number of issues including relationship concerns, anxiety, depression, identity issues, stress management, substance abuse, and more.

All Student Wellness Program services are free and confidential for Lackawanna College students. Situations of a serious nature are referred to community agencies or local hospitals with the support and assistance from the Student Wellness Program. The Student Wellness Program and Public Safety also conduct emergency and crisis consultations. For additional information, visit the Student Wellness Program page on the Portal.

The Student Wellness Program office hours are Monday through Friday, 8 a.m. - 4 p.m. (except during College-observed holidays). To schedule an appointment, please call (570) 955-1478 or (570) 955-1466 or stop by Angeli Hall Room 102 or 103. You can also email [studentwellness@lackawanna.edu](mailto:studentwellness@lackawanna.edu) or visit the Starfish Services to access appointments. All services are free and confidential.

## **Rachel Drosdick-Sigafoos**

Student Wellness Program Director  
Angeli Hall 102  
501 Vine Street Scranton, PA 18509  
(570) 955-1478 or (570) 904-9824  
[DrosdickR@lackawanna.edu](mailto:DrosdickR@lackawanna.edu)

## **Lexi Karayanis**

Student Wellness Program Coordinator  
Angeli Hall 103  
501 Vine Street Scranton, PA 18509  
(570) 955-1466 or (272) 800-8159  
[KarayanisA@lackawanna.edu](mailto:KarayanisA@lackawanna.edu)

## College Health Services

Scranton Primary Health Care Center (SPHCC) provides on-campus student health services at Seeley Hall, 406 N. Washington Ave., Scranton. Information regarding SPHCC hours of operation can be found on the Student Health Services Page. Otherwise, services are provided at their office at 959 Wyoming Ave., Scranton, which is within walking distance from campus.

Students may reach SPHCC at (570) 344-9684 or (570) 969-9662. More information regarding on-campus health services can be found by visiting the Portal. Emergency medical treatment can be sought at one of the following local hospitals:

**Geisinger Community  
Medical Center**  
1800 Mulberry St.  
Scranton, PA 18510  
(570) 969-8000

**The Regional Hospital  
of Scranton**  
746 Jefferson Ave.  
Scranton, PA 18510  
(570) 348-7951

## Health Insurance

All students are required to have adequate health and accident insurance coverage.

## Falcons Fitness Center

The Falcon Fitness Center is located on the main floor of the Student Union. The Fitness Center is free to all current Lackawanna College students, faculty, and staff with their College ID. The Falcon Fitness Center offers a variety of cardio options including treadmills, elliptical cross trainers, stationary and recumbent bikes, stair climbers, and a Jacob's Ladder. There is also a large selection of strength equipment that includes Hammer Strength machines, free weights, kettlebells, and benches. Click [HERE](#) for additional information and hours.

## Student Wellness Policies

### **Mental Health Emergency Response Policy formally known as: Emergency Psychological Response Policy**

The Student Wellness Program and LC Public Safety are responsible for assessing students who may be exhibiting signs of emotional crisis. Any member of the College may report their concern for the student to the Student Wellness Program Monday through Friday 8 to 4 pm. If it is outside business hours or if the student's safety is at risk, please contact LC Public Safety immediately.

## Crisis Consultation

A student facing instability in their life can potentially face an emotional crisis. Safety issues can surface when a student is unable to deal with their stressors and navigate their daily life routine. This places a student at risk for an emotional breakdown and crisis. Crises can range in intensity and rapidity depending on the students' resources, supports and overall emotional health.

Any member of the College may report their concern for the student to the Student Wellness Program for immediate assessment Monday through Friday 8am-4pm while college is in session. If there is an emotional crisis and concern for safety outside Monday through Friday 8am-4pm Public Safety should be called immediately.

Examples of a student who may be facing a potential emotional crisis include:

- ❖ A student is unable to take care of themselves.
- ❖ A student's thinking is illogical or disorganized, or behavior is unpredictable.
- ❖ A student is isolating from others and displaying unusual behavior.
- ❖ A student is experiencing suicidal ideation or intent.

The Student Wellness Program and Public Safety will collaborate to meet with the student; assess the level of need and ensure that the student is evaluated and a clinical course of action is developed to ensure the student's emotional stability.

**Any concern about a student's safety, the safety of others, or if the student appears to be under the influence of drugs or alcohol should be reported immediately to Public Safety.** Public Safety will collaborate with the Student Wellness Program to complete an assessment of the student's current mental status.

Upon evaluation one of the following may apply:

- a. A student is in imminent danger to self or others and is in need of an emergency psychiatric evaluation.
- b. If student is amenable, the Student Wellness Program or Public Safety arranges the emergency psychiatric evaluation through the local mental health crisis center and accompanies the student to the evaluation.
- c. If the student is unamenable with the recommendation for a psychiatric evaluation, the Student Wellness Program or Public Safety will initiate the 302 process for an involuntary psychiatric emergency evaluation.
- d. .If a student is not in imminent danger to self or others and needs a behavioral health evaluation, the Student Wellness Program facilitates the referral to Scranton Counseling Center and maintains ongoing support during normal business hours.

- e. Student is not in imminent danger to self or others and is in need of ongoing support and skill building through the Student Wellness Program.

Situations of a serious nature are referred to community agencies or local hospitals with the support and assistance from the Student Wellness Program. The Student Wellness Program services are designed for issues of adjustment to the college experience only.

When a crisis consultation is needed and classes are not in session contact:

**Scranton Campus:** Scranton Counseling Center at (570) 348-6100

**Scranton Campus Resident Students:** Public Safety (570) 961-7899 or (570) 241-2022.

**Women's Resource Center Inc.:** (570) 346-4671

**Hazleton Campus:** Community Counseling Services (570) 552-6000 or (570) 836-3118

**Lake Region Campus:** Resources for Human Development, Inc. (570)-992-0879 or 1(800)-338-6467

**New Milford Campus:** Scranton Counseling Center (570) 348-6100

**Northwestern Human Services:** (570) 282-1732

**Sunbury Campus: Northumberland County:** Northumberland County Behavioral Health:  
1-844-33-REACH (1-844-337-3224)

**Towanda Campus:** Guideline 1(800) 332-6718

**Lackawanna County:** Women's Resource Center, Inc. Hotline (570) 346-4671

**Bradford County:** Abuse and Rape Crisis Center Hotline: (570) 265-5333

**Carbon County:** Victims Resource Center Hotline: (866) 206-9050

**Luzerne County:** Victims Resource Center Hotline: (570) 823-0765

**Monroe County:** Women's Resources of Monroe County, Inc. Hotline: (570) 421-4200 or (800) 799-7233

**Pike County:** Survivors Resources, Inc. D/B/ A Safe Haven, Inc. of Pike Hotline: (570) 296-4357

**Susquehanna County:** Women's Resource Center, Inc. Hotline: (570) 346-4671

**Wayne County:** Victims Intervention Program Hotline: (570) 253-4401 or (800) 698-4847

For additional information regarding the Mental Health Emergency Response Policy and reporting procedures, visit the Student Wellness Program page on the portal.

## Communicable Disease Policy

Lackawanna College recognizes that individuals employed or studying at the College may come into contact with a communicable disease. Therefore, Lackawanna College recognizes the need to create policies and procedures to deal with communicable diseases to protect the College community. A communicable disease is a disease that can easily spread from one person to another, either directly or indirectly through contact with an infected person, animal, vector or through an inanimate environment.

Recognized communicable diseases include, but are not limited to, the following:

- ❖ AIDS/HIV
- ❖ Hepatitis A, B, C, and D
- ❖ Meningitis (including Meningococcal and all other forms)
- ❖ Community Associated Methicillin-resistant Staphylococcus aureus (MRSA)
- ❖ Tuberculosis.
- ❖ Childhood Diseases (Chickenpox, Measles, Mumps, Whooping Cough, etc.)
- ❖ Influenza/Seasonal Flu
- ❖ COVID-19

To help prevent the spread of disease on our campus, Lackawanna College encourages all prospective students to avail themselves of vaccination against several infectious diseases that can occur in the college environment. We recommend vaccination for several of the diseases since there has been an increase in transmission, particularly on college campuses nationwide, throughout the past several years. Some of the vaccinations and immunizations available are those against several forms of hepatitis, meningitis, and those considered diseases of childhood (chicken pox, measles, mumps, and rubella). Please note that some vaccinations are required for admission to the college (including MMR, Varicella, Tdap, Hepatitis B, and Meningococcal B).

Lackawanna College takes seriously the overall well-being of its students and staff. The primary responsibility of Lackawanna College with regards to infectious diseases is education. Current educational information about infectious diseases will be made available to all members of the Lackawanna College community through Student Engagement.

## Protocol

The following procedures shall be followed when a student at Lackawanna College has a communicable disease:

1. Individual suspected cases of communicable diseases are to notify the Manager of Student Success. Steps to ensure confidentiality will be implemented and only those college personnel required to know will be notified of individual students and their communicable disease status.
2. Lackawanna understands the need for students to continue their academic studies provided that the student will not pose any risk to other students or college staff. This requires verification from the student's physician. If class due to investigation of a communicable disease, Lackawanna will provide reasonable accommodations to students. This will be addressed on a case-by-case basis.
3. If medical evidence indicates confirmation that the student does not pose a medical threat for transmission to others, persons with diseases will be allowed to attend and have access to all College facilities and services.
4. Any student that may require an extended leave of absence must notify the Manager of Student Success. Students experiencing medical complications from a communicable disease that preventing the student from attending classes will have to apply for a medical withdrawal.
5. Confidentiality will be maintained with all medical records. Lackawanna College will establish a policy as to whom in the college needs to be informed in the presence of a communicable disease. This policy shall be available on the college's website.

Lackawanna College is committed to the implementation of appropriate procedures to prevent the accidental transmission of any communicable diseases. The precautions outlined by the United States Public Health Service (Universal Precautions) will be undertaken for any occupational activities or programs of instruction, research, or training in which there is a potential for exposure of individuals to any communicable diseases.

Lackawanna College recognizes that individuals have the right to privacy and confidentiality regarding their personal information. The College will ensure that processes are in place to protect this privacy.

Lackawanna College has a duty to provide and maintain a healthy and safe environment for all students, staff, and others working at or visiting our sites. The College has an obligation to minimize the risk to anyone in the community of contracting a communicable disease. The institution is also committed to supporting and protecting our students, faculty, staff, and others who have a communicable disease from discrimination and/or harassment. If, however, an employee or student with a known communicable disease engages in activities, which, in the judgment of the College, appear to place others at risk, the College reserves the right to take corrective action.

## Medical Suspension Policy



The College administration reserves the right to suspend/administratively withdraw a student from the College for medical reasons if the student has a communicable disease, which, in the opinion of medical personnel, can transmit or inflict the illness to others on campus through normal daily contact.

This suspension or withdrawal applies, at a minimum, for the remainder of the semester. Any student that has been diagnosed with a communicable disease, has been issued a medical suspension or withdrawal, and is no longer contagious must provide the College with documentation from their treating health-care provider.

Documentation must state the student is no longer contagious and/or no longer poses a threat of infecting others at Lackawanna College. In addition, the document must attest that the returning student is capable of returning to the rigors of an academic course schedule and that there will be continued follow-up with a Health-care Provider. However, the student may not re-enroll until documentation is received in the Student Success Office and/or Center Director, concerning the student's readiness to return. In all cases, this documentation must come from a licensed, board-certified professional actively involved in the treatment and care of the student and must indicate that the student is able to become an active participant in the learning environment.

Further, it should be understood that, although the College will make an effort to provide a reasonable accommodation in appropriate circumstances, the College cannot care for students with serious medical conditions and therefore reserves the right to decide, in certain circumstances, that it cannot provide educational services or housing.

## **Lackawanna College Mental Health Policy**

Lackawanna College is committed to the success of all students, including those with mental health conditions. Lackawanna College will:

- ❖ Acknowledge but not stigmatize mental health conditions
- ❖ Make suicide prevention a priority
- ❖ Encourage students to seek help or treatment that they may need
- ❖ Ensure that personal information is kept confidential
- ❖ Allow students to continue their education as normally as possible by making reasonable accommodations
- ❖ Refrain from discrimination against students with mental health illnesses, including punitive actions towards those in crisis

## **Counseling and Mental Health Services**

Students are encouraged to seek counseling, assessment, and mental health treatment referrals through the Student Wellness Program (SWP), Integrative Counseling, Scranton Primary Health Care Center Inc., or Scranton Counseling Center.

Emergency psychiatric services are available to students at all times through the local community mental health providers. Student Wellness Program Services are designed for addressing issues of adjustment to the college experience. Situations of a serious nature (i.e. imminent threats or related crises or the student has made a suicidal gesture or is known to have contemplated suicide) are referred out to community agencies or local hospitals with the support and assistance from the Student Wellness Program.

If a student is amenable, the Student Wellness Program and/or LC Public Safety arrange the emergency psychiatric evaluation through the local mental health crisis center and accompanies the student to the evaluation. If the student is unamenable with the recommendation for a psychiatric evaluation, the Student Wellness Program and/or LC Public Safety will initiate the 302 process for an involuntary psychiatric emergency evaluation. Please refer to the Mental Health Emergency Response Policy & Flowchart found on the Student Wellness Program portal page for emergency mental health response procedures.

Counseling and mental health treatment referrals will be based on the student's preferences, strengths, and needs. Non-emergency mental health services are provided on a voluntary basis and it remains the student's decision whether or not to seek services.

Lackawanna College will refer a student to the Student Wellness Program & the Behavioral Intervention Team when faculty/staff learns that:

- ❖ The student exhibits academic, behavioral, or other difficulties that appear to be due to a mental health condition

If a referred student does not seek services through the Student Wellness Program, Scranton Counseling Center, Integrative Counseling, or Scranton Primary Health Care Center Inc., the Student Wellness Program will make individualized efforts, including direct outreach, to encourage students to access services.

In the event that a student is hospitalized, the Student Wellness Program, if requested by the student, will work with the student and the hospital as part of the hospital treatment team to, among other things, ensure appropriate aftercare planning. If applicable, students will be asked to agree to share their discharge safety plan, which will enable the student to assume greater responsibility for his/her own health, education, and growth.

There may be some cases in which the College may not know that a student was recently hospitalized, as there are some circumstances that do not occur within the College grounds or community. If a student mentions that he/she has been hospitalized in the past for a mental health reason, then the Student Wellness Program would follow up and offer resources and support. If the hospitalization happened a while ago, the student can very well be functioning successfully.

In the event that a student experiences a mental health crisis and lives on campus, the Student Wellness Program in conjunction with Residence Life may ask the student to receive an evaluation from a licensed mental health clinician to ensure students safety and

success before coming back to campus. Together, the mental health clinician, Student Wellness staff, and the student would work together to create a safety plan for living on campus.

## **Confidentiality**

Student Wellness services are confidential. The Student Wellness Program will not share information about a student with faculty, staff, administrators, or others, unless the student consents. As appropriate, the Student Wellness Program may encourage the student to consent to sharing information with the student's family or others. As permitted by law, the Student Wellness Program may disclose information about a student to the extent needed to protect the student or others from a serious and imminent threat to safety, for example, by making disclosures to crisis intervention or emergency personnel. Student Wellness staff are mandated reporters and will need to report any mention of elder or child abuse.

Disclosures are permitted only if the student will not consent to interventions that will ameliorate the risk. When a student seeks services through the Student Wellness Program, the student will be asked whom, if anyone, the student wants contacted in case of a psychiatric emergency (i.e. family member, friend, clergy).

## **Accommodations**

Lackawanna College will reasonably attempt to accommodate students with mental health conditions. Accommodations will be designed to enable the student to remain in school, meet academic standards, and maintain normal social relationships. Students can make requests for academic accommodations through the Office of Disability Services. The Student Wellness Program will help identify and secure all other nonacademic needed accommodations, with the student's consent. Absences for treatment including hospitalizations will need to be addressed through Lackawanna College's Medical Exigency Policy located in the LC Student Handbook.

## **Disciplinary Action**

Disciplinary action will not be used as a pretext for discrimination. Self-injurious behavior will not be addressed through the Student Accountability and Restorative Practices Office. Lackawanna College will not bring SARP pathways against a student for suicide attempts, suicidal thoughts, or self-injury, including self-cutting.

Students in violation of the Student Code of Conduct will be afforded the following accommodations:

- ❖ If the student takes a voluntary leave for mental health reasons, Student Conduct proceedings will be placed on hold until the student returns.
- ❖ If a student is placed on emergency removal, Student Conduct proceedings will move forward during that time.

During the period of emergency removal, the student may explore opportunities for continued academic progress remotely. It is the student's responsibility to contact their faculty members for consideration. Decisions regarding continued academic progress are

made at the sole discretion of the faculty members and may differ by course depending upon the nature of the course and point of the semester. For more information, please review the Student Code of Conduct (Section VII. Interim Measures Pending Student Conduct Hearings).

Disciplinary action should be avoided, and pathways mitigated, when the offense was the product of a mental health condition. This is especially true when, as a result of treatment or other interventions, the student is likely to comply with the code of conduct in the future.

## Education and Training

Lackawanna College provides education and training so that:

- ❖ Students and staff are familiar with signs of mental illness, self-harm, or suicide risk
- ❖ Understand and know how to access the range of supports available to students, including counseling services and accommodations
- ❖ Know what emergency procedures to follow in a crisis
- ❖ Know information about mental health and services

Students are encouraged to seek support, assessment, and mental health treatment through the Student Wellness Program. For additional information on the Mental Health Policy, visit the Student Wellness Program page on the portal.

# Student Life Information

Student Life at Lackawanna College is based upon the premise that learning extends beyond the classroom into all aspects of the collegiate experience.

The Student Life department strives to develop and implement a variety of events, programs, clubs, activities, and service projects, which complement the academic experience of Lackawanna College students and enhance their adjustment to college life and the local community. Participation in organizations and activities allows students to develop their leadership and social skills through interaction, involvement, and service, and students are strongly encouraged to get involved on campus and in our neighborhoods.

Programming updates are shared in the Weekly Word emailed each week to all current students. Programming calendars listing scheduled activities, club meetings, and community service projects are published monthly, and all events are included on the Portal calendar. Some of these include new student orientations, homecoming festivities, spring fling, recreational activities, holiday celebrations, and more. In addition, students regularly support community organizations such as Big Brothers/ Big Sisters, Boys & Girls Clubs of Northeastern Pennsylvania, the Children's Advocacy Center, Elm Park United Methodist Church, Gino J. Merli Veterans' Center, Head Start Child Care Centers, St.

Joseph's Center Baby Pantry, United Cerebral Palsy, and more. They also volunteer with local agencies for food drives, fundraising events, literacy efforts, and community service projects.

The Student Life department, located in Falcon's Nest, is open Monday through Friday from 8 a.m. until 4 p.m.

## Lackawanna College Student Organizations (LCSO)

The College provides a formalized means for students to develop leadership skills through participation in student organizations.

**Active Minds:** Focused on changing the conversation about mental health on campus. Promoting healthy conversations and dialogue about problems facing today's young adults.

**Book Club:** To expand members' personal literacy experience by reading and discussing works chosen by the students in a welcoming and open atmosphere

**Cheer:** Provide a fun, safe, encouraging atmosphere; while teaching the skills to develop strong character, positive attitudes, responsibility and citizenship as well as instilling positive goals, dreams and values.

**Creative Arts:** To give a creative outlet in all art forms: writing, painting, theater.

**Cyber Security:** To apply knowledge learned in the classroom and prepare them for internships. To participate in competitions such as National Cyber League, support students K-12 in Cyber Patriot competitions, and increase awareness on campus.

**Falcon Ambassadors:** To form a more representative and unifying student body; to encourage student development and interaction; to foster growth in leadership skills; to promote open communication and cooperation among student organizations; to promote favorable working relationships between the College, the student body, other local Falcon Ambassadors Associations, and community organizations; and to promote a positive image in the community through an active and committed community service program.

**Human Services Organization:** Aims to benefit the lives of others through projects with collegiate partners, promoting the values and standards of the National Organization of Human Services Educators and Human Services professionals.

**LC Student Veterans of America (SVA):** Provide military veterans with the resources, support, and advocacy needed to succeed in the transition to civilian life, higher education, and following graduation.

**FBLA Collegiate:** Focused on helping students reach their full potential by growing their leadership abilities, communication and team skills, and networking on a state and national level. Gain experience in operating a retail business.

**Pinky Swear Pack:** Pinky Swear's mission is to help every family with a child fighting cancer with emotional and financial support. Aim to raise and donate directly to families to assist with mortgage payments, bills, gas, and food.

**P.R.I.D.E. (Peace, Respect, Inclusion, Dignity, and Equality):** Aims to provide a safe space for students to discuss issues, plan events, and raise awareness and acceptance across campus.

**Student Government Association (SGA):** Aims to foster unity between the students and the college, to promote student concerns, and to advance the general welfare of the institution.

**Student Occupational Therapy Association:** Fundraise, advocate, and be the driving force for community outreach to the Occupational Therapy Program in the Scranton Area and beyond.

**Student Nursing Association of Pennsylvania (SNAP):** Intends to increase awareness to the LC and local communities in regard to nursing education, provide programs representative of fundamental interests and concerns to nursing students, and to aid in the development of the whole person in his or her responsibility for the healthcare of people in all walks of life.

**Volunteers of Lackawanna College:** Provide outstanding community service not just to the Lackawanna College community, but to Lackawanna County and all who could use a helping hand.

## Alternative Spring Break - Service Learning Trip

The Student Life Department organizes an Alternative Spring Break trip for students who volunteer their time on giving back and making a difference in the lives of others during Spring Break. Described as “a life-changing experience,” participants engage in a variety of projects including assisting in food banks, working with under-privileged youth in after-school programs, helping the homeless, protecting the environment, and more. All expenses are covered by the College and sign-ups are overseen by the Manager of Student Life. For more information, contact Student Life in the Falcon's Nest, Angeli Hall, at (570) 961-7873, or at [studentlife@lackawanna.edu](mailto:studentlife@lackawanna.edu).

## Public Relations for Student Organizations

Each student organization is responsible for creating its own internal public relations materials (i.e. posters, fliers, etc.). All publicity for use within the College must be submitted to the Office of Student Life for approval before release or posting on College

bulletin boards. External publicity and public information must also be submitted to Student Life to be approved by the College's Office of Advancement.

# Student Grievance Procedure

## I. Purpose and Scope

- A. The purpose of this procedure is to provide Lackawanna College students an opportunity to file Non-Academic grievances. Students are expected to attempt to resolve the matter informally prior to filing a formal grievance.
- B. While the Student Grievance procedure may be used for complaints alleging discrimination, students are encouraged to use the Affirmative Action Complaint process for resolution prior to bringing a complaint of harassment under the Student Grievance Procedure.
- C. The Student Grievance procedure should not be used for complaints alleging sexual harassment. Any student wishing to file a complaint of sexual harassment should consult with the College's Title IX Coordinator and the Title IX Handbook.

## II. Definitions

- A. Student: an individual who is officially enrolled as a non-degree student, a degree-seeking student, or enrolled in a College-approved certificate program.
- B. Respondent: the person designated to answer or respond to the complaint. Generally, the respondent would be the head of the department in which the violation allegedly occurred or the Associate Vice President of Student Engagement.
- C. Time/Days: all time periods referred to in this procedure refer to calendar days, excluding summer term and inter-semester recesses. If the designated time period ends on a Saturday, Sunday, or designated College holiday, the time period will be extended to the following working day. The time periods designated in this procedure may be extended only where there is a good cause and notice of the extension is provided to all parties.
- D. "In Writing": should be understood to include email, except where written signature is required.

## III. Department Level Resolution

- A. Informal Process: Before filing a grievance under this Policy, a student should attempt to resolve the matter informally with the person alleged to have committed the violation, with the head of the department in which the alleged

violation occurred, or both of them. The student may contact the Office of Student Engagement for assistance with informal resolution. Attempts to resolve the matter informally should be completed within thirty (30) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved.

- B. **Formal Process:** If the department fails to provide notice of resolution to the student within thirty (30) days of receiving the complaint, or if the response is unsatisfactory to the student, the student may file a formal student grievance within ten (10) days from when the response should have been received or within ten (10) days of receiving the unsatisfactory response.

## IV. Formal Resolution Procedure

- A. **Filing:** Student grievances can be filed by completing the Grievance Form published on the College's portal or by contacting the Associate Vice President of Student Engagement directly. Students electing the latter must put their grievance in writing prior to, or within, two (2) days of contact. Grievances must be signed, dated, and contain the student's email address and telephone number to the extent available, a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, the description of the evidence supporting the grievance, and whether informal procedures were taken to remedy the matter and relief requested. It is the responsibility of the student filing the grievance to update the Associate Vice President of Student Engagement of any changes to contact information.
- B. **Initial Review:** Upon receipt of a formal student grievance, the Associate Vice President of Student Engagement shall promptly review and make an initial determination regarding whether the grievance is complete, timely, within the jurisdiction of the Student Grievance Procedure, and alleges facts which, if true, would constitute a violation of law or College policy. If the grievance is found to be incomplete, the student will be notified in writing and will have ten (10) days from the written notice to complete the missing information. If the student fails to do so, the grievance will be dismissed. If the grievance is dismissed, the student will be provided with a written explanation of the basis for dismissal. The student will have ten (10) days from the written notice to request an appeal from the Associate Vice President of Student Engagement. The request for appeal must be a signed and written document stating why the grievance should not be dismissed. The Associate Vice President of Student Engagement will respond to the request for appeal within ten (10) days.
- C. **Investigation:** If the grievance is not dismissed for reasons outlined above, a prompt investigation into the matter will begin. The Associate Vice President of Student Engagement will send a copy of the written grievance to the head of the department involved with a copy sent to the Human Resources



Department. Each allegation will be investigated to determine whether or not it has merit.

- D. Resolution: Upon conclusion of the investigation, the student will be provided with a written response summarizing the outcome. If the outcome of the grievance involves a recommendation for disciplinary action, the matter will be referred to the appropriate personnel.
- E. Request for Reconsideration: The student may seek reconsideration of an adverse determination by filing a written request for review with the College Provost. This written request must be submitted within ten (10) days of receiving the written notice of determination. It must be supported by evidence that the Student Grievance procedure was not followed and show that the failure to follow procedure resulted in an adverse decision.

Further questions, comments or concerns can be directed to:

**Dan LaMagna, Ed.D.**

Associate Vice President of Student Engagement

(570) 504-1579 [LaMagnaD@lackawanna.edu](mailto:LaMagnaD@lackawanna.edu)



# Title IX

# Title IX

Lackawanna College is committed to providing an educational and work environment that prohibits conduct that falls under the definitions outlined in the College's Equal Opportunity, Harassment, and Nondiscrimination Policy, and as governed by Title IX of the Education Amendments Act of 1972. The Title IX policy and procedures outlined in the Student Handbook are in compliance with 2020 Title IX Regulations. Policies and procedures are subject to change and will be documented upon release of updated Title IX regulations from the federal government expected in 2023.

## What Is Title IX?

Title IX of the Education Amendment of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, sexual coercion, and gender-based violence and harassment. This also includes discrimination against pregnant and parenting students.

## Who Is Covered by Title IX?

Title IX covers any educational institution receiving federal funding. Title IX applies to all members of the Lackawanna College community, including students, staff, faculty, administrators, contractors, visitors, third parties, and to all programs and activities that take place either on or off campus.

## Where Can I Find the College's Title IX Policy and Procedures?

Lackawanna College provides a comprehensive summary of all related policy and procedures on our Title IX Website.

The website provides contact information, a summary of staff trainings, and important documents, including the Equal Opportunity, Harassment, and Nondiscrimination Policy and the resolution processes associated with Title IX and Other Sexual Misconduct offenses.

## Where Do I File a Report?

Students are encouraged to directly report information regarding incidents of sexual harassment or sexual misconduct to [titleix@lackawanna.edu](mailto:titleix@lackawanna.edu) or any of the following:

**Kelly Schneider, Esq.**

Title IX Coordinator  
Healey Hall Room 237  
(570)961-7890

[SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu)

**Abbey Judge, Ed.D.**

Deputy Title IX  
Coordinator  
Healey Hall Room 223  
(570) 955-1516

[JudgeA@lackawanna.edu](mailto:JudgeA@lackawanna.edu)

**Tanya Morgan**

Deputy Title IX  
Coordinator  
Seeley Hall Office G-03  
(570) 955-1522

[MorganT@lackawanna.edu](mailto:MorganT@lackawanna.edu)

**Brian Costanzo**

Deputy Title IX Coordinator  
Angeli Hall Suite 101-C  
(570) 961-7841

[CostanzoB@lackawanna.edu](mailto:CostanzoB@lackawanna.edu)

**Danelle McClanahan, Ed.D.**

Deputy Title IX Coordinator  
Angeli Hall Office 104  
(570) 961-7869

[McclanahanD@lackawanna.edu](mailto:McclanahanD@lackawanna.edu)

## Equal Opportunity, Harassment, and Nondiscrimination Policy

### 1. Rationale for Policy

Lackawanna College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

### 2. Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Lackawanna College's "Process A" or "Process B," as determined by the

Title IX Coordinator, and as detailed below. When the Respondent is a member of the College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. For the purpose of this policy, the College defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the College. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

### 3. Glossary

1. **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
3. **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.
4. **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
5. **Day** means a business day when the College is in normal operation.
6. **Directly Related Evidence** is evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
7. **Education program or activity** means locations, events, or circumstances where Lackawanna College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Lackawanna College.
8. **Final Determination:** A conclusion by the preponderance of the evidence that the alleged conduct did or did not violate policy.

9. **Finding:** A conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
10. **Formal Grievance Process** means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
11. **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
12. **Hearing Panel** refers to those who have decision-making and sanctioning authority within Lackawanna College’s Formal Grievance process.
13. **Investigator** means the person or persons charged by Lackawanna College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
14. **Mandated Reporter** means an employee of the Recipient who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
15. **Notice** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
16. **Official with Authority (OWA)** means an employee of the Recipient explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the Recipient.
17. **Parties** include the Complainant(s) and Respondent(s), collectively.
18. **Process A** means the Formal Grievance Process for Title IX and other Sexual Misconduct offenses.
19. **Process B** means the Formal Grievance Process for other Civil Rights offenses.
20. **Recipient** means a postsecondary education program that is a recipient of federal funding.
21. **Relevant Evidence** is evidence that tends to prove or disprove an issue in the complaint.
22. **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient’s educational program.

23. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
24. **Resolution** means the result of an informal or Formal Grievance Process.
25. **Pathway** means a consequence imposed by Lackawanna College on a Respondent who is found to have violated this policy.
26. **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.
27. **Title IX Coordinator** is at least one official designated by Lackawanna College to ensure compliance with Title IX and the Recipient's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
28. **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

#### 4. Title IX Coordinator

The Title IX Coordinator oversees implementation of Lackawanna College's Policy on Equal Opportunity, Harassment, and Nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to the intake; investigation; resolution as described more fully in "Process A" and "Process B"; and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy. Where "Title IX Coordinator" is referenced in this Policy, a Deputy Title IX Coordinator (or other appropriate designee) also has the ability to fulfill the roles and responsibilities as detailed.

#### 5. Independence and Conflict-Of-Interest

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Provost. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator. An individual's prior professional pursuits are not alone a reason for bias. It must be determined that the individual cannot perform their responsibilities fairly and impartially, and they will be recused only on the basis of a demonstrated bias and/or conflict of interest. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Provost. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

## 6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

**Kelly Schneider, Esq.**  
Title IX Coordinator  
Healey Hall Room 237  
(570)961-7890  
[SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu)

**Abbey Judge, Ed.D.**  
Deputy Title IX  
Coordinator  
Healey Hall Room 223  
(570) 955-1516  
[JudgeA@lackawanna.edu](mailto:JudgeA@lackawanna.edu)

**Tanya Morgan**  
Deputy Title IX  
Coordinator  
Seeley Hall Office G-03  
(570) 955-1522  
[MorganT@lackawanna.edu](mailto:MorganT@lackawanna.edu)

**Brian Costanzo**  
Deputy Title IX Coordinator  
Angeli Hall Suite 101-C  
(570) 961-7841  
[CostanzoB@lackawanna.edu](mailto:CostanzoB@lackawanna.edu)

**Danelle McClanahan, Ed.D.**  
Deputy Title IX Coordinator  
Angeli Hall Office 104  
(570) 961-7869  
[McclanahanD@lackawanna.edu](mailto:McclanahanD@lackawanna.edu)

The College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Coordinators listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the University. All of the following Officials with Authority will promptly report any complaints to the Title IX Coordinator:

- ❖ Title IX Coordinator/Deputy Title IX Coordinators
- ❖ President of the College
- ❖ Senior Level Administrators
- ❖ Vice Presidents
- ❖ Academic Deans
- ❖ Center Directors
- ❖ Department and/or Division Chairs
- ❖ Student Engagement and Student Success Deans
- ❖ Director of Athletics and Assistant Director of Athletics
- ❖ Director of Residence Life and Housing and Resident Directors
- ❖ Human Resources Business Partners
- ❖ Public Safety Department

Lackawanna College has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment,



discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

**Office for Civil Rights (OCR)**  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline:  
(800) 421-3481  
Fax: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

**Philadelphia Office:  
Office for Civil Rights**  
US Department of Education  
The Wannamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: (205) 656-8541  
Email: [OCRPhiladelphia@ed.gov](mailto:OCRPhiladelphia@ed.gov)

College employees may also make external inquiries to:

**Equal Employment  
Opportunity Commission**  
Philadelphia District Office  
801 Market Street, Suite 1000  
Philadelphia, PA 19107-3126  
Phone: (800) 669-4000  
or (267) 589-9700  
Fax: (215) 440-2606  
Email: [PDOContact@eeoc.gov](mailto:PDOContact@eeoc.gov)  
Web: <https://www.eeoc.gov>

**Pennsylvania Human  
Relation Commission**  
Harrisburg Regional Office  
333 Market Street,  
8th Floor  
Harrisburg, PA 17101-2210  
Phone: (717) 787-9780  
Web: [www.phrc.pa.gov](http://www.phrc.pa.gov)

## 7. Filing a Formal Complaint/Notice

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a complaint with or give verbal notice to the Title IX Coordinator/Deputy Coordinators or any Official with Authority, as listed above. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
2. Report anonymously, using the RAVE Guardian app available to all students. Instructions to download this app can be found by clicking here.
  - A. Anonymous reports are accepted but can give rise to a need to investigate. The College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the

College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

3. Report to the Lackawanna College Public Safety Department:
  - A. Main Office: 540 Wyoming Ave, Scranton, PA 18509
  - B. Telephone: 570-961-7899 or 570-241-2022.
4. Employees can also file a complaint with, or give verbal notice to, the Human Resources Office, Angeli Hall, Suite 316.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Lackawanna College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Lackawanna College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Lackawanna College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## 8. Preservation Of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time sensitive.

The College will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better)
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence);

6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

## 9. Supportive Measures

Lackawanna College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Lackawanna College's education program or activity, including measures designed to protect the safety of all parties or Lackawanna College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Lackawanna College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Lackawanna College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible. Lackawanna will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- ❖ Referral to counseling, medical, and/or other healthcare services Referral to the Employee Assistance Program
- ❖ Referral to community-based service providers Student financial aid counseling
- ❖ Education to the institutional community or community subgroup(s) Altering campus housing assignment(s)
- ❖ Altering work arrangements for employees or student-employees Safety planning
- ❖ Providing campus safety escorts
- ❖ Providing transportation accommodations
- ❖ Implementing contact limitations (no contact orders) between the parties

- ❖ Academic support, extensions of deadlines, or other course/program-related adjustments
- ❖ Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders Timely warnings
- ❖ Class schedule modifications, withdrawals, or leaves of absence Increased security and monitoring of certain areas of the campus Any other actions deemed appropriate by the Title IX Coordinator
- ❖ Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## 10. Emergency Removal

The Recipient can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (BIT Team) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator/ Deputy Coordinators prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three business days after notice is given, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator/Deputy Coordinators for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Lackawanna College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to

or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. Where the Respondent is an employee, existing provisions for interim action are applicable.

## **11. Promptness**

All allegations are acted upon promptly by Lackawanna College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in College's procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **12. Privacy**

Every effort is made by Lackawanna College to preserve the privacy of any notice or complaint filed with the College. The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Lackawanna College reserves the right to determine which of the College's officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with Investigators, Hearing Panel members, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Lackawanna College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

## **13. Jurisdiction of Lackawanna College**

This policy applies to the education program and activities of Lackawanna College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by Lackawanna College's recognized student organizations. The Respondent must be a member of the College's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Lackawanna College's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Lackawanna College interest includes:

- A. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- B. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- C. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- D. Any situation that is detrimental to the educational interests or mission of the College

If the Respondent is unknown or is not a member of the Lackawanna College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, Lackawanna College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving the Lackawanna College through third-party contracts are subject to the policies and procedures of their employers and are expected by the College to act in accordance with these Policies and Procedures.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

## **14. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Lackawanna College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

## **15. Online Harassment and Misconduct**

The policies of Lackawanna College are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or use Lackawanna College's networks, technology, or equipment.

Although Lackawanna College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing, or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

## **16. Policy on Nondiscrimination**

Lackawanna College is committed to providing a welcoming environment for all members of our community and to ensuring that all educational and employment decisions are based on individuals' abilities and qualifications. Lackawanna College does not discriminate in its educational programs, employment, admissions or any activities on the basis of race, color, religion or creed, national or ethnic origin, age, disability, pregnancy, sex/gender, gender identity and/or expression, sexual orientation, marital or family status, military or

veteran status, genetic information, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

Consistent with this principle, Lackawanna College will comply with state and federal laws such as the Pennsylvania Human Relations Act or other applicable state law, Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Ethnic Intimidation Act of 1982 (P.L. 537-154) and other laws that prohibit discrimination.

As a recipient of federal financial assistance for education activities, Lackawanna College complies with Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of the categories stated above, including in admissions and employment. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and this Policy.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational or employment access, benefits and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the College's policy on nondiscrimination.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process described below.

## **17. Policy on Disability Discrimination and Accommodation**

Lackawanna College is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The College's Title IX Coordinator is responsible for overseeing efforts to comply with these disability laws, including responding to grievances and in coordination with other College administrators, conducting investigations of any allegation of noncompliance or discrimination based on disability.



Grievances related to disability status and/or accommodations will be addressed using the procedures below.

**A. Students with Disabilities**

Lackawanna is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability Services.

The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with College's applicable policies.

**B. Employees with Disabilities**

Pursuant to the ADA, Lackawanna will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College

An employee with a disability is responsible for submitting a request for an accommodation to the Human Resources Department and providing necessary documentation. The Human Resources Department will work in coordination with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## **18. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Lackawanna's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy. All policies encompass actual and/or attempted offenses.

**A. Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by Lackawanna policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. The

College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Lackawanna will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Lackawanna may also impose pathways on the Respondent through application of the appropriate grievance process described more fully in Process “A” or Process “B.”

The College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Such conduct may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms.

## **B. Title IX Offenses**

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), Pennsylvania Human Relations Commission (PHRC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

**Quid Pro Quo:** An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;

**Sexual Harassment:** Unwelcome conduct determined by a reasonable person

to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or

**Sexual Assault**, defined as: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse

**Rape (Except Statutory Rape):** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

**Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

**Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

**Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law  
**Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent

Dating Violence, defined as: Violence committed by a person— (A) who " is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence**, defined as: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Pennsylvania.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking**, defined as: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

College reserves the right to impose any level of pathway, ranging from a reprimand up to and including disciplinary suspension or College dismissal, for any offense under this policy.

### **C. Other Sexual Misconduct Offenses**

In addition to the above offenses that fall within the scope of Title IX, the University also prohibits other sexual misconduct in the form of Hostile Environment Sexual Harassment and Sexual Exploitation.

**Hostile Environment Sexual Harassment:** As defined in them “Discriminatory Harassment” paragraph above.

**Sexual Exploitation:** taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute Sexual Harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to

1. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
2. Indecent exposure or inducing others to expose themselves when consent is not present;
3. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent;
4. Prostituting another individual;
5. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
6. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

#### **D. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent:** a knowing and voluntary agreement, with clear permission by word or action to engage in sexual activity. Individuals may experience the same

interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## **E. Other Civil Rights Offenses**

In addition to the conduct described above, which fall either within the coverage of Title IX or “Other Sexual Misconduct” offenses, the University additionally prohibits the following offenses as forms of discrimination when the act is based upon the Complainant’s actual or perceived membership in another protected class.

**Protected Class Harassment:** As defined in the “Discriminatory Harassment” paragraph above. Discrimination: actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.

**Intimidation:** implied threats or acts that cause an unreasonable fear of harm in another.

**Threats/Physical Harm:** threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.

**Bullying:** repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.

**Hazing:** any action or situation created on or off-campus which recklessly or intentionally harms, damages, or endangers the mental or physical health or safety of any person within the Lackawanna community for the purposes of, including, but not limited to, initiation or admission into or affiliation with any organization operating within the College (as further detailed in the College’s Hazing Policy outlined in the Student Code of Conduct).

All reported bias incidents will be evaluated under this Policy to determine whether they constitute one of the offenses listed above. Violation of any other College policies may constitute a Civil Rights Offense when a violation is

motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

College reserves the right to impose any level of pathway, ranging from a reprimand up to and including disciplinary suspension or College dismissal, for any offense under this policy.

## 19. Policy on Pregnant and Parenting Students

### COMPLIANCE

Reporting: Any member of the Lackawanna College community may report a violation of this policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters are responsible for promptly forwarding such reports to the Title IX office. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

The Title IX Coordinator for Lackawanna College is:

**Kelly Schneider, Esq., Healey Hall, Room 237**  
Scranton, PA 18509  
(570) 961-7890 or [SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu)

Complaints may also be filled with the U.S. Department of Education's Office for Civil Rights at:

***Office for Civil Rights,  
Philadelphia Office***  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541  
Facsimile: (215) 656-8605  
[Email: OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Complaints may be filed online, using the form available at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

### POLICY STATEMENT

Lackawanna College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, education programs and activities, hiring, leave policies, employment policies, and health insurance coverage. Lackawanna College hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.



Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medical necessary by the student's physician, "and then effectively reinstating the student to the same status as was held when the leave began.

This generally means the pregnant students should be treated by Lackawanna College the same way as someone who has a temporary disability and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services. To the extent possible, Lackawanna College will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path completion, if possible. In progressive curricular and / or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Students are encouraged to work with their faculty members and Lackawanna College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absences, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

## **SCOPE OF POLICY**

This policy applies to all aspects of Lackawanna College's program, including, but not limited to, admissions, educational programs, and activities, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage.

## DEFINITIONS

- a. *Medical Necessity*: a determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
- b. *Parenting*: the raising of a child by the child's parents in the reasonably immediate postpartum period.
- c. *Pregnancy and Pregnancy-Related Conditions*: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- d. *Pregnancy Discrimination*: includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
- e. *Pregnant Student / Birth-Parent*: refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- f. *Reasonable Accommodations*: (for the purposes of this policy) changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Lackawanna College.

## REASONABLE ACCOMMODATION OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS

- a. Lackawanna College and its faculty, staff, and other employees will not require students to limit their studies as a result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but Lackawanna College is limited in its ability to impact or implement accommodations retroactively.
- e. Reasonable accommodations may include, but not limited to:
  - 1. Providing accommodations requested by a pregnant student to protect the health and safety of the student and / or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
  - 2. Making modifications to the physical environment (such as accessible seating);
  - 3. Providing mobility support;
  - 4. Extending deadlines and / or allowing the student to make up tests or assignments missed for pregnancy-related absences;
  - 5. Offering remote learning options;

6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
7. Granted leave per Lackawanna College's medical leave policy or implementing incomplete grades for classes that will be resumed at a future date; or
8. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification to the essential elements of any academic programs. Pregnant students cannot be channeled into an alternative program or student against their wishes.

### **MODIFIED ACADEMIC RESPONSIBILITIES POLICY FOR PARENTING STUDENTS**

- a. Students with parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first 6 months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking / parenting responsibilities.
- b. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Title IX office, the student's academic advisor, and the appropriate academic department (s).
- c. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under this policy to students' academic advisors and coordinate accommodation-related efforts with the advisors unless the students specifically request that their advisors be excluded. Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and / or to reduce their overall course load, as appropriate, once authorization is received from the Title IX office. If, for any reason, caretaking / parenting students are not able to work with their advisors / faculty members to obtain appropriate modification, students should alert the Title IX office as soon as possible, and the office will help facilitate needed accommodations and modifications.
- d. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to 6 months to prepare for and take preliminary and qualifying examinations, and an extension of up to 6 months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by Lackawanna College. Longer extensions may be granted in extenuating circumstances.
- e. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- f. While receiving academic modifications, students will remain registered and retain benefits accordingly.

## LEAVE OF ABSENCE

- a. As long as students can maintain appropriate academic progress, faculty, staff, or other Lackawanna College employees will not require them to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.
- b. Enrolled students may elect to take a leave of absence for up to two consecutive semesters or one year, as per Lackawanna College's Leave of Absence Policy page 27 in the Student Handbook, because of pregnancy and / or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity.
- c. Students taking a leave of absence under this policy will provide notice of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practicable.
- d. Intermittent leave may be taken with the advance approval of the Title IX office and students' academic department(s), when medically necessary.
- e. Students who elect to take leave under this policy should contact the registrar's office (and financial aid, if appropriate) to discuss status options to continue their eligibility for certain benefits.
- f. To the extent possible, Lackawanna College will take reasonable steps to ensure that upon return from leave, students will be reinstated to their program in the same status as when their leave began, with no tuition penalty.
- g. Continuation of students' scholarships, fellowship, or similar Lackawanna College-sponsored funding during the leave term will depend on the students' registration status and the policies funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar Lackawanna College-supported funding by exercising their rights under this policy.
- h. The Title IX team will work collaboratively with Student Financial Services who can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

## STUDENT-EMPLOYEE LEAVE

- a. All student-employees will be entitled to the protections of the Family and Medical Leave Act, regardless of whether they are also students or hold post-doctoral status.
- b. Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.
- c. Pregnancy and related conditions will be regarded as justification for a leave of absences without pay for a reasonable period of time, as the conclusion of which employees will be reinstated to the status that they held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

## RETALIATION AND HARASSMENT

- a. Harassment of any member of the Lackawanna College community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other Lackawanna College employees are prohibited from interfering with students' right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.
- c. Faculty, staff, and other Lackawanna College employees are prohibited from retaliating against students for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because students request leave or accommodation, file a complaint, or otherwise exercise their rights under this policy.

## HOUSING-RELATED ACCOMMODATIONS

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant students. Parenting students' access to housing is governed by Residence Hall Policies; see Student Handbook page 194.

## DISSEMINATION OF THE POLICY AND TRAINING

A copy of this policy will be made available to faculty, staff, and employees in annually required training and posted on the Lackawanna College website. Lackawanna College will alert all new students about this policy and the location of this policy as part of orientation. The Title IX office will make educational materials available to all members of the Lackawanna College community to promote compliance with this policy and familiarity with its procedures.

## 20. Lactation Policy

### I. Policy Goals and Summary

Lackawanna College has adopted this policy in support of lactating students. Lackawanna College supports and encourages breastfeeding.

Under this policy, Lackawanna College shall provide lactating students with the accommodations necessary to ensure they have access to equal educational opportunities while also meeting their health needs.

Lackawanna College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy and related medical conditions, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies and health insurance coverage.

### II. Policy Text

#### *(1) Scope*

This policy is applicable to all Lackawanna College students who need to express milk during the course of their studies. This policy is intended only to apply to students while they are not performing paid work for Lackawanna College.

## *(2) Definitions*

For the purposes of this policy:

- a. The term “lactating students’ ” is intended to include any student who expressed milk for the nourishment of a child.
- b. “Medical necessity” is a determination made by a health care provider of a student’s choosing.
- c. “Reasonable accommodations” for the purposes of this policy are changes in the academic environment or typical operations that enable a lactating student or student with a lactation-related condition to continue to pursue their studies and enjoy equal benefits of Lackawanna College.
- d. “Absence” from class includes tardiness or a break for the expression of breast milk within a class period.

## *(3) Designated Lactation Spaces*

- a. Lackawanna College shall provide clean, private spaces across campus that are easily accessible to students for the purposes of expressing milk. Restrooms may not be classified as designated lactation spaces.
- b. All designated lactation spaces shall be equipped with, at minimum;
  - i.) a table or other flat surface suitable to hold a breast pump;
  - ii.) a chair;
  - iii.) an electrical outlet;
  - iv.) access to running water in the room or nearby.
- c. To ensure privacy within the lactation space, designated spaces will be equipped with a door lock and window coverings to block sight from the outside (if needed). For large lactation spaces intended to be shared by multiple lactating students or workers, privacy screens will be provided.
- d. Lackawanna College encouraged departments / facilities managers to make available lockers or another space in or nearby lactation spaces where students can elect to store their pumps or expressed milk.
- e. Lackawanna College shall make the list of available lactation rooms accessible online. The list should provide the locations and details of each room, including the operation hours and whether the space is fully private or potentially shared. The list should be regularly updated by the Title IX coordinator or their designee.
- f. Establishing new lactation spaces
  - i.) When existing locations are not accessible from a breastfeeding student’s class / study area, or the current demand for existing spaces makes as-needed pumping challenging, students may contact the Title IX Coordinator or designee to identify a new space. The Title IX Coordinator or designee will

work with departments and building managers to ensure the appropriate space is identified.

ii.) The new space need not be a permanent location and may revert back to old usage if / when the demand subsides.

iii.) The Title IX Coordinator or designee will regularly survey lactation room sign in sheets and / or poll users to assess the adequacy of existing locations.

#### *(4) Lactation Breaks*

a. Students will make reasonable efforts to pump between classes or outside of instruction time.

b. Lactating students who must pump during a portion of their class period shall inform the instructor of the need and estimated time away from class as soon as possible.

c. Instructors are prohibited from penalizing breastfeeding students for their absences needed to express breast milk on campus.

d. Instructors and students shall work together to identify solutions for making up in-class work or participation credits, as well as instruction missed.

e. If problems arise, or a student must miss class for longer periods of time due to medical necessity, the student or instructor may contact Title IX Coordinator for assistance.

#### *(5) Lactation Accommodations*

a. Students who need accommodations related to their lactation other than reasonable time and a clean and private place to express milk may request other reasonable accommodations by contacting the Title IX Coordinator or designee.

b. Reasonable accommodations may include avoiding certain chemical or exposures, permission to eat or drink, postponement or adjustment to fieldwork or travel, permission to bring the baby to their class or workspace (if prohibited under existing policy), or time off as medically necessary.

c. Exam accommodations shall be provided as necessary and may include extending the available time period for an exam to allow for the expression of breast milk, or situating the exam room closer to a lactation space to minimize disruption.

d. Lackawanna College shall accommodate any lactation-related impairments, such as serious infections, as it would other temporary medical conditions.

e. The designated office will engage in an interactive process with the student and any involved faculty to ensure the student's educational opportunities are not diminished as a result of their lactation or breastfeeding.

#### *(6) Direct Chest / Breastfeeding*

Breastfeeding is permitted at any campus building or space that the lactating student and infant / child are otherwise permitted to be present.

### *(7) Freedom from Discrimination and Harassment*

Lackawanna College prohibits harassment or other discrimination against students based on their lactation, as conditions related to sex. Harassment or discrimination related to breastfeeding and lactation may be referred to Kelly Schneider, Esq., Title IX Coordinator, (570) 961-7891, [SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu) , or [titleix@lackawanna.edu](mailto:titleix@lackawanna.edu), for appropriate actions.

### *(8) Compliance*

#### a. Reporting

Any member of the Lackawanna College community may report a violation of this Policy to any supervisor, instructor, or Title IX Coordinator. Supervisors and instructors are responsible for promptly forwarding such reports to the Title IX office.

#### b. Grievance process

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- ❖ A meaningful summary of all of allegations;
- ❖ The identity of the involved parties (if known);
- ❖ The precise misconduct being alleged;
- ❖ The date and location of the alleged incident(s) (if known);
- ❖ The specific policies implicated;
- ❖ A description of the applicable procedures;
- ❖ A statement of the potential pathways/responsive actions that could result;
- ❖ A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- ❖ A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- ❖ A statement about the College’s policy on retaliation;
- ❖ Information about the privacy of the process;
- ❖ Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor;
- ❖ A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
- ❖ Detail on how the party may request disability accommodations during the interview process;
- ❖ A link to the College’s VAWA Brochure;



- ❖ The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have; and
- ❖ An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or designated accounts. Once emailed and/or received in-person notice will be presumptively delivered.

### *(9) Dissemination*

Lackawanna College shall make this policy available to all Lackawanna College faculty, staff, and students. All instructors are responsible for being aware of this policy and working with breastfeeding students to arrange lactation accommodations. The Title IX Office will be responsible for distributing this policy to the Lackawanna College community and responding to any questions concerning the policy by students.

### *(10) Responsible parties / point of contact*

Lackawanna College's Title IX Coordinator or their designee will provide guidance to breastfeeding students, referrals, information, and resources, and oversee the support program.

Questions regarding this policy may be directed to

**Title IX Coordinator**

**Kelly Schneider, Healey Hall, Room 237**

Scranton, PA 18509

(570) 961-7890 or [SchneiderK@lackawanna.edu](mailto:SchneiderK@lackawanna.edu)

## **21. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Lackawanna College and any member of the College's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, the College vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **22. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **23. Mandated Reporting**

Most employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at College for a Complainant or third-party (including parents/guardians when appropriate):

## A. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On Campus Confidential Supports

### **Rachel Drosdick-Sigafoos**

Student Wellness Program Director  
Angeli Hall, Office 102  
(570) 955-1478 and (570) 904-9824  
[DrosdickR@lackawanna.edu](mailto:DrosdickR@lackawanna.edu)

### **Lexi Karayanis**

Student Wellness Program Coordinator  
Angeli Hall, Office 103  
(570) 955-1466 and (272) 800-8159  
[KarayanisA@lackawanna.edu](mailto:KarayanisA@lackawanna.edu)

### **Scranton Primary Health Care Center (SPHCC)**

On-campus Monday - Friday in Sealey Hall, First Floor,  
406 N. Washington Avenue, First Floor, Scranton, PA 18503 14

or off-campus at 959 Wyoming Avenue, Scranton, PA 18519  
(570) 344-9684 or (570) 969-9662

**Athletic Trainers** - (570) 955-1471

### **Nuris Perdomo, On Campus Victim Advocate, Women's Resource Center**

Seeley Hall, Room 118,  
Wednesday 12:30-4 p.m. (570) 346-4460  
[NurisP@wrcnepa.org](mailto:NurisP@wrcnepa.org)

### **Off Campus Free and Confidential Supports (available 24 hours a day)**

- ❖ A Women's Resource Center (Scranton/Environmental Center) (570)346-4671
- ❖ A Victim's Resource Center (Hazleton) (866) 206-9050
- ❖ A Victims' Intervention Program (LRC) (570) 253-4401
- ❖ Abuse and Rape Crisis Center (Towanda) (570) 265-5333
- ❖ A Victims' Resource Center (Wyoming County) (570) 836-5544
- ❖ A Transitions (Sunbury) (800) 850-7948

- ❖ A National Sexual Assault Hotline/www.rain.org (800) 656-HOPE
- ❖ A National Domestic Violence Hotline (800) 799-SAFE (800) 850-7948

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Student Wellness Program and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

## **24. When A Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator, in consultation with the Deputy Title IX Coordinator(s) (and other appropriate College administrators) has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process upon completion of an appropriate individualized risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

Lackawanna College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for

the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **25. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

## **26. Amnesty for Complainants and Witnesses**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants, Respondents or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students

within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** The College therefore maintains a policy of amnesty for students who offer help to others in need and will not pursue action under the Student Handbook for minor policy violations. Lackawanna may request the reporting individual attend an approved alcohol or drug education program without assessing any charges for such program. This amnesty provision also applies to student groups making a report of misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

**Employees:** Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. The College may therefore, at its discretion, offer employee Complainants and witnesses amnesty from minor policy violations related to the incident.

## 27. Resolution Process and Procedures

Upon receipt of a complaint, the Title IX Coordinator/Deputy Title IX Coordinators will assist the Complainant in identifying the appropriate Grievance Procedures to resolve the complaint in a prompt and equitable manner.

For allegations qualifying as “Title IX” or “Other Sexual Misconduct” Offenses, Process “A” applies.

For allegations qualifying as “Other Civil Rights” Offenses, Process “B” applies. This Policy and Procedures are effective on August 14, 2020.

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# Resolution Process for Alleged Violations of The Title IX and Another Sexual Misconduct Offenses (Process “A”)

## 1. Overview

Lackawanna College will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

### “Process A” applies to:

1. Qualifying allegations of Title IX Offenses (as defined in the Policy on Equal

Opportunity, Harassment, and Nondiscrimination)

2. Allegations of Other Sexual Misconduct Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
3. Allegations of offenses that would otherwise be “dismissed” per Title IX due to jurisdictional classification (i.e. when the Complainant is a visitor or guest; the off-campus conduct affects a substantial College interest, or effectively deprives someone of access to Lackawanna College’s educational program). The Procedures below may be used to address collateral misconduct (i.e., vandalism, physical abuse of another, etc.).

If the alleged conduct stems from the same event or course of conduct, it will be processed and adjudicated through “Process A” at the same time.

## 2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) initiates a prompt initial assessment to determine the next steps the College needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a Formal Complaint; and/or
2. An Informal Resolution (upon submission of a Formal Complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).

The College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## 3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

1. If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - A. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

2. If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
3. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
4. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
5. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
  - A. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - B. If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - C. If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - i. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - a. an incident, and/or
      - b. a pattern of alleged misconduct, and/or
      - c. a culture/climate issue, based on the nature of the complaint.
    - ii. If it does not, the Title IX Coordinator determines that Title IX does not apply and will procedurally “dismiss” that aspect of the complaint under Title IX. The Title IX Coordinator then assesses which policies may apply and refers the complaint to be processed under the appropriate resolution process. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the College’s authority to address a complaint with an appropriate process and remedies.



## 4. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the BIT Team as part of the initial assessment. A VRA can aid in critical and/or required determinations, including:

1. Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
2. Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
3. Whether to put the investigation on the footing of incident and/or pattern and/or climate;
4. To help identify potential predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
7. Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
8. Assessment of appropriate pathways/remedies (to be applied post-hearing); and/or
9. Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT Team.

## 5. Dismissal (Mandatory and Discretionary)

The College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or

3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the recipient; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Dismissing a complaint under Title IX is solely a procedural requirement and does not limit the College's authority to address a complaint under "Process A" if it meets one of the other sexual misconduct definitions or jurisdictional categories as described in the Policy. The Title IX Coordinator will provide the Parties with notification of the potential violations that will still be processed under "Process A."

## 6. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## 7. Right to An Advisor

The Parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Lackawanna College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

### A. Who Can Serve as An Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Lackawanna community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with Lackawanna policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial process, prior to a hearing.

### B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

### C. Advisors in Hearings/College-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by

the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

#### **D. Pre-Interview Meetings**

Advisors may request to meet with the Title IX Coordinator in advance of any pre-hearing interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

#### **E. Advisor Violations of College Policy**

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role, up to and including notifying the party that they must choose a new Advisor, or they will be appointed one for future meetings/ hearing.

## **F. Sharing Information with The Advisor**

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

At request of the party, Lackawanna may also provide a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

Advisors are expected to maintain the privacy of the records shared with them. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

## **G. Expectations of An Advisor**

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## **H. Expectations of The Parties with Respect to Advisors**

The parties are expected to provide notice to the Title IX Coordinator when they choose an Advisor or otherwise would like to request a College-appointed Advisor. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

# **8. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with

Lackawanna College policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Lackawanna encourages parties to discuss any sharing of information with their Advisors before doing so.

A. Informal Resolution

Informal Resolution can include three different approaches:

1. When the Respondent accepts responsibility for violating policy, and desires to accept a pathway and end the resolution process; or
2. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation; or
3. When the parties agree to resolve the matter through a negotiated resolution mechanism, usually before a formal investigation takes place.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined by the Policy. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal

Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any pathways or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Title IX Coordinator, in consultation with other College administrators, may look to the following factors to assess whether Informal Resolution is appropriate:

1. Likelihood of potential resolution, taking into account any power dynamics between the Parties;
2. The Parties' motivation to participate;
3. Civility of the Parties;
4. Results of an individualized risk assessment/ongoing risk analysis;

5. Disciplinary history;
6. Whether an emergency removal is needed;
7. Complaint complexity;
8. Emotional investment/capability of the Parties;
9. Rationality of the Parties;
10. Goals of the Parties

The Title IX Coordinator maintains records of any Informal Resolution that is reached, and failure to abide by a resolution agreement may result in appropriate responsive/disciplinary actions.

## **B. Respondent Accepts Responsibility For Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, pathways, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon pathways and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

## **C. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. If the Parties are unable to agree on the outcomes of the negotiated resolution, any party may request that the matter be resolved through the Formal Grievance Process. Additionally, if one of the Parties fails

to comply with the terms of the Negotiated Resolution, the matter may be referred for a Formal Grievance Process. Negotiated Resolutions are not appealable.

# Formal Grievance Process

## 9. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Students, parents/guardians of students, employees, prospective students, and prospective employees can find Members of the Pool [here](#).

### A. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

1. To provide appropriate intake of and initial guidance pertaining to complaints;
2. To act as an Advisor to the parties;
3. To serve in a facilitation role in Informal Resolution;
4. To perform or assist with initial assessment;
5. To investigate complaints;
6. To serve as a hearing facilitator (process administrator, no decision-making role);
7. To serve as a Decision-maker regarding the complaint;
8. To serve as an Appeal Decision-maker;

The Title IX Coordinator, in consultation with other appropriate administrators, chooses who serves in the Pool. While members of the Pool are sometimes trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, they are traditionally designated in permanent roles dependent on particular skills, aptitudes, training, or job positions.

The Title IX Coordinator may also assign any of the above-listed roles to be conducted by a trained outside (third-party) consultant.

### B. Pool Member Training

The Pool members receive annual training, which includes, but is not limited to:



1. The scope of the College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures;
2. How to conduct investigations and hearings that protect the safety Respondents, and promote accountability;
3. Implicit bias;
4. Disparate treatment and impact;
5. Reporting, confidentiality, and privacy requirements;
6. Applicable laws, regulations, and federal regulatory guidance;
7. How to implement appropriate and situation-specific remedies;
8. How to investigate in a thorough, reliable, and impartial manner;
9. How to uphold fairness, equity, and due process;
10. How to weigh evidence;
11. How to conduct questioning;
12. How to assess credibility;
13. Impartiality and objectivity;
14. How to render findings and generate clear, concise, evidence-based rationales;
15. The definitions of all offenses;
16. How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy;
17. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
18. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
19. Any technology to be used at a live hearing;
20. Issues of relevance of questions and evidence;
21. Issues of relevance to create an investigation report that fairly summarizes relevant evidence;

22. How to determine appropriate pathways in reference to all forms of harassment, discrimination, and/or retaliation allegations;

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are College employees), and Chairs. All Pool members are required to attend these training sessions annually. The materials used to train all members of the Pool are publicly posted here: <https://www.lackawanna.edu/offices-and-departments/campus-life/title-ix/title-ix-certifications/>

## 10. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

1. A meaningful summary of all of allegations;
2. The identity of the involved parties (if known);
3. The precise misconduct being alleged;
4. The date and location of the alleged incident(s) (if known);
5. The specific policies implicated;
6. A description of the applicable procedures;
7. A statement of the potential pathways/responsive actions that could result;
8. A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
9. A statement that determinations of responsibility are made at the that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
10. A statement about the College’s policy on retaliation;
11. Information about the privacy of the process;

12. Information on the need for each party to have an Advisor of their /ways to identify an Advisor;
13. A statement informing the parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
14. Detail on how the party may request disability accommodations during the interview process;
15. A link to the College's VAWA Brochure;
16. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have; and
17. An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or designated accounts. Once emailed and/or received in-person notice will be presumptively delivered.

## 11. Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## 12. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will notify an Investigator(s) who will initiate the formal investigation. Investigators will be chosen from the Grievance Process Pool or may be a trained outside investigator.

## 13. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Provost.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## 14. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## 15. Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## 16. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

1. Determine the identity and contact information of the Complainant;
2. In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures;
3. Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated;
4. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
5. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties;
6. Meet with the Complainant to finalize their interview/statement, if necessary;
7. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - A. Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool, or an Advisor of their choosing present for all meetings attended by the party;
8. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings;
9. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible;
10. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose;

11. Interview all available, relevant witnesses and conduct follow-up interviews as necessary;
12. Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions;
13. Complete the investigation promptly and without unreasonable deviation from the intended timeline;
14. Provide regular status updates to the parties throughout the investigation;
  - A. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding;
  - B. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included;
  - C. The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report;
  - D. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Recipient does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days;
  - E. The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses;
  - F. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period;
  - G. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback;

- H. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

## 17. Role and Participation of Witnesses in the Investigation

Witnesses who are employees of the College are expected to cooperate with and participate in the College's investigation and resolution process. This participation is considered within the scope of their employment with the College.

Student witnesses are also expected to cooperate with and participate in the College's investigation and resolution process.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, telephone, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## 18. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording in writing.

## 19. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## 20. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation - when the final investigation report is transmitted to the parties and the Decision-maker - unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-makers depending on the context and nature of the alleged misconduct.

## 21. Hearing Decision-Maker Composition

The College will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

## 22. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate pathway upon a determination of responsibility. This



information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## 23. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential pathways/responsive actions that could result;
2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities;
3. Any technology that will be used to facilitate the hearing;
4. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing;
5. A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing;
6. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing;
7. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing;

8. Notification that the parties may have the assistance of an Advisor if their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions;
  - A. A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already;
  - B. An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination;
  - C. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing;
  - D. Notification that the parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## 24. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## 25. Pre-Hearing Preparation

The Title IX Coordinator or the Chair will provide a list of names of the Decision- Makers, the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five (5) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Title IX Coordinator or Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Title IX Coordinator or Chair.

## 26. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

## 27. Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and/or Deputy Title IX Coordinator (generally also serving as Hearing Facilitator) and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

## 28. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## 29. The Order of The Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the Parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator and/or Deputy Title IX Coordinator. Accordingly, the Title IX Coordinator or Deputy Title IX Coordinator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording

and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## 30. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## 31. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for

appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## 32. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility.

The Decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions. If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

## 33. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

## 34. Deliberation, Decision-Making, and Standard of Proof

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate pathway(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The

Decision-makers may – at their discretion – consider the statements, but they are not binding.

The Decision-makers will review the statements and any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate pathway(s) in consultation with other appropriate administrators, as required or necessary.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any pathways.

This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

## 35. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) business days of receiving the Decision- makers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any pathways issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

## 36. Pathways

Factors considered when determining a pathway/responsive action may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s);
2. The Respondent's disciplinary history;
3. Previous allegations or allegations involving similar conduct;
4. The need for pathways/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
5. The need for pathways/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
7. The impact on the parties;
8. Any other information deemed relevant by the Decision-makers

The pathways will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The pathways described in this policy are not exclusive of, and may be in addition to, other actions taken or pathways imposed by external authorities.

### A. Student Pathways

The following are the usual pathways that may be imposed upon students or organizations singly or in combination:

**i. Probation:** Includes a period during which the student must demonstrate the ability to comply with the College's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) year to the balance of the students' tenure at the College, depending on the severity of the offense(s). While on probation, any further violation of College policy may result in disciplinary suspension or dismissal from the College.

**ii. Deferred Suspension:** This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal by the Dean of Students. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal.



Students who are permitted to return to the College following a period of Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of College policy.

- a. **Suspension from Activities:** All students (including student-athletes) may be suspended from any Lackawanna College extracurricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
- b. **Housing Suspension:** This pathway indicates that a student has been excluded from the resident housing and the general grounds or parking lots surrounding the resident housing, including activities sponsored or supervised by the housing staff.
- c. **Disciplinary Suspension:** Separation of the student from the College for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the College in any way. A student who is suspended is not in good standing with the College. Disciplinary Suspension may entail provisions added to a student's reentry into the College.
- d. **Restitution:** Reimbursement to the College for damage, destruction, or misappropriation of property on College premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.
- e. **Fines:** Penalty fees paid to the College. The amount is dependent upon the degree of policy infraction and is set by the College administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution.
- f. **College Dismissal:** This indicates permanent separation from Lackawanna College. Students will be withdrawn from all enrolled courses by the College. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all room and board payments will be forfeited.
- g. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- h. **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student

participation in commencement activities if the student is found responsible for an alleged violation.

- i. **Revocation of Degree:** The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- j. **Other Actions:** In addition to or in place of the above pathways, the College may as sign any other pathways as deemed appropriate.

## B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- i. Employee termination from the College
- ii. Unpaid Suspension
- iii. Restrictions From All or Portions of the College
  - a. Change In Working Facility
  - b. Mandated Education
  - c. Written Reprimand In Personnel File
- iv. Removal From Classroom Teaching
- v. Tenure Revocation
- vi. Withhold Salary Increase (from one to several years)
- vii. Removal of Endowed Chair
- viii. Removal of Emeritus Status
- ix. Removal of Graduate School Status
- x. Termination of Research Project Funding
- xi. Removal from Administrative Position
- xii. Verbal Reprimand
- xiii. Required Participation in Counseling or Training
- xiv. Demotion
- xv. Change to Reporting Structure
- xvi. Reinstatement of An Employment Probationary Period
- xvii. Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

## 37. Withdrawal or Resignation While Charges Pending

### Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent withdraw from the College, the College will typically proceed with the Formal Grievance Process.

When determining to proceed with the Formal Grievance Process after a Respondent withdraws from the College, the Title IX Coordinator will base the decision on reasons that may include whether a Respondent poses an ongoing risk to the College's community, whether a determination regarding responsibility provides a benefit to the Complainant even where the College no longer has control over the Respondent and would be unable to issue disciplinary pathways, or for other reasons.

The student who withdraws or leaves while the process is pending may be barred from College property and/or events during this time. Moreover, if the student is found to have violated this Policy, the student is not permitted to return to the College unless and until all pathways have been satisfied. Accordingly, a hold will be placed on their ability to be readmitted.

The College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

### Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

## 38. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-Maker will be designated to hear the appeal. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**A. Grounds for Appeal:**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/ or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be emailed and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker will collect any additional information needed and will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any pathways that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

## **B. Pathways Status During the Appeal**

Any pathways imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the pathways are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures detailed in the Policy for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

## **C. Appeal Considerations**

1. Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the pathway(s)/responsive action(s) only if there is a compelling justification to do so.
2. Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for an Appeal Decision-maker to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or pathway(s).
4. The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
5. Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-makers for reconsideration. Other appeals may be remanded at the

discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

**a.** Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

**b.** In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-makers.

**c.** The results of a remand to a Decision-makers cannot be appealed.

**d.** In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## 39. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any pathways implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

1. Referral to counseling and health services;
2. Referral to the Employee Assistance Program;
3. Education to the individual and/or the community;
4. Permanent alteration of housing assignments;
5. Permanent alteration of work arrangements for employees;
6. Provision of campus safety escorts;
7. Climate surveys;
8. Policy modification and/or training;
9. Provision of transportation accommodations;
10. Implementation of long-term contact limitations between the parties;
11. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Recipient's ability to provide these services.

## 40. Failure to Comply with Pathways and/or Interim and Long-Term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned pathways, responsive actions, and/or corrective actions within the timeframe specified by the final

Failure to abide by the pathway(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional pathway(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## 41. Recordkeeping

Lackawanna College will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary pathways imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Lackawanna will make these training materials publicly available on College's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:

- A. The basis for all conclusions that the response was not deliberately indifferent;
- B. Any measures designed to restore or preserve equal access to the College's education program or activity; and
- C. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

## 42. Disabilities Accommodations in the Resolution Process

Lackawanna College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services (students) or Human Resources (employee), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## 43. Revision of This Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.



This Policy and procedures are effective August 14, 2020. Policies & procedures are subject to updates under new TIX regulations signed into law April 19, 2024, and will be forthcoming.

# Resolution Process for Alleged Violations of Other Civil Rights Offenses (Process “B”)

Lackawanna College will act on any formal or informal allegation or notice of violation of the Policy on Equal Opportunity, Harassment and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process B.”

“Process B” applies to:

1. Allegations of Protected Class Harassment (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
2. Allegations of Other Civil Rights Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
3. These procedures apply to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by College recognized student organizations; and also to off-campus conduct that affects a substantial College interest or effectively deprives someone of access to Lackawanna College’s educational program.

These procedures may also be used to address collateral misconduct (i.e., vandalism, physical abuse of another, etc.). If the alleged conduct stems from the same event or course of conduct, it will be processed and adjudicated through “Process B” at the same time.

## 1. Notice/Complaint

Formal Complaints must be submitted to the Title IX Coordinator or Deputy Title IX Coordinator(s). The complaint must be filed in writing and contain the Complainant’s name and contact information. The Formal Complaint must clearly illustrate the alleged issue/discriminatory action and the remedy or relief sought. Upon receipt of a complaint or notice to the Title IX Coordinator or Deputy Title IX Coordinator(s) of an alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy, the College initiates a prompt initial assessment to determine the next steps the College needs to take.

## 2. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the College's Nondiscrimination Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

1. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
2. The Title IX Coordinator notifies the Complainant (and Respondent eventually) that they may have an Advisor present. Advisors are allowed solely for the purpose of support and may not serve as representatives of the Complainant or Respondent. Any Advisor who oversteps their role will be warned and/or prohibited from being present.
3. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
  - A. If a supportive and remedial response is preferred, the Title IX Coordinator(s) works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - B. If an Informal Resolution option is preferred, the Title IX Coordinator(s) assesses whether the complaint is suitable for Informal Resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - C. If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
    - i. Incident, and/or
    - ii. A potential pattern of misconduct, and/or
    - iii. A culture/climate issue.

In many cases, the Title IX Coordinator may determine that an Individualized Risk Assessment (IRA) should be conducted by the Behavioral Threat Assessment Team as part of the initial assessment. An IRA can aid in critical and/or required determinations, including:

1. Emergency Removal of a Respondent who is a threat to health/safety;

2. Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
3. Whether to put the investigation on the footing of incident and/or pattern and/or climate;
4. To help identify potentially predatory conduct;
5. Whether a complaint is amenable to Informal Resolution;
6. Whether to communicate with a transfer Recipient about a Respondent;
7. Assessment of appropriate pathways/remedies;
8. Whether a Clery Act Timely Warning/ Trespass order/Persona-non-grata is needed.

Based on the initial assessment, the College will initiate one of two responses:

1. **Informal Resolution:** typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
2. **Administrative Resolution:** investigation of policy violation(s) and recommended finding, subject to a determination by Decision-makers and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the Nondiscrimination Policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

### 3. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment as described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

### 4. Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to use prudence before doing so. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the resolution process and procedures.

#### A. Informal Resolution

Informal Resolution can include two different approaches:

1. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
2. When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue the Formal Grievance Process (Administrative Resolution), and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Lackawanna College will provide the Parties with written notice of the reported misconduct and any pathways or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

The Title IX Coordinator, in consultation with other College administrators, may look to the following factors to assess whether Informal Resolution is appropriate:

1. Likelihood of potential resolution, taking into account any power dynamics between the Parties;
2. The Parties' motivation to participate;
3. Civility of the Parties;
4. Results of an individualized risk assessment/ongoing risk analysis;
5. Disciplinary history;
6. Whether an emergency removal is needed;
7. Complaint complexity;
8. Emotional investment/capability of the Parties;
9. Rationality of the Parties;
10. Goals of the Parties

The Title IX Coordinator maintains records of any Informal Resolution that is reached, and failure to abide by a resolution agreement may result in appropriate responsive/disciplinary actions.

#### **B. Respondent Accepts Responsibility For Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria listed in the section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, pathways, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of the College's policy and

implements agreed-upon pathways and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **C. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the College. If the parties are unable to agree on the outcomes of the negotiated resolution, any party may request that the matter be resolved through the Formal Grievance Process. Additionally, if one of the parties fails to comply with the terms of the Negotiated Resolution, the matter may be referred for a Formal Grievance Process. Negotiated Resolutions are not appealable.

## **5. Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process.

### **A. Investigation**

Administrative Resolution starts with a thorough, reliable, and impartial investigation. If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties, informing them that an investigation has been initiated. Notification may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued or designated email account. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview. Once emailed and/or received in-person, notice will be presumptively delivered.

Complainants are encouraged, but not required, to participate in the College's investigation and resolution process. If a Complainant chooses not to participate in a full investigation and/or disciplinary proceeding, the College may assist the Complainant in seeking an Informal Resolution (as described above). When a Complainant requests that an investigation not occur or requests confidentiality, the College will make every reasonable effort to

comply with that request. However, there may be circumstances when the College decides to proceed with an investigation despite the request of a Complainant. In such cases, the Complainant will be notified.

Upon the decision to commence an investigation, a trained College investigator(s) is appointed. The Title IX Coordinator generally works with other College administrators to determine the appropriate individual(s) to investigate. The Parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Provost.

Investigations are completed expeditiously, though some investigations take longer depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

At the conclusion of the fact gathering phase of the investigation, the Complainant and Respondent shall both be given an opportunity to review a draft investigative report and within five (5) business days, offer any additional information or comment or request that additional investigative steps be taken. The investigator(s) will take any additional information into consideration before finalizing the report. The final investigation report will then be promptly submitted to the Decision-makers to make a determination based on a preponderance of the evidence.

The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

## **B. Determination**

Within five (5) business days of receiving the investigation report, the Decision-makers review the final report and all responses, and then make the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Decision-makers may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The Decision-makers may invite and consider impact statements from the parties if and when determining appropriate pathway(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any pathway(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

When the Respondent is an employee, the Notice of Outcome may not describe the full extent of the final determination regarding pathways as employee rights may require additional time to formulate appropriate disciplinary measures.

Regardless, immediate measures will be implemented to ensure the harassment and discrimination is stopped, remedied, and any recurrence is prevented. The Title IX Coordinator and/or designated HR Title IX Representative, will communicate these measures, as permitted, on an updated basis to both parties. The Title IX Coordinator and/or designated HR Title IX Representative, will also communicate with both parties when a determination regarding path ways is final.

Generally, College-issued email is the primary means of communication, however alternative methods of communication may also be utilized if requested.

## 6. Resolution Timeline

The College will make a good faith effort to complete the resolution process as promptly as possible. This typically will be within a thirty to sixty (30-60) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

In all cases, the College will ensure discrimination/harassment is stopped, remedied, and prevented from recurrence regardless of any extended procedures or timelines.

## 7. Pathways

Factors considered when determining a pathway/responsive action may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s);



2. The Respondent's disciplinary history;
3. Previous allegations or allegations involving similar conduct;
4. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
5. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
7. The impact on the parties;
8. Any other information deemed relevant by the Decision-makers

The pathways will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The pathways described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

#### A. Student Pathways

The following are the usual pathways that may be imposed upon students or organizations singly or in combination:

1. **Probation:** Includes a period during which the student must demonstrate the ability to comply with the College's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) year to the balance of the students' tenure at the College, depending on the severity of the offense(s). While on probation, any further violation of College policy may result in disciplinary suspension or dismissal from the College.
2. **Deferred Suspension:** This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal by the Dean of Students. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal. Students who are permitted to return to the College following a period of

Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of College policy.

3. **Suspension From Activities:** All students (including student-athletes) may be suspended from any Lackawanna College extra curricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
4. **Housing Suspension:** This pathway indicates that a student has been excluded from the resident housing and the general grounds or parking lots surrounding the resident housing, including activities sponsored or supervised by the housing staff.
  - a. **Disciplinary Suspension:** Separation of the student from the College for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the College in any way. A student who is suspended is not in good standing with the College. Disciplinary Suspension may entail provisions added to a student's reentry into the College.
  - b. **Restitution:** Reimbursement to the College for damage, destruction, or misappropriation of property on College premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.
  - c. **Fines:** Penalty fees paid to the College. The amount is dependent upon the degree of policy infraction and is set by the College administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution.
  - d. **College Dismissal:** This indicates permanent separation from Lackawanna College. Students will be withdrawn from all enrolled courses by the College. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all room and board payments will be forfeited.
  - e. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
  - f. **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student is found responsible for an alleged violation.

- g. **Revocation of Degree:** The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- h. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other pathways as

## B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

1. Employee termination from the College
2. Unpaid suspension
3. Restrictions from all or portions of campus
4. Change in working facility
5. Mandated education
6. Written reprimand in personnel file
7. Removal from classroom teaching
8. Tenure revocation
9. Withhold salary increase (from one to several years)
10. Removal of endowed chair
11. Removal of emeritus status
12. Removal of graduate school status
13. Termination of research project funding
14. Removal from administrative position
15. Verbal reprimand
16. Required participation in counseling or training
17. Demotion

## 8. Withdrawal or Resignation While Charges Are Pending

### Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent withdraw from the College, the College will typically proceed with the Formal Grievance Process.

When determining to proceed with the Formal Grievance Process after a Respondent withdraws from the College, the Title IX Coordinator will base the decision on reasons that may include whether a Respondent poses an ongoing risk to the College's community, whether a determination regarding responsibility provides a benefit to the Complainant even where the College no longer has control over the Respondent and would be unable to issue disciplinary pathways, or for other reasons.

The student who withdraws or leaves while the process is pending may be barred from College property and/or events during this time. Moreover, if the student is found to have violated this Policy, the student is not permitted to return to the College unless and until all pathways have been satisfied. Accordingly, a hold will be placed on their ability to be readmitted.

The College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

### Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

## 9. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-Maker will be designated to hear the appeal. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**A. Grounds For Appeal**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be emailed and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker will collect any additional information needed and will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any pathways that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

## **B. Pathways Status During the Appeal**

Any pathways imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the pathways are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures detailed in permitted within 48 hours of implementation.

## **C. Appeal Considerations**

1. Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the pathway(s)/responsive action(s) only if there is a compelling justification to do so.
2. Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for an Appeal Decision-maker to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or pathway(s).
4. The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

5. Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
6. Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
7. In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-makers.
8. The results of a remand to a Decision-makers cannot be appealed.
9. In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## 10. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any pathways implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence. These remedies/actions may include, but are not limited to:

1. Referral to counseling and health services;
2. Referral to the Employee Assistance Program;
3. Education to the community;
4. Permanent alteration of housing assignments;
5. Permanent alteration of work arrangements for employees;
6. Provision of campus safety escorts;
7. Climate surveys;
8. Policy modification;
9. Provision of transportation accommodations;
10. Implementation of long-term contact limitations between the parties;
11. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

## 11. Failure to Comply with Pathways and/or Interim and Long-Term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned pathways, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers (including the Appeal Decision-Maker).

Failure to abide by the pathway(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional pathway(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## 12. Recordkeeping

Lackawanna College will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary pathways imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Lackawanna will make these training materials publicly available on the College's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complain of sexual harassment, including



- A. The basis for all conclusions that the response was not deliberately indifferent;
- B. Any measures designed to restore or preserve equal access to the College's education program or activity; and
- C. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

## 13. Disabilities Accommodations in the Resolution Process

Lackawanna College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services (students) or Human Resources (employee), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## 14. Revision of This Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This Policy and procedures are effective August 14, 2020. Policies & procedures are subject to updates under new TIX regulations signed into law April 19, 2024, and will be forthcoming.



**Student  
Conduct and  
College  
Policies**

# Student Accountability and Restorative Practices

## Mission

The Lackawanna College Student Accountability and Restorative Practices (SARP) Office promotes student development and enhances the Lackawanna College Student experience through programs that focus on prevention and intervention that leads to a student's successful navigation to graduation.

Our goal is to create a culture of care for students, faculty, and staff by providing exemplary programs, campus partnerships, community connections, direct support and policy development designed to enhance students' academic and personal success.

The SARP Office is dedicated to encouraging responsible community conduct, educating the Lackawanna College community, and implementing disciplinary action in situations where violations of the Student Code of Conduct have occurred.

## Where Can I Find the College's Student Code of Conduct?

For more information, please reach out to [sarp@lackawanna.edu](mailto:sarp@lackawanna.edu) The Student Code of Conduct shall be reviewed every year in consultation with appropriate College official(s).

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### I. Student Code of Conduct

The Lackawanna College (herein referred to as "LC") Student Code of Conduct was revised on May 1, 2024. The Code, presented in its entirety, is subject to amendment by the Dean of Students (or designee) with the approval of the appropriate college official(s). LC reaffirms the principle of student freedom coupled with an acceptance of full responsibility for individual action and the consequences of such action. Therefore, this Student Code of Conduct has been

written to set forth the terms of the relationship between the student and LC with respect to disciplinary matters. It is the expressed duty of LC to protect their educational purposes by setting standards of both scholarship and behavior. To this end, the Office of Student Accountability and Restorative Practices (SARP) is responsible for enforcing the Student Code of Conduct and for assessing all offenses in non-academic matters.

## II. Student Rights and Responsibilities

Participation in LC's community necessitates compliance with regulations and procedures established by LC governing bodies, including the Student Code of Conduct. These regulations and procedures are essential for the maintenance of an atmosphere of learning in which the community's academic and social standards can be upheld. Students, faculty, and administration share, according to LC governance, the responsibility for the legislation, implementation, and enforcement of these LC guidelines. All members of the LC community are expected to uphold this individual and community responsibility and act to uphold these regulations. All individuals in LC's community are expected to maintain integrity in all endeavors, respect the rights of others, and adhere to all published rules, regulations, and policies. Additionally, on-campus resident students should be familiar with the [Residence Life and Housing regulations](#).

SARP will strive to protect students' individual freedoms and rights as listed below:

- ❖ Freedom of speech and expression;
- ❖ Freedom of assembly;
- ❖ Freedom of inquiry;
- ❖ Freedom from unfair or obscene treatment and acts of violence from any member of the college community, as well as others from outside the community;
- ❖ Right to substantive and procedural due process in all SARP proceedings;  
Right to be informed of all SARP policies, procedures, and regulations.

*Disciplinary records are confidential and are not released to anyone outside the college without written approval of the student involved. No information regarding disciplinary action is included on a student's academic transcript; however, copies of dismissal letters will be included in the student's academic file. SARP may, at their discretion, release information on a student's status to other college administrators when necessary for discharge of their duties.*

## III. Civility Statement

LC's mission is to provide a quality education to all persons who seek to improve their lives and better the communities in which they live. LC strives to foster an open and diverse community where the rights of all community members are respected. While no statement can guarantee considerate or ethical conduct, SARP and the institution remains committed to the ideals of civility and courteous discourse. Civility requires a coordinated and conscious demonstration of mutual respect. As an educational institution, LC promotes a safe and supportive campus environment. This environment should enable students to engage as full and active

participants where the free expression of views is encouraged. With that said, a campus of civility requires inclusiveness, kindness, and patience - treat others how you would like to be treated, utilize campus and regional support resources, and exemplify and promote civility both on and off campus. Civility is not only expressed in the words we choose, but in a person's tone, demeanor, and action. We all can use assistance from time to time in understanding or empathizing with another person. SARP encourages you to communicate with the Diversity, Equity, and Inclusion+ (DEI+) Office, an excellent resource for faculty, staff, and students. Acknowledge differences, reject bigotry, treat one another with dignity and respect, and be open to feedback. LC students deserve to live in a world and attend an institution free from incivility, harassment, or bullying. LC values our students and our college community.

#### **IV. Student Amnesty & Good Samaritan Policy**

At LC, our priority is the health and safety of the students. As a part of the LC community, all students are expected to alert appropriate officials in the event of any health or safety emergency.

When a student needs medical attention, fellow students are expected to (1) contact appropriate officials to report the incident and request assistance, (2) provide their names and contact information to the appropriate officials, and (3) demonstrate cooperation and compassion by remaining with the student in need of medical attention and providing assistance during and after the incident.

Accordingly, a reporting student, acting in a good faith effort during a life-threatening or dangerous situation, can report the incident without fear of reprisal. The reporting student will generally not be subject to formal disciplinary action for the violations relative to the incident. Similarly, an impaired student who receives medical attention because another student (other than a student-staff member) followed the appropriate steps will generally not be subject to formal college disciplinary action relative to the incident. While no college disciplinary action may be taken, students may be required to meet with SARP to discuss the incident and adhere to appropriate Student Wellness and/or educational recommendations.

The Student Amnesty and Good Samaritan Policy refers only to isolated incidents and does not protect students from repeated, flagrant, or serious violations of the Student Code of Conduct.

In general, the Student Amnesty and Good Samaritan Policy only applies to initial Alcohol or Illegal Drugs violations. Therefore, if a student was previously given pathways for an Alcohol or Illegal Drugs violation or previously was covered by the Student Amnesty and Good Samaritan Policy, the applicability of these policies for subsequent incidents is at the discretion of the Associate Vice President of Student Engagement (or designee).

#### **V. Jurisdiction of Lackawanna College**

LC's jurisdiction in disciplinary matters extends to conduct that occurs on the LC

premises, conduct that occurs as part of LC sponsored or sanctioned off-premises activities, or to any conduct that adversely affects the college community or reputation regardless of where it occurs. LC reserves the right to alert civil authorities to issues on or off campus. Further, students are responsible for the actions of their guest(s) and may be held accountable for their guest's violations of the Student Code of Conduct while on campus.

## **VI. Prohibited Conduct**

A violation of college policy occurs when there is evidence of a student having committed actual misconduct, intention to commit misconduct but not completing the violation (i.e. offering to sell illegal substances to an individual who does not buy them or trying to steal an item but stopping or being stopped before removing the item(s) from its location), assisting or convincing another person to commit misconduct, and misconduct or attempted misconduct by a student's guest. Any LC student found to have committed misconduct including, but not limited to, the following, is subject to the disciplinary pathways set forth in this document.

Individual Academic and Athletic Programs may have their own code of conduct policies in addition to those found in this handbook. Please refer to your Academic Program Handbook, Athletic Code of Conduct, and FALC Contract for their code of conduct policies. The program policies may have stricter guidelines that must be followed, and those pathways may be enforced on their own or in addition to the policies in this handbook. If there is a discrepancy in policies, the program (Athletic or Academic) code of conduct will be enforced first.

### **Acts of Complicity:**

Acts of complicity; aiding, abetting, attempting, conspiring, hiring, willfully encouraging or being an accessory to any violation of the LC Code of Conduct. Acts of complicity include situations in which a student condones and/or accepts the violations of college policy by others (i.e. a student remaining in a residence hall room where alcohol is being consumed in violation of college policies).

### **Acts of Dishonesty:**

Acts of dishonesty, include, but are not limited to, the following:

- a. Furnishing false information to any college official, faculty member or office.
- b. Forgery, alteration, or misuse of any college document or official record.
- c. Knowingly providing false statements or testimony during an investigation or LC proceeding.
- d. Impersonating or falsely representing oneself as a college official or acting on behalf of LC.

- e. Tampering with the election of any college recognized student organization.
- f. Misuse of LC stationery.
- g. Unauthorized use of the computers or accounts, or allowing others access to an account.
- h. Illegal or improper use of the LC phone system.

**Acts of Incivility:**

Acts of incivility include engaging in ill-mannered, repetitive, disruptive, or offensive behavior, either through language or actions, which disrespects another individual, including but not limited to:

- a. A fellow LC student, visitor and/or vendor;
- b. A LC official (including, but not limited to, faculty, staff, Public Safety) and/or law enforcement officer.

**Alcohol:**

LC does not condone the use of alcohol and prohibits the use or possession of alcohol on campus (unless otherwise specified) or at off-campus sponsored functions (including athletic events). Alcohol violations, include but not limited to, the following:

- a. Use, possession, manufacture, illegal purchase, or distribution of alcoholic beverages except as expressly permitted by the law and LC regulations.
- b. Conduct which demonstrates public intoxication or signs that indicate the use of alcohol.
- c. Being in the presence of alcohol within a LC residence hall, even for those of legal drinking age.
- d. Open containers apply and will be treated as alcohol violations.

**Arson:**

Any attempt to intentionally or recklessly start a fire or cause an explosion and/or contribute to an unauthorized fire.

**Creating Safety Hazards:**

Creating Safety Hazards violations include, but are not limited to:

- a. Covering or tampering with fire equipment/smoke detectors, exit lights, guard rails, elevators or fire alarms.



- b. Initiating false alarms.
- c. Reckless or negligent behavior.

**Disruptive and Disorderly Conduct:**

Intentional disruption or obstruction of any academic or administrative proceedings or officials that hinder the ability of participants to engage in services. Disruptive and disorderly conduct includes, but is not limited to:

- a. Disruption of services.
- b. Disruption of teaching, learning, research, programs and/or classroom activities.
- c. Disruption of administration or disciplinary proceedings.
- d. Participation in a campus demonstration which disrupts the normal operations of LC and infringes on the rights of other members of the LC community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- e. Creating unreasonable noise; and vulgar conduct, including public profanity.
- f. Aiding, assisting, or encouraging another person to breach the peace on LC premises or at functions sponsored by LC.

**Failure to Comply:**

Failure to comply includes, but is not limited to, failure to comply with lawful directions of any LC official(s), Public Safety Officers, or law enforcement officers acting in the performance of their duties, or failure to identify oneself to these persons when requested to do so.

**Filing a False Report:**

Falsely reporting an emergency; such as falsely reporting a bomb, fire, or other emergency in any building, structure or facility on LC premises or at any LC related function by any means. Falsely reporting a conduct violation to students, faculty, staff, or administration.

**Harassment and Discrimination:**

Any means of communication verbal and/or non-verbal including, but not limited to, in-person, text message, email, or any form of social media that displays any actions, statements, expressions, threats, gestures, and/or words directed toward another person that incite a breach of the peace, create a hostile environment, or cause emotional distress because of the humiliating, degrading, intimidating,

insulting, and/or alarming nature of the conduct. This includes discrimination against pregnant and parenting students.

This also applies to any action intended to intimidate another person because of age, race, color, ancestry, religious or national origin, disability, creed, veteran service, sex, sexual orientation, marital or family status, pregnancy, physical or mental ability, gender identity, political ideas, or sexual orientation.

Furthermore, this includes deliberately creating on the part of an individual student or group of students a hostile or potentially hostile environment, bullying or other aggressive and/or hostile acts against others with the intent to humiliate, mentally or physically injure, or control.

Any action that includes following a person without proper authority (stalking) that may cause a reasonable person to fear for their safety or the safety of others or to suffer emotional distress. harassment/stalking may fall under Title IX. Additional information regarding Title IX can be found on the [Title IX webpage](#). More information regarding discrimination can be found by contacting the Equal Opportunity and Affirmative Action Officers.

### **Hazing:**

Hazing, defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person or persons, or involves the forced consumption of alcohol, drugs, or other substances, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a group, team, or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is also considered misconduct.

### **Illegal Drugs:**

- a. Use, possession, manufacture, or distribution of marijuana, heroin, narcotics, illicit drugs or other controlled substances except as expressly permitted by law. This includes prescription drugs being used or possessed by an individual without a valid prescription for that drug.
  
- b. Use, possession, manufacture, illegal purchase, or distribution of drug paraphernalia (such as, but not limited to, pipes, bongs, hookahs, and scales), including, but not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using illegal drugs, or in the illicit use of legal drugs.

### **Obscene & Lewd Conduct:**

Students are expected to refrain from conduct that would be considered lewd or indecent by a reasonable person in any public place or in any place where there are other persons present whom the person knows this conduct is likely to offend, affront, or alarm. Obscene and lewd conduct includes, but is not limited to, public

urination/defecation, public exposure of private body parts, public indecency, public sexual intercourse and showing inappropriate sexual materials. Obscene and lewd conduct violations may have Title IX implications.

**Physical Violence:**

Physical violence includes, but is not limited to actual or threatened violence, intimidation or coercion, creating a condition that endangers the health and safety of self or others, all forms of retaliation, and other forms of physical abuse.

**Retaliation:**

No member of the campus community shall retaliate or take adverse action against any individual on the basis of a good faith report made by any individual who is participating in an investigation, hearing, or inquiry by Public Safety or SARP. Acts of retaliation violate college policy and may be unlawful.

**Smoking:**

Smoking and the use of any smokeless tobacco products are prohibited inside all LC facilities/buildings or vehicles owned, leased, or operated by LC. Smoking is defined as the burning, lighting, or use of a tobacco product and any other smoking device or equipment that includes, but is not limited to, cigarettes, cigars, electronic cigarettes (e-cigarettes), vape pens, hookahs, pipes, or any other electronic smoking device. "Electronic Smoking Device" is defined as any electronic product containing or delivering nicotine or any other substance. Smoking is permitted only in outside designated smoking areas. The designated smoking areas are building specific and marked with signs.

**Theft:**

Attempted or actual theft, unlawful possession of and/or damage to property or services of LC or any other individual or entity, regardless of intent.

**Title IX Offenses:**

Sexual harassment and sexual misconduct including, but not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and other forms of sexual harassment as set forth in the LC Title IX policy. Additional information regarding Title IX can be found on the LC [Title IX website](#).

**Unauthorized Entry or Use:**

Unauthorized entry into or use of any and all LC property, including, but not limited to, residence halls, recreation facilities, classrooms, unauthorized possession of college keys, college files, and individual passwords, and computing work of another student, staff, or faculty member.

**Unauthorized Surveillance:**

Unauthorized surveillance includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, written, or video record of any person while on LC premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This

includes, but is not limited to, surreptitiously taking pictures, or recording of another person in a gym, locker room, or restroom or any other location where there is a reasonable expectation of privacy. Policies related to educational spaces (e.g., classrooms/labs) are available in the Student Handbook.

**Vandalism:**

Any acts of abuse, defacement, damage, or destruction of college or private property by any means.

**Violations of Federal, State, or Local Law:**

Violation of federal, state, or local laws on or off campus while enrolled as a student. These violations include, but are not limited to, tattooing, gambling, and other federal and state violations.

**Violations of Other College Regulations:**

Violation of LC policies, rules or regulations contained in any official publications, published in hard copy or available electronically including, but not limited to, residence hall regulations, athletics regulations, administrative announcements, student engagement policies, library regulations, and admissions agreements, contracts, and postings (i.e. failure to disclose prior or current felony or misdemeanor convictions to the appropriate LC officials).

**Weapons, Explosives, and Other Dangerous Items:**

The on-campus (licensed or illegal) possession, storing, carrying, or use of any weapon (or replicas), implements used as weapons, or other dangerous items is prohibited, including, but not limited to firearms, ammunition, explosives, fireworks, martial arts paraphernalia, knives (except for academic and kitchen use), box cutters, air guns, pellet/BB guns, paintball guns, stun guns, potato guns, NERF guns, splat guns, slingshots, balloon launchers, or tattoo needles/equipment.

**VII. Code of Conduct Violations**

1. Any member of the LC staff or administration may file a report against any student, student group, or student organization for alleged violation of the Student Code of Conduct, residence hall regulations, Athletic Code of Conduct, or any other written LC policy or behavior. Both on- and off-campus reports should be filed with Public Safety.
2. The person making the charge(s) will provide the following: date of the incident, specific college policy or regulation the student(s) allegedly violated, a statement of the circumstances, and name(s) of witnesses.
3. SARP will respond and coordinate an investigation promptly to any report filed. Again, SARP is responsible for enforcing the Student Code of Conduct and for assessing all offenses in non-academic matters.

4. Upon conclusion of the investigation, SARP will determine: (a) whether or not the alleged misconduct is within the purview of the Student Code of Conduct; (b) whether to issue pathways to the student(s) for alleged misconduct; and (c) if pathways are filed, which pathways will be utilized.

5. All pathways shall be presented in written form to the student. Pathways cannot be altered, except by new evidence presented to the Dean of Students, Public Safety, or Residence Life and Housing staff.

## VIII. Interim Measures

**Emergency Removal:** In certain circumstances, the Associate Vice President of Student Engagement, Dean of Students, or a designee, may impose an emergency removal.

- a. Emergency Removal may be imposed to ensure the immediate safety and well-being of members of the LC community or preservation of LC property; or if the student poses an immediate threat of disruption of, or interference with, the normal operations of LC. Any arrest, active law enforcement investigation, or government action can be reason for an Emergency Removal.
- b. The student should be notified in writing of the emergency removal and the reasons for the removal. The notice should include the time, date, and place of a subsequent hearing, that should be held within five (5) business days, at which point the student may show cause that their continued presence on the campus does not constitute a threat, and at which time the student may contest whether a Code of Conduct violation occurred. This hearing will review the reasons for the emergency removal and determine whether the removal should stand, be modified, or rescinded.
- c. A student who is under an emergency removal may not attend classes, live in the residence halls, or represent the college in any fashion and is not permitted on campus without the express written permission of the Associate Vice President of Student Engagement, Dean of Students, or their designee. During the period of emergency removal, the student may explore opportunities for continued academic progress remotely. It is the student's responsibility to contact their faculty members for consideration. Decisions regarding continued academic progress are made at the sole discretion of the faculty members and may differ by course depending upon the nature of the course and point of the semester. Emergency removal may also entail provisions and requirements that must be met as conditions for a student's reentry into the college.

## IX. Housing Suspension, Disciplinary Suspension, & College Dismissal

**Housing Suspension:** Housing Suspension indicates that a student has been excluded from resident housing and the general grounds or parking lots surrounding the resident housing, including activities sponsored or supervised by the Residence Life and Housing staff.

**Disciplinary Suspension:** Suspension involves the involuntary separation of the student from the college for a specified period of time. It is invoked when a student commits a serious breach of the Student Code of Conduct or has a significant prior disciplinary record of violations as a student at the college. Suspension from the college may range for a period of time up to two years, including summer sessions and inter-sessions. Students who have been suspended may not attend classes, be on college property, or participate in college-sponsored functions on or off campus during the period of suspension. Any exception to this policy requires the explicit written approval of the Dean of Students or their designee. A student who receives a pathway of disciplinary suspension from the college will have the right to an appeal of the decision.

**College Dismissal:** This indicates permanent separation from LC. Students will be withdrawn from all enrolled courses by the college. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all payments will be forfeited.

For offenses involving potential housing suspension, disciplinary suspension, or college dismissal, the following will apply:

- a. Upon receipt of an Incident Report, SARP will review the results of the investigation with the Associate Vice President of Student Engagement, the Director of Public Safety, and Residence Life and Housing staff.
- b. A written notice of housing suspension, disciplinary suspension, or college dismissal action by SARP will be issued to the student in the presence of a Public Safety officer. A member of the Residence Life and Housing staff may also be present in the case of a resident student suspension. Housing Suspension, Disciplinary Suspension, and College Dismissal are effective immediately upon receipt of written notice.
- c. If applicable, Public Safety will escort the student to the appropriate residence hall to gather their belongings. Residence Life and Housing will meet Public Safety and the student(s) in the residence hall. Residence Life and Housing will provide an appropriate check-out from the residence hall room. Public Safety, when reasonable transportation off-campus is not available to the student, will assist in coordinating transportation for the student.
- d. Appropriate LC personnel, including, but not limited to, the student's faculty members and academic advisors, academic deans, Public Safety, Residence Life and Housing and/or coaches, will be notified of this action.
- e. Resident students suspended or dismissed from college for disciplinary reasons must vacate the residence hall as directed by LC officials. If the suspension is overturned through the appeal process, the student will be allowed to return to the residence hall. If the Appeal Board upholds the suspension, the student is required to coordinate with Residence Life and Housing and Public Safety to remove any remaining belongings from campus.

## X. Disciplinary Suspension & Dismissal Appeals Process

Students may have the right to appeal a disciplinary suspension or dismissal pathway. In the case when a student is dismissed without appeal, no further recourse is available. Students may waive this right when guilt is admitted or when they choose to accept disciplinary suspension or dismissal as determined by SARP.

- a. Students wishing to appeal the disciplinary suspension or dismissal decision must submit a LC Appeal Request Form to the Associate Vice President of Student Engagement within two (2) business days of the notice of suspension/dismissal. Students must also complete the Advisor Information & Waiver Form.
- b. Upon receipt of the Appeal Request Form, the Associate Vice President of Student Engagement will have two (2) business days to grant an appeal hearing. Criteria for granting an appeal is outlined in the Appeal Request Form.
- c. If an appeal is granted, the Dean will notify the members of the LC Appeal Board that a formal hearing must convene within two (2) business days. Advisors will have access to the institutional case file in advance of the hearing and can review this file with students. No pictures, recordings, etc. may be used to copy the institutional case file. These documents are considered confidential.
- d. The student will be notified of the date, time, and location of the hearing at least 24 hours in advance unless SARP and the student decide that an earlier date/time is conducive to both.
- e. The membership of the Board will be as follows:
  - One officer from the Student Government Association, Falcon Advisory Board, or designee;
  - Director of Residence Life and Housing or designee;
  - Director of Diversity, Equity, and Inclusion+ (DEI+) or designee;
  - Student Wellness Program staff or designee;
  - Dean of Curriculum and Faculty Affairs, Dean of Health Sciences, or designee.
- e. Two-thirds of the LC Appeal Board must be present at the hearing for a hearing to occur, and a simple majority must be present at the hearing for the Board to make a decision. In the absence of Student Government officers or Falcon Advisory Board members, other student leaders may be called upon.
- f. The Dean of Students (or their designee) will serve as Chairperson of the Board but will not participate in the decision of the Board. The Dean will present the charges and evidence on behalf of the college or the individual making the charges. The Public Safety representative (or designee) will likewise present the case but will not be a voting member of the Board. Both the student and Advisor will be present for the presentation of the institutional case.

- g.** The accused is entitled to be accompanied by a college faculty member, administrator, or fellow student whose role will be advisory in nature. Advisors assist students in preparation for the hearing and provide support and guidance during the Conduct process. Advisors are not permitted to speak for the student during the proceedings. This includes asking and answering questions. Advisors are free to confer with the student during the proceedings as needed. No one outside of the LC community may represent a student at an Appeal Board hearing.
- h.** A formal hearing includes opening and closing statements from the accused. Neither cell phones nor other electronic devices may be brought to the hearing. A student who attempts to utilize such phones or devices surreptitiously during an appeal hearing immediately forfeits their appeal rights.
- i.** Any party may present witnesses subject to the Board members' determination of the witness' relevance to the case. The members of the Board may ask questions of anyone involved in the proceedings.
- j.** If, for lack of sufficient reason as determined by the Board, an accused student fails to appear at the hearing, the Chair may conduct the hearing without the presence of the accused. If the absence is unexcused, the accused forfeits any right to appeal. No recommendation or imposition of pathways will be based solely on the failure of the accused to appear.
- k.** If the Board upholds the decision, the accused will be notified of the decision immediately. They will be required to turn in all college-issued keys and ID and leave campus immediately. For resident students unable to remove their belongings at that time, the room will be inventoried, and the belongings placed in storage. However, all belongings must be removed from college property within 30 calendar days of the appeal hearing. After that time, everything will be discarded. Arrangements must be made with Public Safety for pick-up during normal business hours.
- l.** The Chair will submit a written record of the Board's decision to administration via email.
- m.** Any affirmative action issues or appeals will be handled outside of the appeal process by one of the LC Affirmative Action Officers.
- n.** In the event that a disciplinary suspension or dismissal is overturned, and the student is allowed to return, the student resumes responsibility for attendance and other academic obligations immediately once the decision is rendered. All class absences incurred during the dismissal process will be counted as excused absences. Exceptions for immediate return to classes can be granted by the Dean of Curriculum and Faculty Affairs (or their designee) in cases of long-distance travel.
- o.** When an overturned disciplinary suspension or dismissal occurs, the student may be placed on a Pathway Program, as determined by the Appeal Board in consultation with the Dean of Students. Additionally, the student may receive a disciplinary status, ranging from a warning up to and including deferred



suspension. *The decision of the Appeal Board is final and not subject to additional appeal.*

**Post-Disciplinary Suspension:** *Suspension may be for the remainder of a semester or for no more than four semesters.* The student must meet with SARP following the term of suspension. SARP will determine whether the student may resume studies after considering whether all conditions of the suspension have been met. Any misconduct on the student's part during the period of suspension will be reviewed by SARP before the student is allowed to resume studies. SARP will strongly consider dismissal as a pathway for misconduct that occurs during a period of suspension.

During the time of disciplinary suspension, a student will be required to complete the following two steps:

**1. Written Petition to Return:** Once a student has served their suspension, the student may petition for readmission. To be considered for readmission the student will be required to submit a written petition to return to the college to SARP at LC no later than three (3) weeks prior to the start of the semester in which the student wishes to matriculate. After receiving the petition, the student will be required to meet with SARP to review the petition and supporting documentation and discuss the possibility of re-admission. Readmission is not guaranteed and is at the sole discretion of SARP. *Please note, failure to provide these materials in advance of your meeting and/or failure to meet with SARP may prevent your return to the college.*

Depending on the violation, a student may also be required to complete the following step:

**2. Mandatory Counseling:** The student must seek an assessment from a licensed counselor/mental health professional and follow any recommendations for assistance in resolving any personal issues impacting academic performance and behavior related to this incident and any previous related incidents. If the student cannot meet with a licensed counselor/mental health professional due to extenuating circumstances, such as a financial constraint, the student should notify SARP and Director of Student Wellness to make alternate arrangements. As part of the evaluation, students are required to discuss this incident and any previous related incidents. Finally, when the student meets with SARP regarding their desire to return to the college, the student should have a letter from their counselor that includes a commentary on their participation in all counseling activities, a recommendation to return to school and a follow-up plan for returning to LC. The student may also need to meet with the Program Director of Student Wellness or their designee to discuss their progress and resources that may be helpful upon returning to LC. Prior to these meetings, the student is required to sign any necessary releases so their counselor can call to speak with SARP and the Director of Student Wellness, or their designees, about attendance, engagement, and progress in counseling.

**Post-Suspension Probation:** Students who are permitted to return to the college following a period of suspension will be automatically placed on Post-Suspension Probation if found responsible for violation of college policy. While on Post-Suspension Probation, students must abide by all terms and conditions placed on

their return, as well as all college policies. SARP, who may escalate suspension up to dismissal, will review any misconduct or non-compliance on a student's part during post-suspension.

**\*Transfer Policy:** Please be mindful of the LC transfer policy if you decide to take classes at another institution during your suspension from LC. All students that have previously attended another college or university must submit an official transcript to the Admissions Office for evaluation. LC will review transcripts from all colleges and universities in order to determine the number of transferable credits. LC policy does allow for transfer of up to 50% of the required credits (if applicable) for any particular degree program.

Additionally, if a student requests a transfer to another college or university and a request is made by the institution to which a student may wish to transfer, LC will disclose the student's disciplinary record to the requesting institution in compliance with the laws and regulations of the Family Educational Rights and Privacy Act (FERPA).

## XI. Rules Applicable to All SARP Proceedings

- a. The standard of evidence used to evaluate a report or suspected violation is a "preponderance of the evidence." Under this standard, a determination must be made on the basis of whether it is more likely than not that the accused violated the Code of Conduct.
- b. If any disciplinary action is pending against a student; degrees, grade reports, and transcripts will not be issued until the matter is resolved.
- c. If the student withdraws from LC while SARP proceedings are in process, any charges against the student will be considered 'pending'. The college reserves the right to adjudicate those charges when/if the student returns to LC.
- d. Proceedings shall normally be conducted in private.
- e. If a student, without notice, does not appear at a scheduled proceeding, the information in support of the charges shall be presented and considered, even if the student is not present.
- f. Formal rules of process, procedure, and/or technical rules of evidence, such as those which are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.

## XII. Pathways

The college will respond to violations of the Student Code of Conduct through a variety of pathways, informally and/or formally, with the goal of educating all parties involved. The following pathways may be imposed upon any student found to have committed any violation of the Student Code of Conduct other than academic dishonesty:

- ❖ **Informal Resolution:** An informal resolution may be conducted for certain incidents with low impact to the campus community. Informal resolutions are not reflected on a student's conduct record. In an informal resolution, SARP will notify the student by email of the incident and corresponding outcome. If

the student wishes to challenge that outcome, the student can request a meeting with SARP.

- ❖ **Warning:** A written notice that the student has violated the Student Code of Conduct.
- ❖ **Probation:** Includes a period during which the student must demonstrate the ability to comply with the college's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) semester to the balance of the students' tenure at LC, depending on the severity of the offense(s). While on probation, any further violation of college policy may result in disciplinary suspension or dismissal from the college.
- ❖ **Deferred Suspension:** This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal. Students who are permitted to return to the college following a period of Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of college policy.
- ❖ **Suspension from Activities:** All students (including student-athletes) may be suspended from any LC extracurricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
- ❖ **Housing Suspension:** This pathway indicates that a student has been excluded from resident housing and the general grounds or parking lots surrounding the resident housing, including activities sponsored or supervised by the Residence Life and Housing staff.
- ❖ **Housing Relocation:** Reassignment of a student from one living space to another. Relocation from housing may be accompanied by loss of privileges to specified residential areas and is imposed for a specified period of time.
- ❖ **Disciplinary Suspension:** Separation of the student from the college for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the college in any way. A student who is suspended is not in good standing with the college. Disciplinary Suspension may entail provisions added to a student's reentry into the college.
- ❖ **Removal from Class:** A student will be removed from class without the privilege of withdrawal from the course.
- ❖ **Restitution:** Reimbursement to the college for damage, destruction, or misappropriation of property on college premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.

- ❖ **No Contact Order (NCO):** No Contact Orders mandate that in no circumstance may students contact one another in person, via email, through friends, or on any method of social media. SARP or Public Safety may issue this order at any time to protect the safety of all students.

→ If a student would like to reverse a no contact order, the student will:

- Contact SARP to have a meeting. SARP will meet with the student who wants to reverse the order, then contact the other party via email. SARP will notify the other party that a student would like to reverse a no contact order that is in place. If that student does not want to reverse the order or does not respond, then the no contact order will remain in place.
  - If both parties are agreeable to a reversal, SARP will then contact Student Wellness. Student Wellness will then hold individual sessions with each party involved to assess whether or not reversing the No Contact Order should be completed. In some cases, Student Wellness staff may also meet with both parties at the same time, but this will be on a case-by-case basis. Student Wellness staff will share their findings with SARP. Both offices will serve to determine whether or not the NCO will be reversed or remain in place. Communication may involve and include additional offices as needed.
  - After completing the Student Wellness meeting(s), SARP will then notify all parties involved that the no contact order will remain in place, or that the no contact order will be reversed. If it is reversed, each party will complete a No Contact Order reversal form.
- ❖ **Community Restoration: Service** to the college or local community. Student(s) will be assigned the number of hours needed for completion and help establish where and when the service will take place. The student is responsible for completion of all hours assigned. A minimum of one hour of restoration will be performed.
  - ❖ **Educational Projects: Work** assignments, written apology, papers/letters, activities, visiting an on-campus office, attending a LC-sponsored event, or other related discretionary assignments.
  - ❖ **Fines:** Penalty fees paid to the college. The amount is dependent upon the degree of policy infraction and is set by the college administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution. Fines can be substituted by community restoration under the discretion of SARP.
  - ❖ **Student Wellness Program (SWP):** This is a mandated assessment session with our wellness professionals. The sessions are a response to the incident and may include alcohol and drug counseling, life skills building, and emotional support. These sessions are private. Any information discussed in

private will remain with the student and wellness professional in accordance with the confidentiality policies.

- ❖ **Academic Success Coach:** A strategic partnership between a coach and a student for the purpose of fostering success skills in an educational environment. A coach individualizes their approach with every student by engaging in the process of reflection, goal setting, and planning.
- ❖ **Faculty Intervention Team (FIT):** Provides a mentor to connect a student in need with proper academic support.
- ❖ **College Dismissal:** This indicates permanent separation from LC. Students will be withdrawn from all enrolled courses by the college. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all payments will be forfeited.
- ❖ **Parent/Guardian Notification:** In certain circumstances the college reserves the right to notify, or require the student to notify, parents/guardians of dependent students when college policies have been violated.
- ❖ **Loss of Privileges:** Denial of specified privileges for a designated period of time.

*More than one of the pathways listed above may be imposed for a single violation.*

*If a student is found responsible for repeat violations of the same or similar charges, pathways issued will be escalated in light of the repeat nature of the offense.*

The following pathways may be imposed upon groups or organizations:

- ❖ All pathways listed above.
- ❖ **Deactivation:** Loss of all privileges, including LC recognition, for a specified period of time.

### XIII. Student Pathway Matrix

VIOLATION	MINIMUM Pathway	MAXIMUM Pathway	COMMON Pathways
Acts of Complicity	(1) Warning (2) Probation (3) Deferred Suspension	Disciplinary Suspension	-Community Restoration  -Educational Projects

Acts of Dishonesty	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program
Alcohol	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program -Suspension from Activities -Parent/Guardian Notification
Arson	College Dismissal		
Creating Safety Hazards	(1) Probation (2) Deferred Suspension (3) College Dismissal	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Housing Suspension
Disruptive and Disorderly Conduct	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program
Failure to Comply	(1) Probation (2) Deferred Suspension	College Dismissal	-Community Restoration -Educational Projects

Filing a False Report	Deferred Suspension	College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program
Harassment and Discrimination	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program -Housing Suspension
Hazing	(1) Deferred Suspension (2) Disciplinary Suspension	College Dismissal	-Educational Projects -Student Wellness Program -Suspension from Activities
Illegal Drugs	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program -Suspension from Activities -Parent/Guardian Notification
Obscene and Lewd Conduct	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects

			<ul style="list-style-type: none"> <li>-Student Wellness Program</li> <li>-Suspension from Activities</li> </ul>
Physical Violence	<ul style="list-style-type: none"> <li>(1) Probation</li> <li>(2) Disciplinary Suspension</li> </ul>	College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Suspension from Activities</li> <li>-Housing Suspension</li> </ul>
Retaliation	<ul style="list-style-type: none"> <li>(1) Probation</li> <li>(2) Deferred Suspension</li> </ul>	Disciplinary Suspension or College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Suspension from Activities</li> </ul>
Smoking	<ul style="list-style-type: none"> <li>(1) Warning</li> <li>(2) Probation</li> </ul>	<ul style="list-style-type: none"> <li>Deferred Suspension</li> <li>Disciplinary Suspension</li> </ul>	<ul style="list-style-type: none"> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Housing Suspension</li> </ul>
Theft	<ul style="list-style-type: none"> <li>(1) Probation</li> <li>(2) Deferred Suspension</li> </ul>	Disciplinary Suspension or College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> </ul>



			<ul style="list-style-type: none"> <li>-Suspension from Activities</li> <li>-Housing Suspension</li> </ul>
Unauthorized Entry or Use	<ul style="list-style-type: none"> <li>(1) Warning</li> <li>(2) Probation</li> <li>(3) Deferred Suspension</li> </ul>	Disciplinary Suspension or College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Suspension from Activities</li> <li>-Housing Suspension</li> </ul>
Unauthorized Surveillance	<ul style="list-style-type: none"> <li>(1) Probation</li> <li>(2) Deferred Suspension</li> </ul>	Disciplinary Suspension or College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Loss of Privileges</li> </ul>
Vandalism	<ul style="list-style-type: none"> <li>(1) Warning</li> <li>(2) Probation</li> <li>(3) Deferred Suspension</li> </ul>	Disciplinary Suspension or College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-Suspension from Activities</li> </ul>
Violations of Federal, State, or Local Law	<ul style="list-style-type: none"> <li>(1) Probation</li> <li>(2) Deferred Suspension</li> </ul>	College Dismissal	<ul style="list-style-type: none"> <li>-Community Restoration</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> </ul>

			-Suspension from Activities
Violations of Other College Regulations	(1) Warning (2) Probation (3) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program -Suspension from Activities
Weapons, Explosives, and Other Dangerous Items	(1) Probation (2) Deferred Suspension	Disciplinary Suspension or College Dismissal	-Community Restoration -Educational Projects -Student Wellness Program -Suspension from Activities -Housing Suspension

#### XIV. Escalation of Pathways

Student pathways are expected to be completed in a timely manner (10 business days from the time of written notification). Students that do not complete pathways within the defined period may receive additional pathways, including, but not limited to, the next level of probation, disciplinary suspension with appeal, or dismissal with appeal. Refusal to attend or participate in the process constitutes refusal and will result in dismissal with appeal.

#### XV. Notification of Criminal Records

In an effort to ensure a safe and secure college environment, all current resident students and commuter students are required to report any and all criminal/traffic arrests to SARP within ten (10) days of the incident. The term “arrest” includes, but is not limited to, the issuance of a citation, summons and warrant of arrest, physical arrest/custody, and incarceration both within and outside of Pennsylvania. As per current policy, LC conducts background checks on all resident students. All applicants for admission to this college are required to disclose certain arrest information as part of their application process. Failure to disclose arrest(s) or

pending criminal court actions will result in disciplinary pathways up to and including dismissal.

PLEASE NOTE: All students are encouraged to disclose to Public Safety the existence of any pertinent court actions, including but not limited to, Protection from Abuse Orders (PFA) and child custody orders.

## **XVI. Records Retention and Storage**

The existence of all student disciplinary records and the contents of such records are kept and maintained by SARP in accordance with the guidelines, policies, and procedures outlined by FERPA (Family Educational Rights and Privacy Act) and LC records retention policies. At the close of each academic year, SARP will review all student disciplinary records for the purpose of eliminating those records that document disciplinary action taken against a student. Records may be eliminated if the student has not been registered for classes at LC at any time during the prior seven academic years, seven full academic years have passed since the student fully satisfied the terms of all pathways imposed, or the student has graduated, and seven full academic years have passed since the date of the incident.

## **XVII. Interpretation and Revision**

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Associate Vice President of Student Engagement for final determination.

The Student Code of Conduct shall be reviewed every year in consultation with appropriate LC official(s).

## **APPENDIX A: PARENT/GUARDIAN NOTIFICATION POLICY**

The college encourages students to communicate on a regular basis with their parents or guardians. There are specific instances where the college reserves the option to notify a student's parent or guardian for the benefit of the student's well-being or educational progress. They are:

- ❖ The student, due to an illness or injury, is unable to make a determination regarding contacting their parents.
- ❖ The student is a potential threat to self or others.
- ❖ The student is transported to or admitted to a hospital or treatment center.
- ❖ The student is suspended or dismissed from the college.
- ❖ The student is arrested by local, state, or federal authorities.
- ❖ The student is found in violation of the college alcohol or drug policy.

The decision to notify a parent or guardian will be at the discretion of the Associate Vice President of Student Engagement, Dean of Students, or the Director of Residence Life and Housing.

## **APPENDIX B: LACKAWANNA COLLEGE ALCOHOL POLICY**

LC does not condone the use of alcohol and prohibits the use or possession of alcohol on campus or at off-campus sponsored functions, including athletic events. College policy is aligned with the laws of the Commonwealth of Pennsylvania regarding alcohol and includes regulations above and beyond the law to promote a healthy college community.

The laws of the Commonwealth of Pennsylvania and ordinances of the City of Scranton are applicable to all members and guests of the LC community. Below is a list of prominent laws and ordinances. However, this list is not comprehensive. Community members are encouraged to ensure they are familiar with relevant laws and ordinances. Failure to abide by them may result in disciplinary action.

- ❖ It is illegal for any person under twenty-one (21) years of age to attempt to purchase, consume, possess or transport any alcoholic beverage. Note that Pennsylvania applies the concept of constructive possession under which guilt can be construed for possession of alcohol by determining that alcohol was readily available to a minor who apparently made no good faith attempt to distance themselves from it. Also note that individuals who violate this law do not have a right to a breath test or blood test.
- ❖ It is illegal for any person to sell, furnish or give away any alcoholic beverage to a person under twenty-one (21) years of age or to any person who is visibly intoxicated.
- ❖ It is illegal to operate or control a motor vehicle while under the influence of alcohol. "Under the influence" is currently defined in Pennsylvania as .08% blood alcohol content for individuals who are twenty-one (21) years of age or older and .02% blood alcohol content for individuals who are less than twenty-one (21) years of age.
- ❖ It is a violation of a City of Scranton ordinance to possess and/or consume alcoholic beverages from open containers in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas, or other public property within the City limits.

Alcohol violations that warrant dismissal without appeal from the college include: (1) a third violation of the LC Alcohol Policy.

## **APPENDIX C: LACKAWANNA COLLEGE ILLEGAL DRUGS POLICY**

LC does not condone the use, possession, or distribution of any type of illegal drugs. The behavior and attitudes associated with the use of illegal drugs are detrimental to the individual student and the student body, and contrary to the mission and philosophy of the college. If a student is found, charged, or arrested for possession of any illegal substance, or drug paraphernalia, use, or intent to

distribute illegal drugs, the student is subject to college disciplinary action, independent of any external legal actions.

In addition, eligibility for federal financial aid may be subject to suspension or termination. Loss of Title IV eligibility will result if a student is convicted of a state or federal offense involving the possession or sale of an illegal drug that occurred while the student was enrolled in school and receiving Title IV aid. It must be understood that the college cannot protect an offender against any penalties of law. Law enforcement officers, with proper documents, have a legal right to search any and all buildings and personal space on campus without prior notice.

Federal laws, including those governing marijuana and cannabis, preempt state law and, therefore, apply on LC's campus. Marijuana (cannabis) is a controlled substance under federal law, and its possession and use, even for medical reasons, is prohibited on property owned or operated by the college. This also applies to college-sponsored or affiliated programs and events. The use of vaping devices (including but not limited to, mods, pens, hookahs, JUULs, and e-cigarettes) to consume cannabis products (including edibles) is strictly prohibited anywhere on college premises. LC students who disregard the various drug laws are responsible for their actions and are not immune from the legal process by virtue of their educational status.

While in the Commonwealth of Pennsylvania, all students are subject to Commonwealth law regarding possession and/or use of illegal drugs:

- ❖ Possession of any amount of marijuana is a misdemeanor subject to a fine, possible imprisonment, and a permanent arrest record.
- ❖ Possession of any other illegal substance including crack, LSD, cocaine, heroin, hashish, etc. are subject to one (1) year imprisonment, and/or a \$5,000 fine, and a permanent arrest record.
- ❖ Possession with intent to sell is subject to three (3) to five (5) years' imprisonment, a \$10,000 to \$1,000,000 fine, and a permanent arrest record.

LC expects its students to comply with all the requirements of federal and Pennsylvania state law. As such, the possession, trafficking, or use of illegal drugs, including the illegal distribution of prescription drugs, and/or drug paraphernalia, as defined in Pennsylvania and federal statutes are prohibited and subject the violator to disciplinary action by the college as well as possible prosecution by local, state, and/or federal authorities.

Illegal Drug violations that warrant dismissal without appeal from the college include: (1) use, positive testing for, or possession of Phencyclidine (PCP), Bath Salts (man-made cathinone), or any substance that can contribute to violent behavior and threaten the safety of others; (2) possession of "date rape" drugs, including, but not limited to ecstasy/XTC, Rohypnol, ketamine, or GHB; (3) selling or distributing illegal or prescription drugs; (4) placing illegal or prescription drugs in the beverages or food of others; and (5) possession or use of medication that is not a student's own prescription.

## APPENDIX D: LACKAWANNA COLLEGE ANTI-VIOLENCE POLICY

LC is committed to providing an environment in which community members can feel personally safe and emotionally secure. Violent behaviors or activities are diametrically opposed to LC institutional values.

Physical violence is defined as harming or threatening to harm any person; intentionally or recklessly causing harm to any person or causing a reasonable threat of such harm; or displaying hostile conduct or behavior that may incite immediate violence; or creating a condition that endangers the health and safety of self or others, as well as all forms of retaliation. In consideration of the broad range of behaviors that could qualify as ‘violence’, it is impossible to construct a set of specific pathways to cover every possibility. Instances of violence will be considered on an individual basis.

However, community and student safety are a principal concern for LC. If a student is deemed to be responsible for such a violation, appropriate pathways will be based on the specific facts of the case, the student’s intent, and any aggravating or mitigating factors. Decisions will be affected by the amount of harm done to others and the degree to which the behavior was intentional or irresponsible. Pathways will reflect the severity of the behavior.

Additionally, students are held accountable for their behavior while intoxicated and for any violations of the Alcohol or Illegal Drugs policies. Pathways for violence may be escalated if alcohol or drugs are involved.

Behavior	Potential Pathways
Physical Contact; Threat and/or Verbal Abuse	<ul style="list-style-type: none"> <li>-Probation</li> <li>-Educational Projects</li> <li>-No Contact Order (NCO), if appropriate</li> <li>-Housing Relocation, if appropriate</li> <li>-Loss of Privileges</li> </ul>
Substantial Threats of Violence including, but not limited to oral or written statements, non-verbal gestures and expressions, and/or physical acts (including but not limited to, open hand slap, etc.).	<ul style="list-style-type: none"> <li>-Deferred Suspension or Disciplinary Suspension</li> <li>-Educational Projects</li> <li>-Student Wellness Program</li> <li>-No Contact Order (NCO), if appropriate</li> <li>-Housing Relocation/Suspension, if appropriate</li> </ul>

	-Loss of Privileges
Physical altercation including, but not limited to, assaulting, striking, fighting (regardless of who started the fight) or in any way causing physical harm to another with minor or no injuries (i.e. no medical treatment is required).	-Disciplinary Suspension or College Dismissal
Physical altercation including, but not limited to, assaulting, striking, slapping, kicking, fighting (regardless of who started the fight) or in any way causing physical harm to another with injuries (i.e. medical treatment required) or involving a weapon.	-College Dismissal (No Appeal)

Aggravating Factors: In cases of physical violence or threatening harm to another member of the community, aggravating factors may include (1) whether or not the student responsible was substantially motivated by the victim’s race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status; (2) the student’s disciplinary history; (3) intent to harm; and (4) point of entrance into physical violence or threatening harm (i.e. the third person that enters into a physical altercation).

Anti-Violence violations that warrant dismissal without appeal from the college include: (1) students involved in a physical altercation that refuse to stop when instructed to do so by any LC official (including, but not limited to, faculty, staff, Public Safety); (2) any assault on a LC official; or (3) Physical altercation including, but not limited to, assaulting, striking, slapping, kicking, fighting (regardless of who started the fight) or in any way causing physical harm to another with injuries (i.e. medical treatment required) or involving a weapon.

Criminal prosecution may be brought by either party, LC, or local and state law enforcement agencies.

## **APPENDIX E: LACKAWANNA COLLEGE TOBACCO AND SMOKING POLICY**

Smoking and the use of any smokeless tobacco products are prohibited inside all facilities/buildings or vehicles owned, leased, or operated by LC. Smoking is defined as the burning, lighting, or use of a tobacco product and any other smoking device or equipment that includes, but is not limited to, cigarettes, cigars, electronic cigarettes (e-cigarettes), vape pens, hookahs, pipes, or any other electronic smoking device. “Electronic Smoking Device” is defined as any electronic product containing or delivering nicotine or any other substance. Smoking is permitted only in outside designated smoking areas. The designated smoking areas

are building specific and marked with signs. Pathways for violations of this policy will be in addition to any other related violation(s) of college policy, including Athletic and Housing requirements.

## **APPENDIX F: DIGITAL COPYRIGHT POLICY**

By using any of LC's electronic and technology resources, users consent to assume personal responsibility for their appropriate use and agree to adhere to all applicable college policies, and local, state, federal, and international laws and regulations.

LC respects the protections provided under copyright law and takes any violations of these protections seriously. Those who illegally share copyrighted files may face charges and additional penalties that are enforced by the college. In addition, violators may be subject to civil and criminal prosecution under the provisions of the Digital Millennium Copyright Act (DMCA).

If a user is suspected of violating any of the conditions of this policy, the appropriate department will initiate an investigation. During the investigation, files may be inspected, and all computing services may be suspended for the individual(s) in question. If a violation of the conditions is confirmed, the user may face disciplinary charges as defined in the Student Code of Conduct and/or legal action.

Any attempt to break the law may result in legal action by the proper authorities. If such an event should occur, the college will fully comply by providing any information necessary for the litigation process. While LC cannot be responsible for the actions of individual users, LC will make every effort to ensure compliance with established laws.

## **APPENDIX G: MANDATORY MINIMUM ATHLETIC SUSPENSION**

Traditionally, first-time violations of LC Illegal Drug and Alcohol policy will not result in athletic game suspension(s). Student-Athletes will still be subject to appropriate SARP pathways based on the violation. The process will include a formal meeting between the student-athlete and SARP.

Second violations will result in immediate suspension for 10 percent (rounded up) of regularly scheduled and/or resultant contests (including playoffs and championship contests) which the student-athlete is otherwise eligible and able to participate in on an annual cycle. If the suspension would not be completed in the current academic year, the suspension will carry to the subsequent academic year. Student-Athletes will still be subject to appropriate SARP pathways based on the violation.

Additional violations will result in appropriate SARP pathways, up to and including disciplinary suspension or dismissal from LC.





## Residence Hall Policies

# Welcome to the Community

Welcome to the Lackawanna College residence hall community! As a resident student, you will have opportunities to grow personally and professionally during your time on campus. We hope that you will create positive memories for yourself and look back at your time here as a successful one - with good grades, good friends, and lasting memories.

We also expect that, as members of the residence hall community, you will take Lackawanna College's mission to heart. Our mission is to provide a quality education to all people who seek to improve their lives and better the communities in which they live. Your opportunity to uphold our mission starts today. While we will be sure to build the foundation for you through a quality education, it is up to you to take the time and effort needed to succeed in the classroom. In our residence halls and across our campus, we all have a responsibility to keep the community safe, inclusive, and enjoyable for all.

In addition to being considerate of fellow residents in the hall, resident students must also maintain reasonable behavior in relation to the surrounding neighbors.

The Residence Life department of Lackawanna College seeks to advance knowledge, both formal and informal, and create an environment that will allow all resident students to obtain their intellectual and personal goals.

In order to ensure these opportunities for all resident students, Lackawanna College will publish and enforce appropriate rules, regulations, and policies and take action when violations of such rules, regulations, and policies occur.

The expectations and regulations found in this handbook were developed to maintain a safe residential community while protecting students' rights and acknowledging students' responsibilities. Compliance with these expectations and regulations contributes to the creation and maintenance of a productive living and learning residential experience. Lackawanna College students are responsible for knowing and abiding by the following residential expectations. Failure to abide by any of the following responsibilities will subject the student to disciplinary action.

The Residence Life staff strongly believes that students are adults who voluntarily choose to become a member of the residence hall community and take personal responsibility for their actions and decisions. Therefore, Lackawanna College has determined that a violation of College norms and/or regulations is subject to sanctions, up to and including dismissal from the College, depending on the violation. This handbook is not exhaustive and may be amended as the College deems necessary.

# Residence Life and Housing Staff

Staff Email Address: [residencelife@lackawanna.edu](mailto:residencelife@lackawanna.edu)

**Jeffrey Krisiak**

Director of Residence Life and Housing

Seeley Hall | Phone: (570) 504-1760 | Cell: (570) 241-2031 | Fax: (570) 955-1502

[KrisiakJ@lackawanna.edu](mailto:KrisiakJ@lackawanna.edu)

**William Roditski**

Residence Hall Director

Tobin Hall | Phone: (570) 504-1734 | Cell: (570) 904-9807

[RoditskiW@lackawanna.edu](mailto:RoditskiW@lackawanna.edu)

**Nicole Huegel**

Residence Hall Director

McKinnie Hall | Phone: (570) 955-1472 | Cell (570)290-9453

[HuegelN@lackawanna.edu](mailto:HuegelN@lackawanna.edu)

## Residence Life Calendar and Important Dates

Residence Life and Housing will share information pertaining to important dates and times throughout the semester. Dates and times are shared through email and signage posted in the residence halls. These dates and times include, but are not limited to, closings, breaks, move in and move out dates along with other dates that affect the website:

[www.lackawanna.edu](http://www.lackawanna.edu)

## Public Safety

Lackawanna College's Department of Public Safety mission is to ensure the safety and security of students, faculty, staff and visitors on all our campuses. We seek to ensure a safe and secure learning and working environment for all. Public Safety works closely with all departments in the college and local first responders to provide and maintain safety and security.

Public Safety officers regulate and enforce vehicle parking regulations, conduct random rounds throughout the campus to ensure a safe environment, check compliance with college rules and regulations, identify safety concerns and maintenance problems, assist with Student ID replacement and security risks, investigate and resolve problems and complaints, and offer assistance to anyone on the college's grounds.

Lackawanna College's Public Safety department is available on campus 24 hours a day, 7 days a week, and 365 days a year and can be reached by calling (570) 241-2022 or (570) 961-7899. In case of a medical emergency, call 911 first.

# Resident Student Background Checks

In order to continue providing a safe living environment for all resident students, Lackawanna College has established a policy that requires a background check to be conducted on all resident student applicants. These background checks will provide the College with valuable information that will enable our administration to identify previous and/or pending criminal charges that were filed against prospective students. Certain charges may restrict a student from becoming part of our residential community. If the Criminal History Review reports that the applicant has a criminal history/pending charges, the information will then be evaluated according to the Lackawanna College Housing Criminal History Standards. If the applicant does not meet the standards, a declaration of "not eligible" will be made. The Enrollment and Housing Review Committee will conduct this review. The Enrollment and Housing Review team is comprised of the Director of Enrollment, the Dean of Students, the Director of Public Safety, the Director of Residence Life and housing or their designees. The Enrollment and Housing review team will notify an applicant who does not meet the standards within five (5) business days in a letter that their application for housing has been rejected. The procedures for refund of the deposit and the appeal process will be explained in that letter. The information located below will provide the framework for The Housing Criminal History Standards.

## Resident Student Background Checks

No applicant who has been arrested, convicted, or is on parole or probation for the following offenses will be considered for housing:

- ❖ Aggravated or Simple Assault
- ❖ Arson
- ❖ Attempted Murder
- ❖ Kidnapping
- ❖ Manslaughter
- ❖ Murder
- ❖ Riot
- ❖ Robbery

- ❖ Sexual Assault
- ❖ Sexual offenses as listed in Chapter 31 of the Pennsylvania Crimes Code
- ❖ Theft (felony or misdemeanor grade)
- ❖ Violation of the Pennsylvania Uniform Firearm Act
- ❖ Violations of The Controlled Substances, Drugs, Device, and Cosmetic Act (Act of 1972, P.L. 233, No. 64) relating to sales, delivery, and/or manufacturing
- ❖ Conspiracy, Solicitation, and Attempt to commit any of these crimes

Please note that a conviction for the following crimes will be “without appeal”:

- ❖ Aggravated Assault
- ❖ Arson
- ❖ Kidnapping
- ❖ Manslaughter
- ❖ Murder
- ❖ Riot
- ❖ Sexual Assaults

Criminal history findings may also be used to modify the status of a student within the College’s Disciplinary System. Criminal history findings, which indicate that the applicant is pending further court action, may result in the housing application being accepted but the student being placed on probation. Arrests for a simple possession of a controlled substance as found in The Controlled Substances, Drugs, Device, and Cosmetic Act (Act of 1972, P.L. 233, No. 64.) will be grounds for placing the student on probation.

In addition to all past criminal charges, all students must also report any current or future arrests while attending Lackawanna College. Failure to disclose arrests will result in disciplinary action up to and including dismissal.

Lackawanna College reserves the right to declare any applicant as “not eligible” based on a review of the applicant’s Criminal History. The Housing Review Team would then determine the best interest of the College community and/or the applicant. A student may appeal the finding of the Housing Review Team. This appeal process can be completed using the Residency Policy Appeal Form

# Motor Vehicle Regulations

Resident students are not permitted to park on the Lackawanna College campus. All resident students' vehicles must be parked off campus. Commuter students are the only students allowed to park in college-owned and/or leased parking lots. Please refer to the Parking Policy and Regulations in the Student Handbook, page 95.

# Residence Hall Charges

Residence Hall charges are billed to residents' student account. Payment arrangements can be made with the Student Financial Services Office for any balance owed to the College that is not covered by financial aid. If a student does not want to take advantage of the payment plan, payment in full must be made at the Student Financial Services Office or online at the Portal prior to residence hall move-in.

# Required Residency Policy

At the start of the semester, all resident students must be enrolled in full-time classes (12 credits minimum) with at least 6 credit hours of on-ground classes.

All full-time students attending the Scranton campus who do not commute daily from their permanent address {the home of their parent(s) or legal guardian(s)} must reside in campus housing while actively enrolled. Commuting distance is defined as the following:

- ❖ Student Athletes: 30 miles or less
- ❖ All other residents: 45 miles or less

A student will be allowed an exception for any of the following reasons:

- ❖ Being married
- ❖ Being the primary caretaker of dependent children
- ❖ Taking only online coursework
- ❖ Having earned 60 or more credits
- ❖ Having reached the age of 21 prior to the start of the referenced semester

A request for exception for any of the above reasons should be submitted to the Associate Vice President of Student Engagement prior to enrollment by completing a Housing Policy Appeal Form at least 2 weeks prior to the start of the semester.

If the College is able to verify that a student is violating the policy as stated or the conditions set forth in an approved exception, the student is subject to dismissal from the

College and/or full charges for residence hall costs. Students who are granted a Housing Appeal to live on-campus with less than 12 credit hours, or with less than 6 on-ground credit hours, are responsible for all housing and meal plan charges for the entirety of each semester once their Appeal is granted. If these students decide to move off-campus after the date on which their Appeal was granted, they are not eligible for a refund for housing or meal plan charges.

## Required Health Records

Students must have a completed health record on file at MedProctor.com to qualify for on-campus housing. This health record must include a recent physical exam (less than one year old) and a full immunization record. Students must submit these records to MedProctor before being permitted to move into the residence halls. At the discretion of Residence Life Staff, students may be granted an extension of up to 2 weeks. Any students without the necessary documents on file after the first 2 weeks of any semester may be removed from housing.

### Physical

Students must submit documentation of a physical examination dated no older than one year prior to the student’s move-in date.

### Immunizations

All resident students must submit a full immunization record that shows proof of the required immunizations in the table below:

Required	Highly Recommended
Two Measles-Mumps-Rubella (MMR) immunizations	Tetanus-diphtheria (within past 10 years)
Polio Vaccine	Hepatitis B (a three-shot series)
Mantoux test for tuberculosis	Varicella (if you have not contracted Chicken Pox)
Meningitis	Flu Vaccine

# Meal Plan and Dining Commons

A Resident Student's Resident Meal Plan is an essential part of the residence life experience at Lackawanna College. Its implementation alleviates one of the concerns most students face while living away from home. This allows the student to concentrate solely on their studies and other activities associated with college life.

Therefore, it is necessary to integrate this service into the requirements for all students living in our residence halls.

Resident students' meal plan cost \$2,215 per semester and affords the student 19 meals a week. The meal plans allow students to eat breakfast, lunch, and dinner each weekday and brunch and dinner on Saturdays and Sundays. To purchase food in the Dining Commons on the meal plan, the student must present their Lackawanna College photo ID each time a purchase is made.

All meals not used by the end of the designated period will not be refunded and do not carry over.

## Dining Commons Hours of Operation

Dining Commons hours and schedules are subject to change. Dining Commons information can be found by visiting [www.metzlackawanna.com](http://www.metzlackawanna.com).

## Falcon's Nest

Located on the ground floor of Angeli Hall, the Falcon's Nest is a great way to spend time in-between classes with classmates, see what programming may be happening and also get something to eat. If you don't have time to make it to the Dining Commons between classes, you can use your meal equivalency plan at the Falcon's Nest. For more information on the Falcon's Nest and meal equivalency you can visit [www.metzlackawanna.com](http://www.metzlackawanna.com).

# Check-In and Check-Out Procedures

Before a student moves into their assigned room, they must be cleared through Student Financial Services, obtain a student ID card, and have all housing paperwork completed. After the initial paperwork has been completed, the resident will receive a key to their room along with a Room Condition Report (RCR).

Residents are responsible for reviewing the condition of the assigned room and inform the staff of any issues found within 48 hours of check-in. The RCR officially documents the condition of the room at check-in. Failure to complete the RCR will result in the resident being responsible for all damages assessed at check-out.



Students are required to check out at the end of each semester and remove all belongings from their room. Fall semester students returning for the spring semester can leave their belongings only if they are registered for the spring semester, cleared with Student Financial Services and are in good academic standing.

Students who fail to check out will be charged \$150 for an improper check-out, in addition to any other charges for keys, damages, and/or cleaning. Students who do not follow check-out procedures waive their rights to dispute any room damage or cleaning charges.

## Check-In and Check-Out Procedures

### Fall Check-Out

Any resident student who leaves following the end of the Fall semester, with the intention to return for the Spring semester, has the option to leave their personal belongings on campus in their assigned room if the following stipulations are met:

- ❖ Registered for Spring semester classes
- ❖ Cleared through Student Financial Services office
- ❖ Good Academic Standing

Lackawanna College is not responsible for lost or damaged property during this period.

Students who leave belongings in their rooms without meeting the above requirements will be subject to a \$150 charge and items can be discarded, as they are considered abandoned.

If any College property is removed and requires to be replaced, charges will be applied.

## General Residence Hall Check-Out Policies

All students living on campus must check out of their room before leaving for the semester. Students must vacate their rooms within 24 hours of completing their last final, or by 11 p.m. the last Friday of finals week, whichever comes first.

### General Check-Out Procedures

Resident students checking out following the end of a semester must complete the following tasks:

- ❖ Remove all personal items and clean the room. If the room is vacated and there is an excessive mess, the student(s) will be billed for excessive cleaning.

- ❖ Belongings left in the room/ residence hall after the resident student has checked out will be discarded
- ❖ Micro Fridge must be cleaned and restored to the condition it was found in upon check-in.
- ❖ Have the room inspected by a member of the Housing staff, then complete and sign proper checkout paperwork. A charge of \$150 will be placed on student's account for improper or failure to checkout.
- ❖ All keys are returned to a member of the Housing staff or Public Safety Officer on duty. If keys are not returned, charges will be applied to the student(s) account.
- ❖ Schedule a check-out time with an RA. RAs will have schedules with their available times posted on their doors one week before final exams begin. Check-out times must be scheduled at least 24 hours in advance.
- ❖ Complete all items on the Check-Out Checklist with a member of the residence life staff.
- ❖ The RA will confirm the condition of the room and ensure there are no issues.
- ❖ The RA will take your key(s) and give you a copy of the completed Check-Out Confirmation form.

## College-Closed Breaks

The residence halls are considered “closed” to all normal residents during spring break, Thanksgiving break, and winter break. During these breaks, all resident students are expected to vacate the campus unless given express permission by Residence Life staff, but residents will not be required to return keys or remove belongings from rooms during these breaks. Please refer to the Official Academic Calendar for exact dates for these breaks.

## Personal Property Insurance

The College recommends that residents secure personal property, homeowners, or renters' insurance to cover their personal items while on campus. Residents should keep a record of the serial numbers of all appliances, including television, computer, and gaming systems. All valuables should be marked with the resident's first initial and last name.

# Roommates and Room Changes

Residents are expected to take primary responsibility for ensuring the development and maintenance of a positive roommate relationship. Students are strongly encouraged to invest themselves fully in working together with roommates to resolve differences by speaking directly to one another, sharing concerns, expressing feelings in an honest manner, and jointly negotiating resolutions to conflict. Residents who feel their roommate is unresponsive to communication, or who are otherwise uncomfortable approaching their roommate about a conflict, should seek the help of their Residence Hall Director. Residence Hall staff members can assist students in communicating with roommates or in negotiating a living agreement.

**Room Changes:** Room assignment changes may be requested during the third full week of each semester, and between the fall and spring semesters. These requests should be made via email to [residencelife@lackawanna.edu](mailto:residencelife@lackawanna.edu). The Residence Hall Director must grant final approval. In extreme circumstances, a student will be permitted to make a room change outside of the room change periods. A room change is generally not considered an effective solution to roommate conflicts, and room changes will be considered by the Residence Hall Director only after residents have made a genuine attempt to resolve the conflict.

Resident students are only permitted to live in the room assigned to them by Residence Life. Room changes must not be made without the approval of the Residence Hall Director. Any student found in violation of this policy will be required to move back to their assigned room, and may be fined up to \$150 per occurrence. Due to the importance of safety and security within the residence halls, there is no written warning for students who violate this policy.

## Campus Amenities

Lackawanna College provides many amenities to make the student experience both positive and convenient. These amenities provide you with the resources needed to be successful both personally and educationally while matriculating at the college. Amenities include but are not limited to: Falcon's Fitness Center, no charge laundry in each residence hall, mail service located in Angeli Hall, computer labs in residence halls, Scranton Public Library (located across the street from Angeli Hall and wireless internet service.

### Falcon Fitness Center

The Falcon Fitness Center is located in the Student Union and is available for enrolled Lackawanna College students. The Center includes cardiovascular and weight training equipment. A current student ID card is required for access to the center. Please check the [LINK](#) for further fitness center information and hours. Please note when the College is closed the Center is closed as well.

## Computer Labs

Computer labs are located throughout the campus buildings. Including Angeli Hall, Seeley Hall Library, Tobin Hall, Seeley Hall, and McKinnie Hall.

## Common Kitchen

Located in Healy Hall on North Washington Avenue, the Common Kitchen serves as an option for students to be able to cook on campus. The Common Kitchen provides spices and other key ingredients needed without cost.

## Scranton Albright Public Library

Located across the street from Angeli Hall the Scranton Public Library serves as the official library of Lackawanna College. The library has many resources to assist students with their academic success.

## Mail Service

Mail sent to residents will not be delivered directly to the residence halls but instead will be delivered to the College Mail Room. Students will be informed through their Falcon's email to pick up any packages or letters in the mailroom. Packages and letters not picked up within two weeks from time of delivery will be returned to sender.

There is no mail service on Saturday or Sunday. Any residential student who wishes to have letters or packages shipped to Lackawanna College should address it as follows:

Student Name  
Lackawanna College  
501 Vine St.  
Residence Hall  
Scranton, PA 18509

The student's hall (McKinnie Hall, Seeley Hall, or Tobin Hall, not room or Student ID number) must be written on the letter or package.

## Residence Hall Network Set-up Procedures

All resident students are provided with access to a Wireless Internet connection at no additional charge. Connection to this network is done at the students' own risk. The College is not responsible for material viewed or downloaded by users.

Lackawanna College is responsible for securing its network and computing systems in a reasonable and economically feasible way against unauthorized access or abuse while making it accessible for authorized and legitimate users. By using any of Lackawanna College's electronic and technology resources, users consent to assume personal responsibility for their appropriate use and agree to adhere to all applicable College policies, and local, state, federal, and international laws, and regulations.

## Security

Users are responsible for maintaining the integrity of personal equipment connecting to the College's network. Users are expected to maintain anti-virus software and update virus definitions to protect their PCs from damage and loss of valuable data. Users are strongly encouraged to perform regular updates to their computers.

Internet access is behind a Firewall. P2P, BitTorrent and other unsecure traffic is restricted according to the Federal Digital Millennium Copyright Act. Please refer to the Copyright Policy and Guidelines for further rules and regulations.

Any attempts to read or monitor network information of others is a violation of the Privacy Act. Violations will result in the College disconnecting the device from the network. We reserve the right to monitor all network activity, incoming or outgoing, on the residence hall network and on all computers internally tied to it.

Attempts by individuals to reconfigure the network infrastructure can result in damage to the infrastructure or severe network problems. Examples of this are extending the network with hubs/switches/repeaters, daisy chaining of wiring, and the use of non-standard electronics and wiring. The connection and use of individual wireless Wi-Fi routers is strictly prohibited. Repair costs will be billed accordingly if it is found that an individual caused damage. When a user is encountering problems related to non-adherence to industry and/or Lackawanna College network standards by installing their own wiring and/or electronics, the user risks being removed from the network.

Remember, residence hall network access is a privilege, not a right. For more information refer to the IT FAQ page.

## Support

If you are experiencing any difficulties with your connection, contact support at [support@lackawanna.edu](mailto:support@lackawanna.edu) or call (570) 955-1500, Monday through Friday from 8 a.m. to 4 p.m.

# Building Access

The entrance doors to the residence halls are always locked for the security of resident students. Propping doors open, tampering with doors or locking systems, opening doors for unauthorized individuals, or opening doors for individuals not permitted in a residence hall at that time is prohibited, and may result in residence hall expulsion and/or other pathways.

Each residence hall entrance has one set of exterior doors, one set of interior doors, and an interior vestibule in between them. The exterior set of doors is locked 24/7, but residents can scan their ID at the proximity reader next to these doors to gain access at any time. Between 7:00 a.m. and 11:00 p.m., the interior doors operate similarly to the

exterior doors, and will open when a valid resident's ID is scanned at the reader. Between 11:00 p.m. and 7:00 a.m., the interior entrance doors will be fully locked, even to residents of that building. Residents must press the call button on the videophone next to the interior entrance door, and a Public Safety Officer will answer, verify ID, and unlock the door. At any time, if a staff member is present in the Public Safety office in the lobby, resident students may be asked to provide ID to the staff person working the desk.

At the discretion of College staff, stricter security measures may be enforced if necessary, for the safety and security of our resident students. Students are only permitted to access the residence hall through the front door. All other doors are locked from the outside and equipped with exit alarms that sound when the door is opened. These alarmed doors are to be used only for egress in case of an emergency.

Students should never share or loan their Lackawanna College ID to another student or guest. Any violation of this policy will result in disciplinary action of student(s)/ guest. All guests must be signed in. Please refer to the Guests and Visitors Policy under Community Standards.

Lackawanna College reserves the right to inspect all bags, carts, trunks, luggage, etc. of students and/or guests attempting to enter or exit the building. If staff indicates an inspection, they should have reasonable grounds to perform the search and will remain mindful of a student's right to privacy. Random bag searches may also be performed at the discretion of the Director of Residence Life and Housing. Lackawanna College staff reserves the right to deny admittance to any person to the residence halls.

## Common Areas

The use of residence hall common areas is restricted to the building occupants, their guests/visitors, and College affiliated groups and organizations that have reserved a space through the building's Residence Hall Director. The size of the group must be limited to the number of people that can be accommodated in the lounge to be used.

Common area furniture must remain in common rooms. A \$100 fee will be assessed if common area furniture needs to be moved back to its appropriate location. If common area furniture or other equipment placed in common areas for the benefit of the residents is found in a student room, the occupants of the room will face disciplinary action along with the fine attached to moving common area furniture back to its original location.

Common areas cannot be used for sales or solicitation. Common areas should not be physically modified in any way without prior approval by the Residence Life and Housing Office.

Due to health and safety concerns, students are expected to keep common areas clean and orderly for community use.

**Note:** Residence Life reserves the right to close all common areas due to vandalism, excessive cleaning, or misuse without notice.

## Posting

Advertising posted in the residence halls for events may not refer to alcohol, tobacco, and/or illegal drugs. Floor bulletin boards are for posting residence hall and College events only. Any posters not approved by Housing staff or any posters appearing in non-approved areas will be removed. Organizations not following this procedure will forfeit their right to post any future events.

## Solicitation and Selling

Solicitation or selling by students and all others is not permitted in Lackawanna College owned residential facilities, except by written authorization from the Director of Residence Life and Housing. No person, organization, or department can conduct a business, sales, or solicitation in the residence halls. No person, organization, or office may enter these facilities to distribute or collect questionnaires or surveys and/ or to collect any other information in-person from students in their place of residence without obtaining advance written permission from the Director of Residence Life and Housing. No deliveries may be made to individual rooms unless the Residence Life and Housing Office has granted prior permission. No advertisements or fliers are permitted on or under the doors of residence hall rooms unless distributed by Residence Life.

## Room Care and Decorations

Everyone is responsible for upkeep of the residence hall, which will be your home away from home during your academic career at Lackawanna College and should be treated as such. Common areas of the building will be maintained daily by College staff. The maintenance of an individual's room is the resident's responsibility. College personnel will conduct periodic safety and health checks of rooms. Any violation of College health or safety regulations must be immediately corrected. Failure to comply may result in pathways from the Residence Life and Housing department.

Students are expected to exercise extreme caution when completing class projects. Proper ventilation must be maintained, and floors, walls, and furniture must be protected. The use of spray paint or any aerosol spray is prohibited.

The Maintenance staff provides housekeeping service, seven days a week, in the common areas only. Our Maintenance staff does routine repairs to items as needed, and any problems or concerns should be reported to the Residence Life staff as soon as they occur.

Any items left outside of the assigned residence hall room will be discarded without notice. These areas include but are limited to, hallways, bathrooms and common areas. The cost of discarded items will be at the user's expense.

## Room Furnishings

All supplied furniture must stay in its designated room. Furniture cannot be removed from the assigned room and must be used for intended purposes. Students are not permitted to leave room furnishings in common areas, hallways, or corridors. Furniture found in any of these areas will be returned to the student's room, and a fine for any obstruction caused as well as a moving charge will be assessed to the student for each incident.

Cinder blocks are not permitted in residence hall rooms. Lofts of any type are not permitted in Residence Hall rooms (unless issued by the College). Ping-Pong tables, pool tables, video arcade games, and other large game tables (by use or function) are not permitted due to limited room space and potential disruption to other students.

Any objects such as decals, pictures, stickers, etc. that are fastened to the walls, doors, woodwork, or ceilings of rooms or hallways must be removable without damage to paint or furnished surfaces of the room. No decals, pictures, signs, posters, or other items visible from outside shall be attached or placed next to windows. Contact paper is forbidden, as are cellophane, tape, and heavy packaging tape. Writing instruments must not be used on any building surfaces. Students must not decorate their rooms with combustible materials or be in possession of incense, candles, or other flammable items. Please refer to the full list of prohibited items later in this document.

## Micro-Fridge Policy

Students are prohibited from removing the Micro-Fridge from their assigned rooms. Any Micro-Fridge damage must be immediately reported to a Residence Life staff member. Students are responsible for any damage to the Micro-Fridge and cleaning all areas of the Micro-Fridge; if a single person does not claim ownership for the damage or cleaning, the cost of the damage will be divided amongst all room occupants. A price list for the individual parts can be obtained through any Residence Life staff member. Micro-Fridge must be cleaned at checkout and will be inspected at the end of each semester. The following fees and charges may apply to all students upon checkout depending on the condition of their Micro-Fridge:

Cleaning/Damage Description	Charge/Fee Amount
Unclean Microwave Section	\$25



Unclean Refrigerator Section	\$25
Unclean Freezer Section	\$25
3.1 Model Replacement (double occupancy rooms)	\$550
4.3 Model Replacement (triple occupancy rooms)	\$650

## Room Keys and Lock Out Policy

Students are responsible for always carrying their keys with them. Any key(s) issued to residents is the property of the College and is issued to that resident for their exclusive use. Students are not permitted to lend or give their room keys to anyone or any group.

It is unlawful to duplicate any residence hall key, and students are not permitted to put their own locks or alarms on any residence hall doors.

Keys must be returned when a student vacates their residence hall assignment. Lost or unreturned keys will result in a lock core change and a fee per affected lock. In the event of a broken key, a replacement fee will be charged. Lost or misplaced keys should be reported immediately to the Residence staff.

Students are reminded to always have their keys with them. After the third incident where a student needs to be given access to their room, a \$10 fee may be assessed for each lockout thereafter at the discretion of the Residence Life staff. Students found in violation of any part of the room keys policy will be issued pathways from Residence Life and Housing department noted in the chart below.

## Restricted Access Areas

Students accessing any restricted area, including roof tops or any other architectural feature not designed for recreational or functional use, will be subject to pathways, assessments for any damage, and possible pathways from the SARP office, except in cases of a valid emergency during which the student's access was necessary. The College assumes no financial or legal responsibility for any student injured because of such actions.

# Alcohol and Illegal Drugs

Lackawanna College supports and expects adherence to established College policies and state laws regarding the use of alcohol and illegal drugs. Residents, residents from other buildings, and non-resident guests are not permitted to enter the residence halls with alcoholic beverages, regardless of age.

Alcohol consumption is not permitted in residence hall rooms or public areas of the residence halls. Drinking games are prohibited. Alcohol consumption is not permitted by anyone in the adjacent area to the residence halls such as parking lots, patios, loading docks, porches, lawns, etc. Residents are not permitted to keep empty alcohol containers in their rooms at any time for any reason, including decorative purposes.

Regardless of ownership or origin, any of the following items found in the residence halls will be confiscated and disposed of, including but not limited to: alcoholic beverages, illegal drugs, kegs, beer balls, taps, funnels, shot glasses or other mechanisms used to dispense alcohol or use illegal drugs. Professional staff are authorized to confiscate and dispose of such items. Please refer to the complete Alcohol and illegal Drug Policies in the Student Conduct and Policies section of this handbook for an explanation of pathways related to violation of this policy.

## Pets

Students may not, at any time, be in possession of animals (including fish). Service or emotional support animals are the only exception and must be registered with the Office of Disability Services.

## Assistance Animal Policy

Lackawanna College is committed to compliance with state and federal laws regarding individuals with disabilities. The following is a guide for students who request an assistance animal, as defined by applicable law, in their campus residence.

Lackawanna College reserves the right to review, revise, and amend this policy from time to time as circumstances require, including any change in the legislation that controls this policy. Lackawanna College bases its policy on the most current state and federal law regarding housing policies, most specifically the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, which states:

“Individuals with a disability may be entitled to keep an assistance animal as a reasonable accommodation in housing facilities that otherwise impose restrictions or prohibitions on animals. The assistance animal must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the housing service or program. Further, there must be a relationship, or nexus, between the individual’s disability and the assistance the animal provides.”

The request for an assistance animal may be denied if the assistance animal would impose an undue financial and administrative burden or would fundamentally alter the nature of the College's services. The request for an assistance animal may also be denied if it is determined that the specific assistance animal in question poses a direct threat to the health or safety of others, which cannot be reduced or eliminated by another reasonable accommodation. The request may also be denied if the animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Assistance animals, which are defined under the Fair Housing Act, are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability or provide required emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals are not required to have special training for work or tasks. The regulations permitting assistance animals pertain to College-owned and operated residential living facilities.

Assistance animals are not permitted in non-residential facilities, including, but not limited to, academic buildings, offices, and classrooms.

There are two requirements that need to be met in evaluating a request for an assistance animal:

1. An individual seeking to have an assistance animal in their residence will be asked whether they have a disability.
2. The person making the request will be asked whether they have a disability-related need for an assistance animal (in other words, does the animal work, provide assistance, perform tasks or services for the benefit of the person or provide emotional support that alleviates one or more identified symptoms or effects of the person's disability).

If an individual's disability is not readily apparent, the College has the right to require reliable documentation of their disability and of their disability-related need for an assistance animal. If an individual's disability is readily apparent but the disability-related need for the assistance animal is not, the College has the right to require documentation of the disability-related need for an assistance animal.

If these requirements are met, the individual will be permitted to have an assistance animal in their residence. As noted above, the request for an assistance animal may be denied if assistance animal would impose an undue financial and administrative burden or would fundamentally alter the nature of the College's services, poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or if the animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

There are some important rules that apply to assistance animals, and failure to follow them may result in the loss of permission to keep an assistance animal in your residence and/or a violation of the Student Code of Conduct. The list that follows is not exhaustive and the College reserves the right to review these rules from time to time and revise them for the benefit of the College community.

- ❖ Assistance animals may not pose a danger or threat to the health or safety of other students, staff, faculty, or guests that cannot be reduced or eliminated by another reasonable accommodation. Assistance animals may not cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.
- ❖ Assistance animals cannot fundamentally alter the nature of the College's services.
- ❖ Assistance animals cannot create a nuisance to or distract from other students' use of the residence. Residence halls are places of study; animals that make excessive noise or cause disruption may fundamentally alter the nature of the College's services.
- ❖ Assistance animals need to be kept in clean, sanitary, and safe conditions. This responsibility falls on the student, and the College assumes no liability for the animal. All animals must be properly cared for, which includes food, medical treatment, clean living space, etc. Abuse and neglect of animals may result in a formal complaint and possible removal from the student's campus residence.
- ❖ Allergic reactions to animals are common. People who have asthma, allergies, or other medical conditions affected by the presence of animals are asked to contact Disability Services. The needs of both individuals will be considered in resolving the issue. If an allergy/animal conflict within a residence hall cannot be resolved agreeably, then the College will make the final determination.
- ❖ Students are responsible for complying with all applicable laws and regulations concerning their assistance animals, including vaccination, licensure, leash control laws, cleanup rules, and animal health.
- ❖ Assistance animals do not require a deposit, but the student is responsible for costs associated with any damage caused by the assistance animal. Damage includes pests (fleas, ticks) and additional wear and tear on carpets, furniture, and other College property.
- ❖ Assistance animals are not permitted general access to campus areas other than the residence. Assistance animals may use a designated area to relieve themselves provided they are always under effective owner control.

- ❖ Assistance animals may not be left in the care of another residential student overnight and/or during college breaks. Alternative arrangements must be made.
- ❖ Student owners are responsible for properly containing and disposing of all animal waste. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and tied securely before disposing of in an outside trash receptacle. Outdoor animal waste, such as dog feces, must be immediately retrieved by the owner, placed in a sturdy plastic bag, and securely tied before disposing of in an outside trash receptacle.
- ❖ Student Owners must ensure that preventative measures are always taken for flea and odor control. Consideration of others must be considered when providing maintenance and hygiene to assistance animals.
- ❖ Students who are approved to have an assistance animal on campus must sign an agreement with the Office of Disability Services, which will be on file with Disability Services and Housing.

If a student fails to comply with the policies, then Residence Life will investigate any complaints and will work with Disability Services to resolve any issues or concerns. An assistance animal may be removed from campus if it imposes an undue financial and administrative burden or would fundamentally alter the nature of the College's services, it poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation or, it would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. If a determination is made that the animal should be removed, a joint letter will be sent to the student from the offices of Housing and Disability Services. If the student refuses to remove the animal from their campus residence after such a determination has been made, the student may be charged with violating the Student Code of Conduct.

## Requesting Reasonable Housing Accommodations

In accordance with applicable laws, Lackawanna College will make every effort to provide reasonable housing accommodations for students who have a qualifying physical or psychological disability. All accommodations are determined on a case-by-case basis according to the documented need and prevailing standards for reasonable accommodations. The Disability Services offices reviews requests and approvals are sent to the Residence Life and Housing department, which then offers assignments based on availability.

For a physical disability and/or mental health diagnosis, you must submit a doctor’s letter stating that your requested accommodation is “medically necessary,” or it cannot be granted. To apply for a reasonable housing accommodation, the below items must be completed:

- Submit the [Housing Accommodation Request](#) form on the Portal
- You will be asked to upload documentation, which must be current (within the last 12 months) and in writing, from your doctor and must include **ALL** the following:
  - Date of Evaluation
  - Diagnosis-specific with International Classification of Diseases (ICD) classification
  - Method of evaluation/examination
  - Specific accommodation being requested and the disability’s current impact on you and the college residential environment, with verbiage of medical necessity
  - A description of any functional or cognitive effects resulting from prescribed medication

Documentation may be submitted at any time; however, it is recommended to complete the [Housing Accommodation Request form](#) on the portal on or before the dates below for the appropriate semester the student will be attending. Once all above information is received, the college will review and make a decision within 10 business days. If a student were to receive a single room as accommodation, they would receive the single room for the cost of a double room. If the accommodation is denied, the student could still apply for a single room at the single room cost. After the submittal deadline date, the college may not be able to take into account a student’s housing preference and will assign to any available room that meets the determination if available.

Semester	Deadline
Fall Semester	June 15
Fall Semester	December 1
Summer Session	May 15

## Courtesy and Quiet Hours

All residents have the right to live in an environment that provides reasonable conditions for study and sleep. Mandatory courtesy and quiet hours have been established and are posted in each residence hall. Courtesy hours are in effect 24 hours a day, seven days a week. Quiet hours must be observed Sunday to Thursday, 11 p.m. to 9 a.m., and Friday to Saturday, 12 a.m. to 9 a.m.

During courtesy hours, students are expected to be always considerate of the needs of others and comply with requests for maintaining a reasonable level of quiet. Quiet hours require that noise be reduced so that nothing can be heard from within other rooms when the doors are closed. The congregation of more than two (2) residents in a hallway at any

given time will be interpreted as violating this policy, and violators will be subject to disciplinary action. A 24-hour quiet period is in effect prior to and during final exams. Disturbing noises during these hours will not be tolerated and will subject the offender to discipline. These policies help make residence hall rooms suitable places to study. Other good places for studying include the Lackawanna College Library and Scranton Public Library (located across the street from Angeli Hall). Please refer to Appendix 1.4 for pathways related to violation of this policy.

**Note:** These hours are subject to change without prior notice. When there is a scheduled day off, e.g. Labor Day, which falls on a weekday, visitation hours will follow the weekend schedule (2 a.m.) the night before the holiday.

## Lackawanna College Quiet Hours

Sunday - Thursday	11 p.m. to 9 a.m.
Friday and Saturday	12 a.m. (midnight) to 9 a.m.

## Guests and Visitors

Residents must register all visitors at the check in desk located in the lobby of each residence hall. If no staff is present at the desk, you must call Public Safety at (570) 961-7899 to confirm your guests with them. Visitors must provide appropriate identification, which will consist of a photo ID that contains the birth date of the visitor. Family visitors under 18 years of age are not allowed in residence hall rooms and are restricted to the common areas. Visitors under 18 years of age who are not family members are restricted from entering the building. Residents are responsible for the actions of their guests.

All underage individuals will be escorted from the residence hall. Refusal to leave will cause the College to seek charges of trespassing. Residents responsible for inviting underage guests into the building may be subject to pathways through the SARP office and/or dismissal from the College with appeal.

Residents must meet their guests at the sign in desk located in the lobby of each residence hall and sign them in. They are also expected to escort guests from the building and sign them out. Guests are always to be escorted by the resident who signed them in and are expected to adhere to all of Lackawanna College's regulations and policies. Public Safety will escort any unescorted guests from the building.

Visitors who fail to follow College procedure will lose visitation privileges and will be considered trespassers on private property.

Overnight visitors are not allowed. All visitors must vacate the facility by the close of posted visiting hours. This policy will be strictly enforced, and residents violating any part of this policy are subject to visitation pathways. Repeated violations will result in escalated pathways, including, but not limited to, loss of visitation privileges and/ or dismissal from the College. All policies related to visitation apply whether a desk attendant, Resident

Assistant or Public Safety is present or not. Information regarding visitation hours is provided below. Please refer to Appendix 1.4 for pathways related to violation of this policy.

### Lackawanna College Visitation Hours

Sunday - Thursday	9 a.m. to midnight
Friday and Saturday	9 a.m. to 2 a.m.

**Note:** These hours are subject to change without prior notice. When there is a scheduled day off, e.g. Labor Day, which falls on a weekday, visitation hours will follow the weekend schedule (2 a.m.) the night before the holiday.

## Respect Of Property

The College is not liable for any loss or damage incurred to the resident's personal property, whether by flood, fire, theft, or any other cause. Residents assume any and all liability for damage or claims that result from their own negligence, as well as any negligence of visitors or guests. Students are encouraged to report any information regarding specific acts of vandalism to Residence Life and Housing staff and/or Public Safety. Residents are strictly prohibited from tampering with or moving the belongings of other resident students, and these incidents will be investigated and addressed accordingly by College staff.

Residents will be held responsible for the cost of repairs for any damage to their residence hall room or common areas. Residents are expected to treat the residence halls with respect and care. Residents cannot paint, damage, or otherwise alter the private or common spaces of the residence hall, including all College-owned furniture, appliances, and other property. Residents found in violation of this policy may face disciplinary action through the Student Accountability and Restorative Practices Office.

Whenever possible, repair or replacement costs will be assessed to the individual(s) responsible. If this is not possible, costs will be divided among the residents of a residence hall, floor, or wing, as determined by Residence Life staff. This prorated assessment of damage charges to a group of resident students is referred to as Common Area Damage, and these charges cannot be appealed except by new evidence presented by Public Safety or Residence Life Staff.

Residents must satisfy all damage assessment charges. Damages and other unsatisfied charges may prevent students from accessing items from the College, including but not limited to college transcripts and Canvas courses, and may yield pathways up to and including suspension from Housing.

Students should refer to the Room Condition Report (RCR) and procedures found in this handbook. Misuse, abuse, theft, or damage to personal property is not permitted.



# Safety To Self and Others

Any student action that may lead to physical harm to oneself or others is considered endangering behavior and will typically result in removal from the residence halls, disciplinary action (including cost of repair and/or cleaning), and/or criminal charges. Residents are not to engage in behaviors of disorderly or disruptive conduct, which is inconsistent with the healthy functioning of our residential community or the surrounding community, at any time of day or night. Residents found responsible for causing unnecessary garbage and debris in the hallway may be billed accordingly.

## Privacy

In a residence hall environment, living together with fellow residents is a wonderful experience that can enhance your academic career. All residents are encouraged to clearly communicate their needs, using roommate agreements, regarding privacy matters with roommates, suitemates, and floor mates. All residents should expect to maintain personal privacy within their assigned room and community bathroom facilities. Students who violate an individual's privacy by entering their room without permission or invade their privacy within bathroom facilities may be subject to disciplinary action.

Cohabitation is prohibited.

When having guests, each resident should be conscious of the privacy of their roommate. Residents should exercise their right to privacy responsibly and conduct themselves appropriately, being mindful of extra responsibilities and social obligations of having guests.

The right to privacy does not imply the right to violate the applicable regulations of the Residence Hall or College as well as city, state, or federal laws

## Safety and Security

Lackawanna College reserves the right to enter a student room at any time for health, safety, and maintenance reasons. A College Official may enter a student room any time the official has reason to believe that a violation of any College rule or regulation is occurring or has occurred.

Students are encouraged to lock their doors at all times and report the presence of any suspicious person, group, or unusual activities in the residence halls to Residence Life staff or Public Safety. Room keys or entrance door access devices are not provided to guests. Students should not enter another resident's room without the knowledge and consent of the occupant(s), regardless of whether the door is closed and locked.

Residents are not to tamper with automatic door locks or prop open doors with automatic closures. Residents are not to enter/exit through fire doors except during fire alarms or fire drills. For reasons of personal safety and to prevent structural damage, students and their guests may not participate in sports games in the residence halls. This includes, but is not limited to, baseball, basketball, soccer, lacrosse, football, hockey, Frisbee, boxing, or wrestling.

A room entry or search may be authorized under the following circumstances:

- ❖ Emergency repair or maintenance work
- ❖ Clear indication that routine health or safety regulations are being violated
- ❖ Apparent danger to the room occupants or other residents exists
- ❖ Probable cause to believe residents or their guests are violating federal, state, or local laws and/or College regulations
- ❖ Occupant cannot be located for an extended period of time
- ❖ It is necessary to inspect a vacant/unoccupied portion of a room/apartment in order to prepare for occupancy.
- ❖ Throughout the semester, Residence Life staff and/or Public Safety conduct random health and safety inspections to ensure that all health and safety rules are being followed. Additionally, room inspections are routinely conducted by the Residence Life Staff and/or Public Safety during breaks to ensure fire, health, and safety compliance.

## Prohibited Items

The following items are prohibited in the residence halls; any items discovered at any time (e.g., during room inspections) will be confiscated, and the resident(s) will be subject to disciplinary action:

- ❖ Appliances with open coils or burners, such as, but not limited to, broilers, toaster ovens, toasters electric skillets, air fryers, hot plates, hot pots, electric woks, microwaves, hot dog and hamburger cookers, deep Immersion coils or grills of any type to include, but not limited to, George Foreman grills
- ❖ Irons
- ❖ Aerosol sprays
- ❖ Explosive or flammable substances, including but not limited to, fireworks, smoke bombs,

- ❖ Sparklers, incense, candles, and open flame potpourri burners etc.
- ❖ Refrigerators (microfridges are provided by the college in each room)
- ❖ Space heaters
- ❖ Octopus type plugs
- ❖ Halogen lights
- ❖ Live Christmas trees or flammable holiday decorations
- ❖ Weapons and firearms
- ❖ Anything that shoots projectiles, including but not limited to paint guns, nerf and nerf style guns, potato guns
- ❖ Cinder blocks
- ❖ Drones
- ❖ Empty alcohol containers
- ❖ Alcohol or illegal drugs displayed via posters, advertisements, lights, or signs; and empty alcohol containers
- ❖ Furniture without fire retardant material
- ❖ Nails, hooks, double faced adhesive tape, or other items that will damage the walls
- ❖ Pets
- ❖ Power cords without a multi-plug power strip with an internal circuit breaker
- ❖ Water beds
- ❖ Lofts (unless provided by the College)

## Confiscation of Prohibited Items

Any item(s) in violation of this provision, found in possession of a student, shall be confiscated, and held by the College until the end of the current semester. The item(s) will be returned to the student at the end of the semester upon payment of a levied fine if applicable and on the condition that the appliance is immediately removed from the premises.

# Smoking and Vaping

Smoking is defined as the burning, lighting, or use of a tobacco product and any other smoking device or equipment that includes, but is not limited to, cigarettes, cigars, electronic cigarettes (e-cigarettes), hookahs, marijuana, and pipes. Smoking and the use of smokeless tobacco is not permitted in any Lackawanna College building, and students found smoking in residence halls will face disciplinary action including a fine. Vaping is defined as inhaling vapor through the mouth, usually from a battery-operated electronic device (such as an electronic cigarette) that heats up and vaporizes a liquid or solid. Students will be charged for any related maintenance or cleaning as the result of smoking in a residential facility. Smoking is prohibited (including electronic cigarettes) around all entrances and exits of campus buildings. Smoking is only permitted in designated areas of campus where signs are posted. The complete smoking policy can be found earlier in the Student Handbook.

# Fire Safety

All students residing in any room found to have fire or life safety violations may be subject to disciplinary action that includes, but is not limited to, fines, probation, and/ or dismissal from the College. Assessment of fines or other disciplinary measures will be attributed to every student residing in the living area in which the infractions occur. There will be no exceptions to this policy.

Students are forbidden to tamper with windows, smoke detectors, sprinklers, ceiling light fixtures, ceiling tile grids, fire extinguishers, fire escapes, baffles or vents, locks, door closers, security cameras, or any other equipment installed to maintain the safety, health, and/or welfare of the resident students. Tampering includes, but is not limited to:

- ❖ Removing the safety devices in the windows, locks, or door closures
- ❖ Taping the inside of the smoke detectors, covering smoke detectors, or otherwise causing them to be inoperable
- ❖ Defacing fire station covers
- ❖ Discharging (unless there is a fire emergency) or disarming fire extinguishers
- ❖ Hanging anything (including clothing, sheets, drapes, or any other type of curtain or screen) that limits visibility, and therefore, creates a fire hazard within the confines of said room
- ❖ Covering or blocking air vents or baffles, as well as placing furniture in walkways or doorways inside the room.

Violation of this policy may result in sanctions, deferred suspension, and/or immediate dismissal from the College.

## Preventing Visibility

Hanging any items that limit or prevent visibility within residence hall rooms is not allowed for fire safety reasons. Please refer to appendix 1.4 for pathways related to violation of this policy.

## Creating Safety Hazards

Creating Safety Hazards violations include, but are not limited to:

- A. Covering or tampering with fire equipment/smoke detectors, exit lights, guard rails, elevators or fire alarms.
- B. Initiating false alarms.
- C. Reckless or negligent behavior.

Any room in found creating safety hazards in any way will result in pathways through Student Accountability and Restorative Practices. This is true for all residents present during the time of the violation.

## Fire and Emergency Evacuation Policy

All students, faculty members, administrators, and classified personnel must consider the ringing of the fire alarm as a real life or death emergency signal and react accordingly. Upon the sounding of the fire alarm, all rooms and buildings will be vacated in an orderly fashion and as quickly as possible. No one is allowed to remain in the building with the exception of First Responders.

When exiting the building, students, staff and faculty are asked to take backpacks, purses, coats, and valuables they have on or near their persons. They should not return to the area for any items left behind until given permission to return to the area by a college administrator, Public Safety, or the Fire Department.

## Planning for an Emergency

1. Know the location of all exits throughout the building
2. Always avoid panic
3. Know the location of all fire alarm pull stations and the fire safety equipment on the floor.

4. Be prepared to move in a rapid orderly manner
5. Know evacuation Rally Points and Emergency Assembly Areas
6. Know how and where to report emergencies
7. Register for Emergency Notifications through the RAVE app
8. If you have questions concerning a unique situation or need additional emergency information, please contact Public Safety by calling (570) 241-2022

## Evacuation Procedures

1. Always evacuate at the sound of the alarm
2. If you discover a fire, pull the nearest fire alarm
3. Collect immediate belongings if possible and exit by the nearest /designated route
4. Support those who may need assistance
5. Close but DO NOT LOCK doors as you leave
6. DO NOT use elevators
7. Leave the building and proceed to the designated Rally Point
8. Do not return to the building until directed by Public Safety
9. If you cannot leave your room, go to your window, pull up the shade, and get the attention of the firefighters; call 911 or shout for help

## McKinnie Hall

1. Take the most direct route to the parking area across the street from the residence hall on the corner of Vine and Wyoming Avenue.
2. Do not remain near the doors to the building.
3. When exiting, use extreme caution.

## Seeley Hall

1. Take the most direct route to the parking lot of the Healey Hall located across the street on North Washington Avenue.
2. Do not remain near the doors to the building.
3. When exiting the building and crossing the street use extreme caution.

## Tobin Hall

1. Take the most direct route to the Student Union at the corner of Jefferson Avenue and Vine Street. If necessary, you will be directed by fire personnel or administrators to a different location at that time.
2. Do not remain near the doors to the building.
3. When exiting, use extreme caution.

## Angeli Hall

1. All students, staff and faculty should go by the most direct route to the nearest parking area.
2. All those exiting the building from the front will gather in the parking area on Vine Street.
3. All those exiting the building from the back will gather in the parking area on North Washington Avenue. No one should remain near the doors to the building.

## False Alarms

False alarms are of great concern to the College and cause residents to ignore genuine alarms, which may place them in dangerous situations. Pulling a false alarm is a first-degree misdemeanor punishable by two and half to five (2 ½ to 5) years in prison and/or up to a \$10,000 fine and will lead to college dismissal without appeal.

Discharging a fire extinguisher is a third-degree misdemeanor punishable by one (1) year in prison and/or a \$2,500 fine and will lead to college disciplinary action, as well. Any person who, through smoking or use of prohibited items, or deliberate malice, carelessness, or neglect, causes the alarms to sound and the fire company to be dispatched to any College building, will be required to pay \$1,500 to the College due to the levy placed upon the College by the City of Scranton for false alarms. If such person is a guest of a student, the

fine will be assessed to that student. Deliberately causing a fire alarm with malicious intent is a criminal offense, and the responsible person, if they are a student, may be dismissed from the College. The fine levied is currently \$1,500 and is subject to change without notice.

# Pathways

## Standard Pathways Model

The Standard Pathways Model describes the escalation of pathways for violations of residence hall policy. All residence hall policy violations that are not considered violations of the Student Code of Conduct will be assessed using the escalation of pathways outlined in the model below:

## Policy Violation Standard Pathways Model

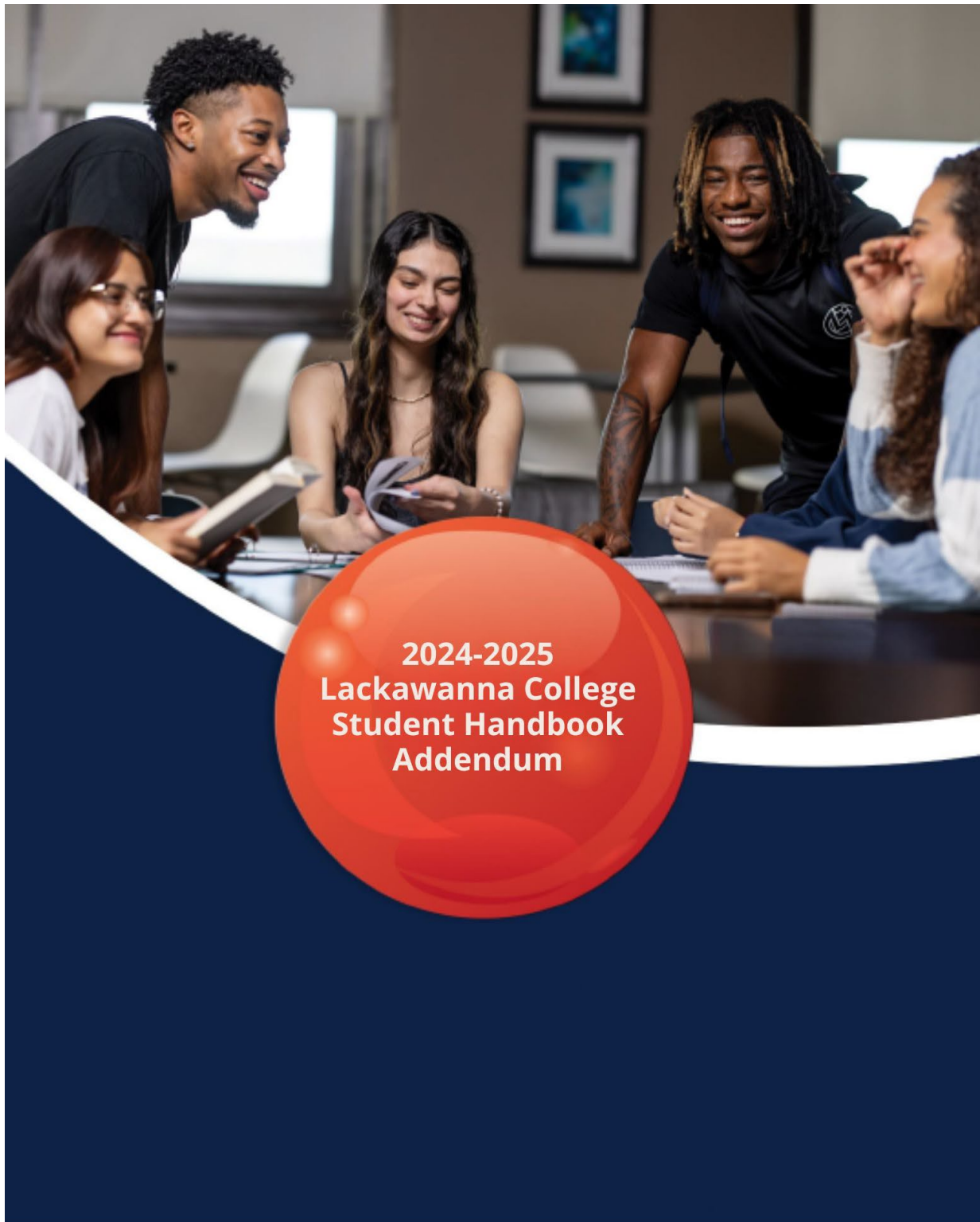
Policy Violation Standard Pathways Model

1st Offense	Official Warning
2nd Offense	Educational Project
3rd Offense	Meeting with Student Accountability and Restorative Practices and/or other Path

# Peer Mentor Award

The Residence Life department offers the Peer Mentor Award, an honor awarded to a student from each of residence hall, who demonstrates dedication and commitment to being a model resident student, excelling in and out of the classroom. The College community takes immense pride in the Resident Student Award to be awarded annually at Lackawanna College's Awards Convocation.





Effective immediately upon its publication issued August 2024, this addendum to the 2024-2025 Lackawanna College Student Handbook updates the failure to withdraw and parking policies.

## **Failure To Withdraw**

If a student stops attending a course for which they are registered after the published census date (end of drop/add) without having officially withdrawn from the course, the student will be assigned an AW (penalty-grade failure) for the class. New students who do not attend in-person or subterm one courses in the first two weeks will be dropped from subterm two courses at the start of week three with the exit reason as “never attended.” These students may contact their enrollment advisor to enroll as a new student for subterm two after week four of the semester.

## Lackawanna College Parking Policy:

The Lackawanna College Scranton Campus is located in an urban setting and has limited parking available.

The following rules and regulations have been established to best serve and provide our students, employees, and visitors with safe access to the campus.

- All motor vehicles parked in a Lackawanna College parking lot are required to be registered with the Lackawanna College Public Safety Office. This includes all commuter students, eligible resident students, and faculty/staff.
- Parking permits are non-refundable. Failure to register vehicle may result in a citation and/or towing.
- Lackawanna College utilizes an electronic parking database to register and track all vehicles. You DO NOT have to display nor will you receive a parking permit/sticker/etc. When registering a vehicle, you must apply for a parking permit by visiting <https://www.tocite.net/lackawannacollege/portal>
- Any vehicle parked on College property shall be parked at the risk of the owner/operator. Lackawanna College assumes no liability for vehicles parked on College property. Lackawanna College is not responsible for lost, stolen items, or damage to vehicles.
- Students, faculty/ staff and visitors are solely responsible for adhering to the guidelines illustrated in this policy including but not limited to parking citations, booting, towing and any potential charges their vehicle may incur while located on college property.
- Parking spaces are designated as faculty/staff, students, accessible, and visitor. We ask all community members to park in designated spaces only.
- Due to the limited number of spaces available, faculty/staff and students with on-campus permits are not allowed to park in any of the designated visitor/vendor spots at any time.
- Any persons are subject to be towed at the discretion of the Public Safety Office.
- Parking is allowed only in marked spaces, within the lines. Vehicles parked inappropriately in spaces, unmarked areas, or causing any properly registered and parked vehicle to be blocked from entering or exiting will be subject to citation and/or immediate towing or booting. No notice is required or will be given.
- Parking is prohibited in entrances/exits, driveways, walkways, grassed areas, painted curbs and fire lanes.
- Lackawanna College is a staple institution in the city of Scranton and allows the community to utilize campus parking lots after business close, between the hours of 5:00pm - 7:00am.
- All students who register for a parking pass must have a valid driver's license and the vehicle is insured.

### Accessible Parking:

Persons with disabilities who require accessible parking accommodations can register their vehicle with the Lackawanna College Public Safety Office.

- A copy of your state-issued disability card from the Department of Transportation is required upon parking registration to process accommodations request.
- Handicapped permits must be displayed per state statute. Vehicles with an accessible plate or placard must have placard on display when parked on campus property.
- No one will be permitted to utilize another handicapped individual's parking placard.
- The penalty for improper use of a handicapped placard will be revocation of parking privileges.
- Any vehicle without a valid handicapped parking permit registered will be subject to citations and/or towing.
- Due to limited availability, these accessibility spots are on a first come first serve basis.

### **Vehicle Registration:**

To apply for a parking permit <https://www.tocite.net/lackawannacollege/portal>

### **Faculty and Staff Parking:**

Vehicle registration is required for all faculty and staff. Faculty and staff are to park in their designated parking lots assigned during hiring. Failure to park in your assigned lot may result in a citation and/or towing.

Faculty and Staff at satellite center locations are required to register their vehicle with Public Safety.

NOTE: Faculty and staff are required to register any additional vehicles if they will be on the property more than five times a month. If you find yourself having to use a car other than the one you have registered please inform public safety immediately at [publicsafety@lackawanna.edu](mailto:publicsafety@lackawanna.edu) to avoid any potential citations or towing.

If you are a faculty or staff member and believe you received a citation in error, you must reach out to the Public Safety Office between the hours of 8am - 4pm, by phone at (570) 241-2022, or e-mail [publicsafety@lackwanna.edu](mailto:publicsafety@lackwanna.edu)

### **Student Parking Registration - Commuters:**

All motor vehicles parked in a Lackawanna college parking lot must be registered with the Lackawanna College Public Safety Office.

- Commuter students can register their vehicle for a rate of \$53 per semester (includes the \$3 handling fee)
- The parking permit is valid ONLY for the semester in which it was purchased.
- Students must register their vehicle each semester they are enrolled. Any vehicle without a valid parking permit in electronic database will be subject to citations and/or towing.

- Commuter students that have a balance owed to the college, that is not covered by financial aid, must pay their balance in full or arrange a satisfactory payment arrangement with the Student Financial Services Office prior to receiving their parking pass.

Please refer to the following link to apply for your parking permit.

<https://www.tocite.net/lackawannacollege/portal>

### **Student Parking Registration – Resident Students:**

Returning Resident students with a minimum of 12+ credits are eligible to apply to park on campus in a designated lot for a rate of \$100 per car per semester. Students who are approved for resident parking may only bring one (1) vehicle to campus and MUST register the vehicle with public safety using the Parking Permit Portal found here, parking permits must be paid via credit/debit card. There are approximately 38 resident student parking spots available, this parking lot is located on the corner of Vine and Wyoming, with entrance being on Vine street across from McKinnie Hall. Resident student parking permits can be revoked at the discretion of the Public Safety Office and/or S.A.R.P Office.

Resident students' who are not approved for a parking permit must park vehicles off campus. The College is currently partnered with local parking garages and the information is as follows:

Resident Students can park in the following garages at a discounted rate with a proof of residency letter (you can acquire this letter from you Residence Hall Director). The discounted rate for parking is \$74 monthly with \$89.00 for initial payment: includes \$15 for key card.

Note if you buy monthly parking pass after the 15<sup>th</sup> of the month you will only be charged for half of the first month (\$52 for initial payment, \$74 monthly thereafter)

- **Casey Garage: 101 Adams Ave. Scranton Pa, 18503**
- **Linden Garage: 305 N. Washington Ave. Scranton Pa, 18503**
- **Electric City Garage: 300 Spruce St. Scranton Pa, 18503**

Resident students may park in the following garages at a flat rate of \$92 monthly

- **Medallion Garage: 140 Adams Ave. Scranton Pa, 18503**
- **Connell Garage: 117 N. Washington Ave. Scranton Pa, 18503**

To contact ABM parking garage:

Location: ABM Parking Services: 140 Adams Avenue, Scranton Pa, 18503

Hours: 8a -5p

Number: 570.343.6519

E-mail: [info@scrantonparking.com](mailto:info@scrantonparking.com)

### **Visitor – Vendor Parking:**

Parking arrangements for visitors and/or vendors on campus are the responsibility of the inviting party or event host. Twenty-four to forty-eight hours' notice is required for any visiting parties, please notify Public Safety as soon as you are aware you will be having a visitor/vendor on campus. For big events or special accommodations Public Safety must be informed at least 2-weeks in advance, this includes: events exceeding 100 people, needing multiple spots reserved, blocked off, or a parking lot closed for an event.

In the event you need a street shut down or closed off for an event, Public Safety must be notified at least one-month prior. This is a special request that needs to be coordinated with the City of Scranton and the Scranton Police Chief. Any questions can be directed to the Director of Public Safety.

**Visitors** – Visitors are able to park in the back lot of Angeli Hall and utilize any open parking space. Confirmed Visitors will be e-mailed a parking permit that must be displayed prior to parking to ensure they do not get a ticket or towed.

**Vendor** – There are several vendor parking spaces designated in the student lot behind Angeli for vendors parking only.

### **Parking Violations:**

Students, Faculty and Staff are responsible for abiding by the colleges parking policy laid out above, in addition, all persons are subject to citations and/or towing for violations outlined in this policy.

Violators are subject to penalties for parking violations as outlined by this document. Any persons are subject to be towed at the discretion of the Public Safety Office.

In addition, any vehicles that are towed are subject to both a towing fee and a storage fee while in the tow lot. This fee is the sole responsibility of the owner. Lackawanna College is not liable for any damage incurred during the tow process.

### **Fines – Students:**

Students can and will receive a citation for the following parking offenses:

- \* Unregistered Vehicle: \$25 Citation
- \* Non-Designated Area or Reserved Lot: \$25 Citation
- \* Parking in a No Parking Zone: \$25 Citation
- \* Parking in a Fire Lane: \$50 Citation
- \* Parking in Handicapped Zone: \$50 citation

\*\*\* Serious or repeated violations may result in immediate towing at the owners' expense.

## Fines – Residents:

Resident Students are not allowed to park in any campus lot during business hours for any reason. Any resident student found parked in the faculty/staff lots or commuter lot will be towed immediately at the owners' expense.

## Fines – Faculty/Staff

Faculty and Staff can and will receive a parking citation for the following offenses:

- Failure to park in assigned lot. \$25 Citation
- Parking in the student lot behind Angeli Hall: \$25 Citation
  - ❖ NOTE: Staff may park in the back lot of Angeli ONLY when students are not on campus.
    - End of Spring Semester – The Beginning of Fall Semester
    - From Winter Break – The Beginning of the Spring Semester

ONCE STUDENTS ARE BACK ON CAMPUS FACUTLY/STAFF CAN AND WILL BE FINED FOR PARKING IN THE BACK LOT OF ANGELI

## Payment of Fines:

All parking citations must be paid within 15 calendar days from the date of the violation, or a late fee will be applied. Failure to pay could potentially lead to towing at the owner's expense.

All parking citations must be paid electronically.

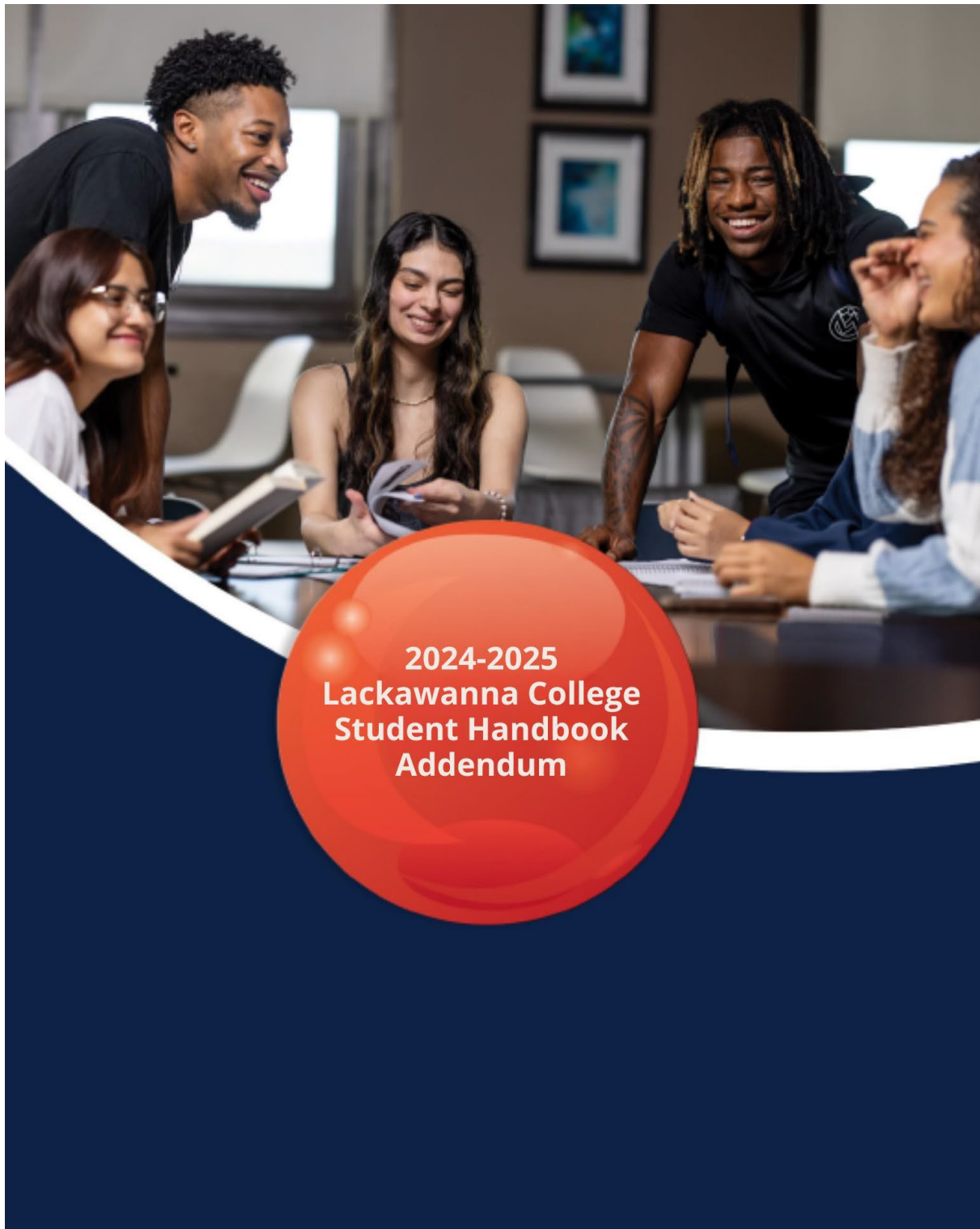
Parking citations can be paid:

- Online: <https://www.tocite.net/lackawannacollege/portal>.
- By Phone: (570) 473-5648
- In-Person via electronic payment at the Public Safety Office: 540 Wyoming Ave between the hours of 8:30am – 4:00pm. The Lackawanna Colleges Public Safety Office does NOT accept payments in the form of cash, check, or money order.

Students with registered vehicles that have excessive citations can be subject to having their parking privileges revoked and/or forfeit future eligibility per the discretion of the Public Safety Director.

If a student believes a parking citation was issued in error, they can contact Lackawanna College's Public Safety Office between the hours of 8am – 4pm, by phone at (570) 241-2022, or e-mail [publicsafety@lackwanna.edu](mailto:publicsafety@lackwanna.edu)

**ALL POLICIES CONTAINED IN THIS ADDENDUM EFFECTIVELY  
REPLACE THE SAME OR SIMILARLY NAMED POLICIES IN  
CURRENT 2024-2025 HANDBOOK.**



Effective immediately upon its publication issued January 2025, this addendum to the 2024-2025 Lackawanna College Student Handbook updates the Title IX - Equal Opportunity, Harassment, and Nondiscrimination Policy.



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# EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES

## 1. Glossary

- ***Advisor*** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- ***Appeal Decision-maker*** means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- ***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity.
- ***Confidential Resource*** means an employee who is not a [Mandated Reporter](#) of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- ***Day*** means a business day when Lackawanna College is in normal operation.
- ***Decision-maker*** means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns pathways.
- ***Directly Related Evidence*** is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s). Compare to [Relevant Evidence](#), below.
- ***Education Program or Activity*** means locations, events, or circumstances where Lackawanna College exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by Lackawanna College.
- ***Final Determination*** is a conclusion by the standard of proof that the alleged conduct did or did not violate policy.

- ***Finding*** is a conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- ***Formal Complaint*** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that Lackawanna College investigate the allegation(s).
- ***Formal Grievance Process*** means “Process A,” a method of formal resolution designated by Lackawanna College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- ***Grievance Process Pool*** includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- ***Informal Resolution*** a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- ***Investigator*** means the person(s) authorized by Lackawanna College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and a file of Directly Related Evidence.
- ***Mandated Reporter*** means a Lackawanna College employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- ***Notice*** means that an employee, student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- ***Official with Authority (OWA)*** means a Lackawanna College employee who has responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Lackawanna College.
- ***Parties*** means the Complainant(s) and Respondent(s), collectively.
- ***Process A*** means the Formal Grievance Process detailed [below](#) and defined [above](#).

- **Process B** means the administrative resolution procedures detailed in [Appendix F](#) that only apply when Process A does not, as determined by the Title IX Coordinator.
- **Recipient** means a postsecondary education program that receives federal funding.
- **Relevant Evidence** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- **Remedies** are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Lackawanna College's education program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this Policy.
- **Resolution** means the result of an Informal Resolution or Formal Grievance Process.
- **Pathways** means a consequence imposed on a Respondent who is found to have violated this Policy.
- **Sexual Harassment** is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See [Section 17.B.](#) for greater detail.
- **Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship Lackawanna College.
- **Title IX Coordinator** is at least one official designated by Lackawanna College to ensure compliance with Title IX and Lackawanna College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member of the [Grievance Process Pool](#).

## 2. Rationale for Policy

Lackawanna College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity.

Lackawanna College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Lackawanna College has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

### **3. Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination.<sup>1</sup> Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment, or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged policy violation is reported, the allegations are subject to resolution using Lackawanna College's "Process A" or "Process B,"<sup>2</sup> as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of Lackawanna College community, a Formal Complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of Lackawanna College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, contractors, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed and investigated in accordance with this Policy.

Lackawanna College recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other Lackawanna College policies; may involve various combinations of students, employees, and other members of the Lackawanna College community; and may require the simultaneous attention of multiple Lackawanna College departments. Accordingly, all Lackawanna College departments will share information, combine efforts, and otherwise

<sup>1</sup> For a narrower Title IX-based statement, or for template language to include in handbooks, catalogs, etc., please see [Appendix G](#).

<sup>2</sup> Conduct occurring before August 14, 2020 can be resolved using Process B.



collaborate, to the maximum extent permitted by law and consistent with other applicable Lackawanna College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

#### **4. Title IX Coordinator**

Kelly Schneider, Esq. serves as the Title IX Coordinator and oversees implementation of Lackawanna College's Affirmative Action and Equal Opportunity plan and Lackawanna College's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating Lackawanna College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

All parties will be provided with a comprehensive electronic brochure detailing options and resources, which the Title IX Coordinator may also review with the parties in person.

#### **5. Independence and Conflict of Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Lackawanna College Provost, Erica Barone Pricci, PhD, 570-510-5198, [priccie@lackawanna.edu](mailto:priccie@lackawanna.edu). Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

#### **6. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Kelly Schneider, Esq., Title IX Coordinator  
Location / Address: Healey Hall, Room 237  
Scranton, PA 18509  
(570) 961-7890

Email: [Schneiderk@lackawanna.edu](mailto:Schneiderk@lackawanna.edu)

Brian Costanzo, Deputy Title IX Coordinator  
Location/Address: Angeli Hall, Suite 101-C  
(570) 961-7841

Email: [CostanzoB@lackawanna.edu](mailto:CostanzoB@lackawanna.edu)

Abbey Judge, Ed.D, Deputy Title IX Coordinator  
Location/Address: Healey Hall, Office 223  
(570) 955-1516

Email: [JudgeA@lackawanna.edu](mailto:JudgeA@lackawanna.edu)

Danelle McClanahan, Ed.D.  
Deputy Title IX Coordinator  
Angeli Hall, Office 104  
501 Vine Street, Scranton, PA 18509  
(570) 961-7869

Email: [McClanahanD@lackawanna.edu](mailto:McClanahanD@lackawanna.edu)

Tanya Morgan, MS, Deputy Title IX Coordinator  
Location/Address: Seeley Hall G-03  
(570) 955-1522

Email: [Morgant@lackawanna.edu](mailto:Morgant@lackawanna.edu)

Complaints of sexual harassment and sexual misconduct made by any faculty, staff, and administrator should be immediately reported to:

Gina Leach  
Human Resources Business Partner  
Angeli Hall, Suite 316  
501 Vine Street, Suite 316E, Scranton, PA 18509  
(570) 955-7860

Email: [Leachv@lackawanna.edu](mailto:Leachv@lackawanna.edu)

Lackawanna College has determined that the following administrators are Officials with Authority (OWAs) to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these OWAs may also accept notice or complaints on behalf of Lackawanna College. List all Officials with Authority here:

- Title IX Coordinator/Deputy Title IX Coordinators
- President of the College
- Senior Level Administrators

- Vice Presidents
- Academic Deans
- Center Directors
- Department and/or Division Chairs
- Student Engagement and Student Success Deans
- Director of Athletics and Associate Director of Athletics
- Director of Student Life and Housing and Resident Directors
- Human Resources Business Partners
- Public Safety Department

Lackawanna College has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on [Mandated Reporting](#) details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202-1100  
 Customer Service Hotline #: (800) 421-3481  
 Facsimile: (202) 453-6012  
 TDD#: (877) 521-2172  
 Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
 Web: <http://www.ed.gov/ocr>

Philadelphia Office: Office for Civil Rights  
 US Department of Education  
 The Wannamaker Building; 100 Penn Square East, Suite 515  
 Philadelphia, PA 19107-3323  
 Telephone: (205)656-8541  
 Email: [OCRPhiladelphia@ed.gov](mailto:OCRPhiladelphia@ed.gov)

For complaints involving employee-on-employee conduct: [Equal Employment Opportunity Commission](#) (EEOC)

Equal Employment Opportunity Commission,  
 Philadelphia District Office  
 801 Market Street, Suite 1000  
 Philadelphia, PA 19107-3126

United States  
Telephone: 1-800-669-4000 / (267) 589-9700  
Facsimile: (215) 440-2606  
Email: [PDOContact@eeoc.gov](mailto:PDOContact@eeoc.gov)  
Web: <https://www.eeoc.gov>

Pennsylvania Human Relations Commission  
Harrisburg Regional Office  
333 Market Street, 8th Floor  
Harrisburg, PA 17101-2210  
United States  
Telephone: (717) 787-9780  
Web: <https://www.phrc.pa.gov/About-Us/Pages/RegionalOffices.aspx>

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator / Deputy Coordinators or any Officials with Authority, as listed above. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the reporting form posted in the Rave Guardian app <https://www.ravemobilesafety.com/rave-guardian-app/>. Anonymous reports<sup>3</sup> are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. Lackawanna College tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because Lackawanna College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of

<sup>3</sup> Some states have enacted requirements for providing the option to submit an anonymous report. Consult with legal counsel to determine if your state has such a requirement.

confidentiality by making a report that allows Lackawanna College to discuss and/or provide supportive measures.]<sup>4</sup>

- 3) Report to Lackawanna College Public Safety Department:
  - a. Satellite Office: Angeli Hall, 501 Vine St., Scranton, PA 18509
  - b. Main Office: 540 Wyoming Ave., Scranton, PA 18509
  - c. Telephone: 570-961-7899 or 570-241-2022
  - d. Email: [PublicSafety@lackawanna.edu](mailto:PublicSafety@lackawanna.edu)
- 4) Employees can file a complaint with, or give verbal notice to, the Human Resources Office, Angeli Hall, Suite 316.

As used in this Policy, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by Lackawanna College for this purpose) that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that Lackawanna College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

Lackawanna College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to Lackawanna College’s education program or activity, including measures designed to protect the safety of all parties and/or Lackawanna College’s educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Lackawanna College will inform the Complainant, in writing, that they may file a Formal Complaint with Lackawanna College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

<sup>4</sup> Modify this section if you offer an online complaint option, as opposed to merely filing an online report. Not all institutions consider online reports to be Formal Complaints.

Lackawanna College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the Lackawanna College's ability to provide those supportive measures. Lackawanna College will act to ensure as minimal an academic/occupational impact on the parties as possible. Lackawanna College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator]

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

## **9. Emergency Removal**

Lackawanna College can act to remove a student Respondent from its education program or activities—partially or entirely—on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator [in conjunction with the Behavioral Intervention Team.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

Lackawanna College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact on the parties as possible.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions, listed in the Employee Handbook listed here <https://portal.lackawanna.edu/ICS/Staff/>

for interim action are applicable instead of the above emergency removal process.

## **10. Promptness**

Once Lackawanna College has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Lackawanna College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Lackawanna College procedures will be delayed, Lackawanna College will provide written notice to the parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **11. Confidentiality/Privacy**

Every effort is made by Lackawanna College to preserve the confidentiality of reports. Lackawanna College will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA)<sup>5</sup> or its implementing regulations,<sup>6</sup> or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Lackawanna College reserves the right to determine which Lackawanna College officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Engagement, Lackawanna College Public Safety, and the Behavioral Intervention Team. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

<sup>5</sup> 20 U.S.C. 1232g

<sup>6</sup> 34 C.F.R. § 99



Lackawanna College may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically [below](#).

## **12. Jurisdiction**

This Policy applies to Lackawanna College's education program and activities,<sup>7</sup> to conduct that takes place on property owned or controlled by Lackawanna College, at Lackawanna College-sponsored events, and in buildings owned or controlled by Lackawanna College's recognized student organizations. The Respondent must be a member of Lackawanna College's community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to Lackawanna College's education program or activities. Lackawanna College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Lackawanna College interest.

Regardless of where the conduct occurred, Lackawanna College will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial Lackawanna College interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.

<sup>7</sup> Which includes the Recipient's employees' work environment.

- 4) Any situation that substantially interferes with the educational interests or mission of Lackawanna College.

If the Respondent is unknown or is not a member of Lackawanna College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, Lackawanna College can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Lackawanna College's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, Lackawanna College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Lackawanna College property and/or events.

All vendors serving Lackawanna College through third-party contracts are subject to the policies and procedures of their employers and to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Lackawanna College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

### **13. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Lackawanna College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for

future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Lackawanna College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Typically, this Policy is only applied to alleged incidents that occurred after August 14, 2020. For alleged incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator.

#### **14. Online Harassment and Misconduct**

Lackawanna College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Lackawanna College's education program and activities or when they involve the use of Lackawanna College networks, technology, or equipment.

Although Lackawanna College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Lackawanna College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Lackawanna College community.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Lackawanna College only when such speech is made in an employee's official or work-related capacity.

#### **15. Policy on Nondiscrimination**

Lackawanna College adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in higher education institutions.

## A. Protected Characteristics

Lackawanna College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race
- Religion
- Hearing status
- Personal appearance
- Color
- Sex
- Pregnancy
- Political affiliation
- Source of income
- Place of business
- Residence
- Religion
- Creed
- Ethnicity
- National origin (including ancestry)
- Citizenship status
- Physical or mental disability (including perceived disability)
- Age
- Marital status
- Family responsibilities
- Sexual orientation
- Gender identity
- Gender expression
- Veteran or military status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran)
- Predisposing genetic characteristics
- Domestic violence victim status
- Height
- Weight
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Lackawanna

College community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of Lackawanna College community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above, is in violation of Lackawanna College's Nondiscrimination Policy.

When brought to the attention of Lackawanna College, any such discrimination will be promptly and fairly addressed and remedied by Lackawanna College according to the grievance process described below.

## **B. Inclusion Related to Gender Identity/Expression**

Lackawanna College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, transgender, agender, and gender diverse students and employees.

Discrimination on the basis of gender identity or expression is not tolerated by Lackawanna College. If a member of Lackawanna College community feels they have been subjected to discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described above.

In upholding the principles of equity and inclusion, Lackawanna College supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to gender identity and expression.

Lackawanna College is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have the Lackawanna College administratively address issues some students and employees, including those identifying as intersex, transgender, agender, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do Lackawanna College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to Lackawanna College's goal of being as welcoming and inclusive a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual.

Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, or gender diverse, their cisgender identity may be something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of Lackawanna College community

Lackawanna College The has set forth its specific processes for implementing this Policy through the accompanying Title IX-related procedures.

## **16. Disability Discrimination and Accommodation Policy**

Lackawanna College is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by Lackawanna College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Disability Services has been designated as Lackawanna College's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures in [Appendix F](#). For details relating to disability accommodations in Lackawanna College's Resolution Process, see page [80](#).

### **A. Students with Disabilities**

Lackawanna College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to Lackawanna College academic programs, facilities, and activities.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability Services, who coordinates services for students with disabilities.

The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with applicable Lackawanna College policies.

## **B. Employees with Disabilities**

Pursuant to the ADA, Lackawanna College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to Lackawanna College.

An employee with a disability is responsible for submitting an accommodation request to the Human Resources Department and providing necessary documentation. The Human Resources Department will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with applicable Lackawanna College policies.

## **17. Discriminatory Harassment Policy**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Lackawanna College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Lackawanna College Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

### **A. Discriminatory Harassment**

Discriminatory harassment—defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristic protected by policy or law—is a form of prohibited discrimination under Lackawanna College policy.

Lackawanna College does not tolerate discriminatory harassment of any employee, student, visitor, or third party. Lackawanna College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.” A hostile environment is one that unreasonably interferes with, limits, or



effectively denies an individual's educational or employment access, benefits, or opportunities.<sup>8</sup> This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Lackawanna College may also impose pathways on the Respondent through application of the grievance process.

Lackawanna College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under Lackawanna College policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Director of Student Conduct.

## **B. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and Commonwealth of Pennsylvania regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.<sup>9</sup>

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Lackawanna College has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

<sup>8</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance.](#)

<sup>9</sup> If the Recipient provides student and/or faculty/staff housing, and the sexual harassment occurs in a Recipient-owned residence with a residential Complainant, then the HUD/FHA definition of sexual harassment--which tracks the Title VII definition--may also apply.

**Title VII Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in Lackawanna College-provided housing.

- a. Unwelcome verbal, written, graphic, and/or physical conduct;
- b. that is severe or pervasive and objectively offensive;
- c. on the basis of sex/gender, that
- d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

**Title IX Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex,<sup>10</sup> or that is sexual in nature, that satisfies one or more of the following:

1) **Quid Pro Quo:**

- a. an employee of the Lackawanna College,
- b. conditions<sup>11</sup> the provision of an aid, benefit, or service of Lackawanna College,
- c. on an individual's participation in unwelcome sexual conduct.

2) **Sexual Harassment (Hostile Environment):**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to Lackawanna College's education program or activity.

<sup>10</sup> Including gender identity, gender expression, sexual orientation, and sex stereotypes.

<sup>11</sup> Implicitly or explicitly.

**3) Sexual Assault, defined as:**

- a. Any sexual act<sup>12</sup> directed against a Complainant,<sup>13</sup>
  - without their consent, or
  - instances in which the Complainant is incapable of giving consent.<sup>14</sup>
  
- b. **Incest:**
  - Non-forcible sexual intercourse,
  - between persons who are related to each other,
  - within the degrees wherein marriage is prohibited by Commonwealth of Pennsylvania law.
  
- c) **Statutory Rape:**
  - Non-forcible sexual intercourse,

<sup>12</sup> A 'sexual act' is specifically defined by federal regulations to include one or more of the following:

**Rape:**

- The carnal knowledge of a Complainant OR Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
- without their consent,
- including instances where they are incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity."

**Sodomy:**

- Oral or anal sexual intercourse with a Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:**

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of the Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**Fondling:**

- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

<sup>13</sup> This would include having another person touch you sexually, forcibly, and/or without their consent.

<sup>14</sup> This definition set is not taken from NIBRS verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that the Recipient interprets "against the person's will" to mean "non-consensually." These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.

- o with a person who is under the statutory age of consent of sixteen (16).

4) **Dating Violence**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - b) Dating violence does not include acts covered under the definition of domestic violence.

5) **Domestic Violence**,<sup>15</sup> defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Pennsylvania or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Commonwealth of Pennsylvania.

<sup>15</sup> To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) **Stalking**, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at the Complainant, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Lackawanna College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

### **C. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not

demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on Lackawanna College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>16</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus Lackawanna College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition,

<sup>16</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

involuntary physical restraint, and/or the consumption of incapacitating substances.

#### **D. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, Lackawanna College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristic.

1) **Sexual Exploitation**, defined as:

- a. an individual taking non-consensual or abusive sexual advantage of another
- b. for their own benefit or for the benefit of anyone other than the person being exploited, and
- c. that conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other



means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography

2) **Harm/Endangerment**, defined as:

- a. threatening or causing physical harm;
- b. extreme verbal, emotional, or psychological abuse; or
- c. other conduct which threatens or endangers the health or safety of any person or damages their property.

3) **Discrimination**, defined as:

- a. actions that deprive, limit, or deny
- b. other members of the community
- c. of educational or employment access, benefits, or opportunities,
- d. including disparate treatment.

4) **Intimidation**, defined as:

- a. implied threats or
- b. acts that cause the Complainant reasonable fear of harm.

5) **Hazing**, defined as:

- a. acts likely to cause physical or psychological harm or social ostracism
- b. to any person within Lackawanna College community,
- c. when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in Lackawanna College Student Code of Conduct which can be found in the Student Handbook).

6) **Bullying**, defined as:

- a. repeated and/or severe aggressive behavior

- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- c. that is not speech or conduct that is otherwise protected by the First Amendment.

Violation of any other Lackawanna College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristic(s), and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Pathways for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

## **18. Retaliation**<sup>17</sup>

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Lackawanna College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Lackawanna College and any member of Lackawanna College's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint under Process B could be considered retaliatory if those allegations could be subject to Process A, when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, Lackawanna College carefully vets all complaints to ensure this

<sup>17</sup> Retaliation allegations can be routed exclusively through Process B if a recipient so elects, but where retaliation and sexual harassment allegations are both alleged, it will likely make more sense to use Process A to resolve all together.

does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a Student Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **19. Mandated Reporting**

All Lackawanna College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or institution official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Lackawanna College reporting options for a Complainant or third party (including parents/guardians when appropriate):

### **A. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Student Wellness Program - [Studentwellness@lackawanna.edu](mailto:Studentwellness@lackawanna.edu)  
Rachel Drosdick-Sigafoos Student Wellness Program Director  
Angeli Hall, Suite 102

501 Vine Street, Scranton, PA 18509  
(570) 955-1478  
Email: [drosdickr@lackawanna.edu](mailto:drosdickr@lackawanna.edu)

Paloma DeMonte, Student Wellness Program Coordinator  
Angeli Hall, Suite 103  
501 Vine Street, Scranton, PA 18509  
(570) 955-1466  
Email: [demontep@lackawanna.edu](mailto:demontep@lackawanna.edu)

- Scranton Primary Health Care Center (SPHCC)  
Seeley Hall, 406 N. Washington Avenue, 1st Floor,  
Scranton, PA 18503 or  
959 Wyoming Avenue, Scranton, PA 18519  
(570) 344-9684 or (570) 969-9662
- Athletic trainers
- Off Campus Free and Confidential Supports (available 24 hours a day)
  - WRC (We Respect And Care) (Scranton/PNG) (570) 346-4671
  - Victims' Resource Center (Hazleton) 1(866)206-9050
  - Victims' Intervention Program (Lake Region) (570) 253-4401
  - Abuse and Rape Crisis Center (Towanda) (570) 265-5333
  - Transitions (Sunbury) 1(800) 850-7948
  - Maternal & Family Health Services Circle of Care (570) 595-4496
  - National Sexual Assault Hotline/www.rain.org 1(800)656-HOPE
  - National Domestic Violence Hotline 1(800) 799-SAFE 1(800) 850-7948

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Student Wellness Program or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely

submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

## **B. Mandated Reporters and Formal Notice/Complaints**

All Lackawanna College employees (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Lackawanna College.

Supportive measures may be offered as the result of such disclosures without formal Lackawanna College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment, discrimination, or retaliation of which they become aware is a violation of Lackawanna College Policy and can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though Lackawanna College is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

## 20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Lackawanna College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process, usually upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Lackawanna College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Lackawanna Colleges may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Lackawanna College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When Lackawanna College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that Lackawanna College's ability to remedy and respond to notice may be limited if the Complainant does not want Lackawanna College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Lackawanna College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Lackawanna College to honor that request, Lackawanna College may offer [Informal Resolution](#) options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Lackawanna College and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **21. Federal Timely Warning Obligations**

Lackawanna College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Lackawanna College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **22. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate Lackawanna College policies.

## **23. Amnesty**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Lackawanna College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of

the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to Lackawanna College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Lackawanna College maintains a policy of offering parties and witnesses amnesty from minor policy violations—such as underage consumption of alcohol or the use of illicit drugs—related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty—the incentive to report serious misconduct—is rarely applicable to Respondent with respect to a Complainant.

### **A. Students**

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to Lackawanna College's Department of Public Safety).

Lackawanna College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Lackawanna College may provide purely educational options with no official disciplinary finding, rather than punitive pathways, to those who offer their assistance to others in need.

### **B. Employees**

Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the [unethical relationship policy] and is then assaulted in the course of that relationship might hesitate to report the incident to Lackawanna College officials.



Lackawanna College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

## **24. Federal Statistical Reporting Obligations**

Certain institutional officials—those deemed Campus Security Authorities—have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) VAWA-based crimes,<sup>18</sup> which include sexual assault, domestic violence, dating violence, and stalking
- 4) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations

All personally identifiable information is kept private, but statistical information must be shared with Department of Public Safety regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include: student engagement/SARP staff, Department of Public Safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

## **25. Preservation of Evidence**

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. Lackawanna College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

### **Sexual Assault**

<sup>18</sup> VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. sections 13701 through 14040.

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better). Local hospitals with the ability to complete SANE reports include:
  - [Geisinger Community Medical Center](#)  
1800 Mulberry Street Scranton, PA 18510  
570-969-8000
  - [Moses Taylor Hospital](#)  
700 Quincy Ave Scranton, PA 18510  
570-340-2900
  - [The Regional Hospital of Scranton](#)  
746 Jefferson Ave. Scranton, PA 18510  
570-348-7951
  - [Lehigh Valley Hospital](#)  
330 Main Street, Dickson City, PA 18519  
570-330-5000
  - [Guthrie Robert Packer Hospital](#)  
91 Hospital Drive, Towanda, PA 18848  
570-265-2191
  - [Wayne Memorial Hospital](#)  
601 Park Street, #1445, Honesdale, PA 18431  
570-253-8100
  
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container available from law enforcement.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

### Stalking

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.

- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

# RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY (KNOWN AS PROCESS “A”)

## 1. Overview

Lackawanna College will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy (“the Policy”) that is received by the Title IX Coordinator<sup>19</sup> or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply to all allegations of harassment or discrimination on the basis of an actual or perceived protected characteristic involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations may proceed using these same grievance procedures, clarifying which Policy provisions above are applicable. Although the effect of the Title IX regulations can be confusing, these grievance procedures apply to all Policy offenses.<sup>20</sup>

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, SARP office, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

## 2. Notice/Complaint

Upon receipt of a Formal Complaint or notice of an alleged policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Lackawanna College needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

<sup>19</sup> Anywhere this procedure indicates “Title IX Coordinator,” the recipient may substitute a trained designee.

<sup>20</sup> Post-secondary institutions in the 6th Circuit (MI, KY, TN, OH), 3rd Circuit (PA, NJ, DE, Virgin Islands), and in CA will want to follow this approach.

The Title IX Coordinator will then initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a Formal Complaint
- 2) An Informal Resolution (upon submission of a Formal Complaint)
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

Lackawanna College uses a Formal Grievance Process as described below to determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

### **3. Initial Assessment**

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>21</sup> engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs,

<sup>21</sup> If circumstances require, the Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

determine appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

- If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution<sup>22</sup>, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue
  - If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which Resolution Process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit Lackawanna College’s authority to address a complaint with an appropriate process and remedies.

## **A. Violence Risk Assessment**

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavior Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- 1) Emergency removal of a Respondent on the basis of immediate threat to an individual or the community’s physical health/safety

<sup>22</sup> Per the 2020 Title IX regulations, recipients are prohibited from Informal Resolution of a complaint by a student against an employee.

- 2) Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant
- 3) Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment
- 4) To help identify potential predatory conduct
- 5) To help assess/identify grooming behaviors
- 6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and if so, what approach may be most successful
- 7) Whether to permit a voluntary withdrawal by the Respondent
- 8) Whether to impose transcript notation or communicate with a transfer Lackawanna College about a Respondent
- 9) Assessment of appropriate pathways/remedies (to be applied post-hearing)
- 10) Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT) team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT/CARE or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about Lackawanna College's process for VRA can be found in [Appendix E](#).

## B. Dismissal (Mandatory and Discretionary)<sup>23</sup>

Lackawanna College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proved
- 2) The conduct did not occur in an educational program or activity controlled by Lackawanna College (including buildings or property controlled by recognized student organizations), and/or Lackawanna College does not have control of the Respondent
- 3) The conduct did not occur against a person in the United States
- 4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in Lackawanna College's education program or activity, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of Lackawanna College<sup>24</sup>

Lackawanna College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
- 2) The Respondent is no longer enrolled in or employed by Lackawanna College
- 3) Specific circumstances prevent Lackawanna College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, Lackawanna College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

<sup>23</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

<sup>24</sup> Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable unless the Title IX Coordinator signs the complaint in the event the Complainant cannot/will not do so.



This dismissal decision is appealable by any party under the procedures for appeal (See [Section 37](#)). The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

#### **4. Counterclaims**

Lackawanna College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. Lackawanna College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

#### **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>25</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

##### **A. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with

<sup>25</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

them throughout the Resolution Process. The parties may choose Advisors from inside or outside of the Lackawanna College community.

The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will have been trained by the College and be familiar with Lackawanna College's Resolution Process.

If the parties choose an Advisor from outside the pool of those identified by Lackawanna College, the Advisor may not have been trained by the College and may not be familiar with Lackawanna College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to a hearing.

## **B. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Lackawanna College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Lackawanna College is not obligated to provide an attorney.

Where applicable under state law or Lackawanna College policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although Lackawanna College prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

## **C. Advisors in Hearings/Lackawanna College-Appointed Advisor**

Under the Title IX Regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties and witnesses.

## **D. Pre-Interview Meetings**

Advisors and their advisees may request to meet with the Investigator(s) conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Lackawanna College's policies and procedures.

## **E. Advisor Violations of Lackawanna College Policy**

All Advisors are subject to the same Lackawanna College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by Lackawanna College. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Lackawanna College officials or Investigators in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>26</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with Lackawanna College's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including Lackawanna College requiring the party to use a different Advisor or providing a different Lackawanna College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

<sup>26</sup> Subject to the state law provisions or Lackawanna College policy above.

## **F. Sharing Information with the Advisor**

Lackawanna College expects that the parties may wish to have the Lackawanna College share documentation and evidence related to the allegations with their Advisors. Lackawanna College provides a consent form that authorizes Lackawanna College to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Lackawanna College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Lackawanna College will not comply with that request OR will comply with that request at the discretion of the Title IX Coordinator.

Advisors appointed by the institution will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers.

## **G. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Lackawanna College. [Advisors will be asked to sign Non-Disclosure Agreements (NDAs).] Lackawanna College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Lackawanna College's privacy expectations.

## **H. Expectation of an Advisor**

Lackawanna College generally expects an Advisor to adjust their schedule to allow them to attend Lackawanna College meetings/interviews/hearings when planned, but Lackawanna College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Lackawanna College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

## I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

## J. Assistance in Securing an Advisor<sup>27</sup>

Lackawanna College maintains a listing of local attorneys who may offer discounted or pro bono services here <https://www.pabar.org/site/For-Lawyers/Pro-Bono-Services/Map/Lackawanna>.

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

<sup>27</sup> This is being provided for informational purposes and does not constitute Lackawanna College's endorsement of any of the external individuals/organizations listed.

## 6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with Lackawanna College Policy.

Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. Lackawanna College encourages parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is Lackawanna College's primary resolution approach unless Informal Resolution is elected by all parties and the College.

### A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
- 2) **Alternative Resolution.** When the parties agree to resolve the matter through an alternative resolution mechanism, including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place (See [Section B](#))
- 3) **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process (See [Section C](#))

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal

Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The parties may not enter into an agreement that requires Lackawanna College to impose specific pathways, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in pathways levied by the institution is “Accepted Responsibility.” The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any pathways (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Lackawanna College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

## **B. Alternative Resolution Approaches**

Alternative Resolution is an informal approach, including mediation, restorative practices, facilitated dialogue, etc., by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternative Resolution approach.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties’ amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties’ motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed

- Skill of the Alternative Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). The results of complaints resolved by Alternative Resolution are not appealable.

### **C. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If an Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Lackawanna College are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Lackawanna College policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot



agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.<sup>28</sup>

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

## **7. Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

The list of Pool members and a description of the Pool can be found at <https://www.lackawanna.edu/student-resources/title-ix/>.

### **A. Pool Member Roles**

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- [To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)]
- [To perform or assist with initial assessment]
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

<sup>28</sup> The parties may not want discussions that take place within Informal Resolution to be admissible in a later Formal Grievance Process, but essential facts must and do transfer from the informal process to the formal. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so

## **B. Pool Member**

The Title IX Coordinator, in consultation with the Provost, appoints the Pool,<sup>29</sup> which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, Lackawanna College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

## **C. Pool Member Training**

Pool members receive annual training. This training includes, but is not limited to:

- The scope of the Lackawanna College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Lackawanna College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy

<sup>29</sup> This does not preclude Lackawanna College from having all members of the Pool go through an application and/or interview/selection process

- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate pathways in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

The materials used to train all members of the Pool are publicly posted here <https://www.lackawanna.edu/student-resources/title-ix/>

## **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential pathways/responsive actions that could result
- A statement that Lackawanna College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about Lackawanna College’s policy on retaliation
- Information about the confidentiality of the process

- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that Lackawanna College's policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the Resolution Process
- Lackawanna College's VAWA Brochure  
<https://www.lackawanna.edu/student-resources/title-ix/>
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Lackawanna College records, or emailed to the parties' Lackawanna College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

Lackawanna College will make a good faith effort to complete the Resolution Process within a sixty to ninety (60-90) business-day time period, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the Resolution Process including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Provost.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Lackawanna College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

Lackawanna College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **Investigation Process Delays and Interactions with Law Enforcement**

Lackawanna College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include

but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

Lackawanna College will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. Lackawanna College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, Lackawanna College will implement supportive measures as deemed appropriate.

Lackawanna College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **13. Investigation Process Steps**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the parties but the parties will have the ability to review the transcripts of the interview once the investigation report is compiled.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation

- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to

inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Lackawanna College does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator and / or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

#### **14. Witness Role and Participation in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Lackawanna College are strongly encouraged to cooperate with and participate in Lackawanna College's investigation and Resolution Process. Student witnesses and witnesses from outside the Lackawanna College community are encouraged to cooperate with Lackawanna College investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, Microsoft Teams, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. Lackawanna College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.



## **15. Interview Recording**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of and consent to<sup>30</sup> audio and/or video recording.

## **16. Evidentiary Considerations**

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is factual evidence or relates to a pattern of conduct.

## **17. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool and provide a copy of the investigation report and the file of directly related evidence. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker(s) depending on the context and nature of the alleged misconduct.

<sup>30</sup> Consent of the interviewer and interviewee is required in “dual-party recording” states.

## **18. Hearing Decision-maker Composition**

Lackawanna College will designate a single Decision-maker or a [three]-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the [three] members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

## **19. Additional Evidentiary Considerations in the Hearing**

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming Lackawanna College uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact and/or mitigation statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged OR clear and convincing evidence; whether there is a high probability that the Respondent violated the Policy as alleged.

## 20. Hearing Notice

No less than ten (10) business days prior to the hearing,<sup>31</sup> the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential pathways/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and Lackawanna College will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the complaint unless they have already been provided.<sup>32</sup>

<sup>31</sup> Unless an expedited hearing is agreed to by all parties.

<sup>32</sup> The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

- An invitation to each party to submit to the Chair an impact and/or mitigation statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Lackawanna College and remain within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

## **21. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **22. Pre-Hearing Preparation**

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not

assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.<sup>33</sup>

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10)-business-day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **23. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

<sup>33</sup> 34 C.F.R. § 668.46(k)(3)(B)(3) requires “timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.”

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and/or their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

#### **24. Hearing Procedures**

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment, and Nondiscrimination Policy.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator (generally serving as Hearing Facilitator), and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused. The Investigator(s) will remain present for the duration of the hearing.

## **25. Joint Hearings**

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

## **26. The Order of the Hearing - Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator/case manager appointed by the Title IX Coordinator.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **27. Investigator Presentation of Final Investigation Report**

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for

Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **28. Testimony and Questioning**

Once the Investigator(s) present(s) the report and respond(s) to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## **29. Refusal to Submit to Questioning; Inferences**

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The



Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the Resolution Process.

### **30. Hearing Recordings**

Hearings (but not deliberations) are recorded by Lackawanna College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Lackawanna College will be permitted to review the recording or review a transcript of the recording, upon request to the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **31. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence OR clear and convincing evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate pathways in consultation with other appropriate administrators, as required.

The Chair will then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any pathways and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **32. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within five (5) business days of receiving the deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Lackawanna College records, or emailed to the parties' Lackawanna College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by Lackawanna College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding for each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Lackawanna College is permitted to share such information under state or federal law; any sanction(s) issued which College is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to Lackawanna College's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered final by Lackawanna College, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

### **33. Rights of the Parties (See [Appendix C](#))**

### **34. Pathways**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for pathways/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for pathways/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The pathways will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The pathways described in this Policy are not exclusive of, and may be in addition to, other actions taken, or pathways imposed, by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening a grievance process at any time, and/or referring that information to another process for resolution.

#### **A. Student Pathways**

The following are the common pathways that may be imposed upon students singly or in combination:<sup>34</sup>

<sup>34</sup> Recipient policies on transcript notation will apply to these proceedings.

- *(Warning)*: A formal statement that the conduct was unacceptable and a warning that further violation of any Lackawanna College Policy, procedure, or directive will result in more severe pathways / responsive actions.
- *Required Counseling*: Student Wellness Program (SWP): This is a mandated assessment session with our wellness professionals. The sessions are a response to the incident and may include alcohol and drug counseling, life skills building, and emotional support. These sessions are private. Any information discussed in private will remain with the student and wellness professional in accordance with the confidentiality policies.
- *Suspension from Activities*: All students (including student-athletes) may be suspended from any Lackawanna College extracurricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
- *Probation*: Includes a period during which the student must demonstrate the ability to comply with the college's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) semester to the balance of the students' tenure at LC, depending on the severity of the offense(s). While on probation, any further violation of college policy may result in disciplinary suspension or dismissal from the college.
- *Deferred Suspension*: This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal. Students who are permitted to return to the college following a period of Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of college policy.
- *Disciplinary Suspension*: Separation of the student from the college for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the college in any way. A student who is suspended is not in good standing with the college. Disciplinary Suspension may entail provisions added to a student's reentry into the college.

- *Fines:* Penalty fees paid to the College. The amount is dependent upon the degree of policy infraction and is set by the College administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution. Fines can be substituted by community restoration under the discretion of the Title IX Coordinator.
- *Housing Suspension:* This pathway indicates that a student has been excluded from resident housing and the general grounds or parking lots surrounding the resident housing, including activities sponsored or supervised by the Residence Life and Housing staff.
- *College Dismissal:* This indicates permanent separation from LC. Students will be withdrawn from all enrolled courses by the college. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all payments will be forfeited.
- *Restitution:* Reimbursement to the college for damage, destruction, or misappropriation of property on college premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.
- *Withholding Diploma:* The college may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree:* While very rarely employed, Lackawanna College reserves the right to revoke a degree previously awarded from Lackawanna College for fraud, misrepresentation, and/or other violation of Lackawanna College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions:* In addition to, or in place of, the above pathways, the College may assign any other pathways as deemed appropriate.

## B. Student Organization Pathways

The following are the common pathways that may be imposed upon student organizations singly or in combination:<sup>35</sup>

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Lackawanna College

<sup>35</sup> Subject to Recipient's Organizational Code of Conduct.

Policy, procedure, or directive will result in more severe pathways/responsive actions.

- *Probation*: An official sanction for violation of institutional Policy, providing for more severe disciplinary pathways in the event that the group or organization is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of Lackawanna College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in Lackawanna College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Lackawanna College.
- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific Lackawanna College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above pathways, the College may assign any other pathways as deemed appropriate.

### C. Employee Pathways/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*

- *Shift or schedule adjustments.*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above pathways/responsive actions, the College may assign any other responsive actions as deemed appropriate.

### 35. Withdrawal or Resignation Before Complaint Resolution

#### A. Students

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Lackawanna College, the Resolution Process typically ends with a dismissal, as Lackawanna College has lost primary disciplinary jurisdiction over the withdrawn student. However, Lackawanna College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, Lackawanna College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Lackawanna College in any capacity. Admissions and Human Resources will be notified, accordingly. Such exclusion applies to all Lackawanna College locations.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely and, if found in violation, that student is not permitted to return to Lackawanna College unless and until all pathways, if any, have been satisfied.

## **B. Employees**

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as Lackawanna College has lost primary disciplinary jurisdiction over the resigned employee. However, Lackawanna College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, Lackawanna College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire with Lackawanna College or any Lackawanna College location, and the records retained by the Title IX Coordinator will reflect that status.

All Lackawanna College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **36. Appeals**

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A [three]-member appeal panel chosen from the Pool will be designated by the Title IX Coordinator OR A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated by the Title IX Coordinator.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.



## A. Grounds for Appeal

Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal, and

the subsequent responses and the Chair will render a decision within no more than five (5) business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which Lackawanna College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Lackawanna College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Lackawanna College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## **B. Pathways Status During the Appeal**

Any pathways imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the pathways are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

## **C. Appeal Considerations**

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).

- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Investigator(s) and/or Decision-maker(s) or the Title IX Coordinator (as in cases of bias), the Appeal Chair/Decision-maker(s) may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to Lackawanna College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **37. Long-Term Remedies/Other Actions**

Following the conclusion of the Resolution Process, and in addition to any pathways implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the institutional community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties

- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies Lackawanna College owes the Respondent to ensure no effective denial of educational access.

Lackawanna College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair Lackawanna College's ability to provide these services.

### **38. Failure to Comply with Pathways and/or Responsive Actions**

All Respondents are expected to comply with the assigned pathways, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Decision-maker(s)).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Lackawanna College. Supervisors are expected to enforce completion of pathways/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **39. Recordkeeping**

Lackawanna College will maintain for a period of seven years following the conclusion of the Resolution Process, records of:

- 1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary pathways imposed on the Respondent
- 3) Any remedies provided to the Complainant designed to restore or preserve equal access to Lackawanna College's education program or activity

- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Lackawanna College will make these training materials publicly available on Lackawanna College's website.
- 7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent
  - b. Any measures designed to restore or preserve equal access to Lackawanna College's education program or activity
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

Lackawanna College will also maintain any and all records in accordance with state and federal laws.

#### **40. Disability Accommodations in the Resolution Process**

Lackawanna College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Lackawanna College's Resolution Process.

Anyone needing such accommodations or support should contact the Director of Disability Services or Human Resources Department who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **41. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The Lackawanna College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the Resolution Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the

institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change—or court decisions alter—the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020. Revised on January 13, 2025.

## APPENDIX A: PROHIBITED CONDUCT EXAMPLES (TITLE IX)

### Examples of possible Title IX Sexual Harassment:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student agrees to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually oriented jokes and pictures to hundreds of other students via social media. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to nonbinary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being nonbinary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not sexually or romantically interested in Chris. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their gender identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not,

faculty-student relationships are prohibited by the university. Chris takes this as encouragement.

One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo there. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

#### Examples of Stalking:

- Students A and B were “friends with benefits.” Student A wanted a more serious relationship, which caused student B to end the relationship. Student A could not let go and relentlessly pursued Student B. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if Student B had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.
- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and they would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor’s car, both on-campus and at home. Asked again to stop, the student stated by email, “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. If I can’t have you, no one will.”

#### Examples of Sexual Assault:



- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being “a prude.” He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to “jerk him off” (hand to genital contact). Amanda would have never done it but for Bill’s incessant coercion.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with Beth. Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it’s a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other’s clothes, and they end up in John’s bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can’t help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- A student-athlete alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for the faculty member to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

## APPENDIX B: AN ATIXA FRAMEWORK FOR INFORMAL RESOLUTION (IR)

ATIXA has framed a process for IR that includes three options:

- 1) A response based on supportive measures
- 2) A response based on a Respondent accepting responsibility
- 3) A response based on alternative resolution, which could include various approaches and/or facilitation of dialogue

Alternative resolution approaches such as mediation, restorative practices, and transformative justice are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in and are effective for sex offenses, they need to be carefully and thoughtfully designed and executed and be facilitated by well-trained personnel who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered in supporting various approaches to Informal Resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversionary resolution (although a Formal Complaint must be filed if you are within 34 C.F.R. § 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR-based processes could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate pathways or be a form of sanction).

- Alternative Resolution approaches to IR must be facilitated by Lackawanna College or a third party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the Informal Resolution process may be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. Evidence elicited within the “safe space” of the IR facilitation could be later admissible in the formal resolution unless all parties determine it should not be. This will be clearly spelled out as a term of the decision to engage in the IR process.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a restorative circle approach with many constituents, in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, Lackawanna College), which is summarized in writing by and enforced by Lackawanna College. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by Lackawanna College. These can be part of the agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “pathways,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal pathways that would create a formal record for the Respondent. These are enforceable by Lackawanna College as part of the agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.

- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches to ensure they are civil, age-appropriate, culturally competent, reflective of power imbalances, and maximize the potential for the Resolution Process to result in catharsis, restoration, remedy, etc., for the Complainant(s).

## APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to Lackawanna College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible pathways.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by Lackawanna College regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by Lackawanna College to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Lackawanna College officials.
- The right to have Lackawanna College policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Lackawanna College officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Lackawanna College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Lackawanna College in notifying such authorities, if the party so chooses. This also includes the

right not to be pressured to report.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Lackawanna College Public Safety Department and/or other Lackawanna College officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right to a Lackawanna College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - Relocating an on-campus student's housing to a different on-campus location
  - Assistance from Lackawanna College staff in completing the relocation
  - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
  - Transportation assistance
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and provide a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options

- The right to have Lackawanna College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the Lackawanna College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any Lackawanna College meeting or interview involving another party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.



- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received at least eight hours of relevant annual training.
- The right to a Hearing Panel that is not single sex in its composition, if a panel is used.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Lackawanna College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence OR clear and convincing evidence to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to have an impact and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue

delay) to the parties.

- The right to be informed in writing of when a decision by Lackawanna College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by Lackawanna College.
- The right to a fundamentally fair resolution as defined in these procedures.

## APPENDIX D: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A ***Violence Risk Assessment (VRA)*** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- 1) An appraisal of ***risk factors*** that escalate the potential for violence
- 2) A determination of stabilizing influences that reduce the risk of violence
- 3) A contextual ***analysis of violence risk*** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
- 4) The application of ***intervention and management*** approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment as outlined in the BIT manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NABITA Risk Rubric,<sup>36</sup> The Structured Interview for Violence Risk Assessment (SIVRA-35),<sup>37</sup> Violence Risk Assessment of the Written Word (VRAWW),<sup>38</sup> Workplace Assessment of Violence Risk (WAVR-21),<sup>39</sup> Historical Clinical Risk Management (HCR-20),<sup>40</sup> and MOSAIC.<sup>41</sup>

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The BIT team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.

<sup>36</sup> <https://www.nabita.org/training/nabita-risk-rubric/>

<sup>37</sup> <https://www.nabita.org/training/sivra-35/>

<sup>38</sup> <https://www.nabita.org/training/vraww/>

<sup>39</sup> [www.wavr21.com](http://www.wavr21.com)

<sup>40</sup> <http://hcr-20.com>

<sup>41</sup> [www.mosaicmethod.com](http://www.mosaicmethod.com)

## **APPENDIX E: PROCESS B**<sup>42</sup>

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.<sup>43</sup>

## **RESOLUTION PROCESS**<sup>44</sup> **FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY**

Lackawanna College will act on any formal or informal allegation or notice of violation of the Equal Opportunity, Harassment and Nondiscrimination Policy that is received by the Title IX Coordinator<sup>45</sup> or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties with the exception of at-will employees. Unionized or other categorized employees will be subject to the terms of their respective collective bargaining agreements/employees' rights.<sup>46</sup>

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

<sup>42</sup> This process may be legally insufficient for public institutions in states/jurisdictions that have adopted live hearing/cross-examination and/or formal due process requirements. It would also be insufficient for private institutions in California and the Third Circuit, which should use Process A or some variation thereof.

<sup>43</sup> Recipients can substitute any alternative process instead of Process B, if desired. VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA. Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, etc.) may also be resolved using Process B.

<sup>44</sup> For recipients with grievance processes enabling students and/or employees to challenge disciplinary action, it is recommended that discrimination allegations be exempted from that process and replaced with the Resolution Process outlined. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.

<sup>45</sup> All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

<sup>46</sup> Consult legal counsel on the effect of a conflict between federal regulations and collectively bargained-for employee rights/procedures.

## 1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of Lackawanna College's nondiscrimination policy, the Title IX Coordinator<sup>47</sup> engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
  - If a Supportive Response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
    - Incident
    - A potential pattern of misconduct
    - A culture/climate issue<sup>48</sup>
- In many cases, the [Title IX Coordinator] may determine that a Violence Risk Assessment (VRA) should be conducted by the [insert name of team] as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
  - Interim suspension of a Respondent who is a threat to health/safety

<sup>47</sup> If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

<sup>48</sup> The Title IX Coordinator has the discretion to modify these procedures as necessary to address a culture/climate complaint, including the fact that a named complainant may not be available, or that specific respondents may not be identified. Where a program, department, or division is being investigated, administrators are typically named "respondents" on behalf of the program, and are responsible for implementing remedies, but may not be held responsible for misconduct unless there is evidence of intentional disparate treatment).

- Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant
- Whether to put the investigation on the footing of incident and/or pattern and/or climate
- To help identify potentially predatory conduct
- To help assess/identify grooming behaviors
- Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful
- Whether to permit a voluntary withdrawal by the Respondent
- Whether to impose transcript notation or communicate with a transfer Lackawanna College about a Respondent
- Assessment of appropriate pathways/remedies
- Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-grata is needed

More about Lackawanna College's process for VRA can be found in Appendix D.

Based on the initial assessment, Lackawanna College will initiate one of these responses:

- **Supportive Response** – measures to help restore the Complainant's education access, as described in the Policy.
- **Informal Resolution** – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- **Administrative Resolution** – investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal.

The investigation and the subsequent Administrative Resolution determine whether the Equal Opportunity, Harassment, and Nondiscrimination Policy has been violated. If so, Lackawanna College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. If at any point during the initial assessment or formal investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This

decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

## 2. Resolution Process Pool

The Resolution Process relies on a pool of officials (“Pool”) for implementation. Members of the Pool are announced in an annual distribution of this Policy to all students, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found at <https://www.lackawanna.edu/student-resources/title-ix/>. Members of the Pool are trained annually in all aspects of the Resolution Process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve as an Appeal Decision-maker

The Title IX Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of Lackawanna College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training This training includes, but is not limited to:

- The scope of the Lackawanna College’s Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner



- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and Resolution Processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the institution with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate pathways in reference to all forms of harassment and discrimination allegations

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. Lackawanna College is obligated to ensure that any process is not abused for retaliatory purposes.

Lackawanna College permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

#### **4. Advisors**

##### **b. Advisor Expectations**

Lackawanna College generally expects an Advisor to adjust their schedule to allow them to attend Lackawanna College meetings when planned, but Lackawanna College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Lackawanna College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by Lackawanna College policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting Lackawanna College meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

##### **c. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor<sup>49</sup> who is eligible and available<sup>50</sup> to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

<sup>49</sup> This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If Lackawanna College allows more than one Advisor for one party, they should do so for all parties.

<sup>50</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must implement and monitor sanctions.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, Lackawanna College will copy the Advisor on all communications between Lackawanna College and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

For parties who are entitled to union representation, Lackawanna College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

#### **d. Assistance in Securing an Advisor**

The Lackawanna College maintains a listing of local attorneys who may offer discounted or pro bono services here <https://www.pabar.org/site/For-Lawyers/Pro-Bono-Services/Map/Lackawanna>.

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)

- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)]

## 5. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accord with Lackawanna College Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

### A. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternative Resolution, mediation, restorative practices, facilitated dialogue, etc., when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

#### i) Alternative Resolution

Alternative Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to

resolve conflicts, as appropriate. The parties must consent to the use of Alternative Resolution.

The Title IX Coordinator determines if Alternative Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternative Resolution.

In an Alternative Resolution, a trained administrator or third party facilitates communication among with the parties to an effective resolution, if possible. Institutionally imposed pathways are not possible as the result of an Alternative Resolution process, though the parties may agree to accept pathways and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternative Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though similarly structured conversations may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternative Resolution are not appealable.

## **ii) Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinator determines that the individual is in violation of Lackawanna College policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly

implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

## **B. Administrative Resolution via an Investigation and Hearing**

Administrative Resolution can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy if proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Lackawanna College records, or emailed to the parties' Lackawanna College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Lackawanna College aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate. Investigations can take weeks or even months,

depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Provost.

Lackawanna College will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Lackawanna College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Lackawanna College's Resolution Process are being investigated by law enforcement. Lackawanna College will promptly resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

Lackawanna College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

## 6. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with institutional partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegations (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by the College or an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential pathways/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish for the Investigator(s) to ask the other party and witnesses



- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response, if any, into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback. Provide the final report to the Title IX Coordinator with one of two options:
  - In the report, include a recommended determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred, OR
  - Gather, assess, and synthesize evidence without making a finding, conclusion, determination, or recommendation.

## **7. Determination**

Within two to three (2-3) business days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The investigation recommendation, if any, should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker. The Title IX Coordinator or Decision-maker may invite and consider impact and/or mitigation statements from the parties if and when determining appropriate sanction(s), if any.

## **8. Additional Details of the Investigation Process**

### **A. Witness Responsibilities**

Witnesses (as distinguished from the parties) who are Lackawanna College faculty or staff are required to cooperate with and participate in Lackawanna College's investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

### **B. Remote Processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. When remote technologies are used, Lackawanna College makes reasonable efforts to ensure privacy and ensures that any technology does not work to the detriment of any party or subject them to unfairness.

### **C. Recording**

No unauthorized audio or video recording of any kind is permitted during the Resolution Process including investigation interviews. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

### **D. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation in (E) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

### **E. Prior Sexual History/Patterns**

Unless the Title IX Coordinator/Decision-maker determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation(s), unless they

evidence a pattern; (2) the irrelevant sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); (3) irrelevant character evidence.

#### **F. Previous Allegations/Violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator/Decision-maker with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

If Lackawanna College uses a progressive discipline system, previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

#### **G. Notification of Outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three (2-3) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Lackawanna College records, or emailed to the parties' Lackawanna College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which Lackawanna College is permitted to share pursuant to state or federal law, and the rationale supporting the findings to the extent Lackawanna College is permitted to share under state or federal law.

The notice will detail when the determination is considered final (See [Section 11](#)) and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in [Section 11](#).

## 9. Pathways

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for pathways/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for pathways/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-maker

The sanction(s) will be implemented as soon as is feasible. The pathways described in this Policy are not exclusive of, and may be in addition to, other actions taken, or pathways imposed by outside authorities.

### A. Student Pathways

The following are the common pathways that may be imposed upon students singly or in combination:

- *(Warning)*: A formal statement that the conduct was unacceptable and a warning that further violation of any Lackawanna College Policy, procedure, or directive will result in more severe pathways / responsive actions.
- *Required Counseling*. Student Wellness Program (SWP): This is a mandated assessment session with our wellness professionals. The sessions are a response to the incident and may include alcohol and drug counseling, life skills building, and emotional

support. These sessions are private. Any information discussed in private will remain with the student and wellness professional in accordance with the confidentiality policies.

- *Suspension from Activities:* All students (including student-athletes) may be suspended from any Lackawanna College extracurricular activities until the student is actively participating in the pathways given. All student-athletes are suspended for a minimum of one game and remain suspended until the student is actively participating in the pathways given.
- *Probation:* Includes a period during which the student must demonstrate the ability to comply with the college's rules and regulations, as well as any imposed pathways. The length of the probationary period can vary from one (1) semester to the balance of the students' tenure at LC, depending on the severity of the offense(s). While on probation, any further violation of college policy may result in disciplinary suspension or dismissal from the college.
- *Deferred Suspension:* This is the highest level of probation, in which any continued misconduct or non-compliance with pathways and provisions on the student's part will result in Dismissal with Appeal. In the case of an overturned disciplinary suspension or dismissal, the student will remain on Deferred Suspension. If a disciplinary suspension or dismissal occurs with a student who was not previously placed on Deferred Suspension and it is overturned, they will then be placed on Deferred Suspension. In the case of a second disciplinary suspension or dismissal, it will be without appeal. Students who are permitted to return to the college following a period of Disciplinary Suspension will be automatically placed on Deferred Suspension if found responsible for violation of college policy.
- *Disciplinary Suspension:* Separation of the student from the college for a specified period of time. While suspended, a student loses all rights and privileges and may not represent the college in any way. A student who is suspended is not in good standing with the college. Disciplinary Suspension may entail provisions added to a student's reentry into the college.
- *Fines:* Penalty fees paid to the College. The amount is dependent upon the degree of policy infraction and is set by the College administration. Fines are not subject to negotiation and can be levied in addition to other pathways and/or restitution. Fines can be substituted by community restoration under the discretion of the Title IX Coordinator.
- *Housing Suspension:* This pathway indicates that a student has been excluded from resident housing and the general grounds or

parking lots surrounding the resident housing, including activities sponsored or supervised by the Residence Life and Housing staff.

- *College Dismissal*: This indicates permanent separation from LC. Students will be withdrawn from all enrolled courses by the college. The student will not be allowed to re-enroll at a future time. In accordance with federal and state regulations, all payments will be forfeited.
- *Restitution*: Reimbursement to the college for damage, destruction, or misappropriation of property on college premises. When imposed, restitution will be made in addition to any previously defined pathways. Restitution to other students can also be imposed.
- *Withholding Diploma*: The college may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree*: While very rarely employed, Lackawanna College reserves the right to revoke a degree previously awarded from Lackawanna College for fraud, misrepresentation, and/or other violation of Lackawanna College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above pathways, the College may assign any other pathways as deemed appropriate.

## B. Student Organization Pathways

The following are the common pathways that may be imposed upon student organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Lackawanna College Policy, procedure, or directive will result in more severe pathways/responsive actions.
- *Probation*: An official sanction for violation of institutional Policy, providing for more severe disciplinary pathways in the event that the group or organization is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of Lackawanna College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in Lackawanna College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Lackawanna College.
- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific Lackawanna College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above pathways, the College may assign any other pathways as deemed appropriate.

### C. Employee Pathways/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments.*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above pathways/responsive actions, the College may assign any other responsive actions as deemed appropriate.

## **10. Withdrawal or Resignation while Charges are Pending**

### **A. Students**

Lackawanna College does not permit a student to withdraw if that student has an allegation pending for violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy. Lackawanna College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the Resolution Process to be completed.

### **B. Employees**

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Lackawanna College responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status and whether the employee is eligible for rehire.

## **11. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker.

An Appeal Decision-maker] chosen from the Pool will be designated by the Title IX Coordinator from those who have not previously been involved in the process. Any party may appeal, but appeals are limited to the following grounds:

- 1) A procedural error or omission occurred that significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- 2) To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.
- 3) The pathways imposed fall outside the range of pathways Lackawanna College has designated for the violation(s) and the cumulative disciplinary record of the Respondent.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with all other parties or other appropriate persons such as the



Investigator(s), who may file a response within three (3) business days. Another party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Chair dismisses the appeal.

When the Appeal Chair finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair.
- Pathways imposed as the result of the Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within five (5) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand

- In rare cases when a procedural error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Chair may recommend a new investigation and/or Administrative Resolution process, including a new Decision-maker.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to Lackawanna College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable.

## **12. Long-Term Remedies/Actions**

Following the conclusion of the Resolution Process, and in addition to any pathways implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

## **13. Failure to Complete Pathways/Comply with Interim and Long-Term Remedies/Responsive Actions**

All Respondents are expected to comply with assigned pathways, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) and responsive/corrective action(s), including suspension, expulsion, and/or termination from Lackawanna College and may be noted on a student's official transcript. Supervisors are expected to enforce completion of pathways/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **14. Recordkeeping**

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator in the Title IX complaint database indefinitely, or as required by state or federal law or institutional policy.

#### **15. Statement of the Rights of the Parties (See [Appendix C](#))**

#### **16. Disability Accommodation in the Resolution Process**

Lackawanna College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Lackawanna College's Resolution Process. Anyone needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **17. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. Lackawanna College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the Lackawanna College website, with the appropriate effective date

identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedure was implemented on August 14, 2020. Revised on January 13, 2025.

# Lackawanna COLLEGE

