



UNIVER

<b>O e e</b> .....	<b>1</b>
<b>J sd c</b> .....	<b>1</b>
<b>A t cab t</b> .....	

Pennsylvania Western University is an academic community whose membership includes Students, faculty, staff, and administrators. The University Community exists for the pursuit of learning, the transmission of knowledge, the development of Students as scholars and citizens, and ultimately, for the general well-being of society. Freedom of inquiry, speech, action, and expression is indispensable in the attainment of these goals. Students, as members of the University Community, are encouraged to engage in a sustained, critical, and independent search for knowledge.

The student conduct program supports this endeavor through policies that balance the freedom of the individual student with the interests of the University Community as a whole, and procedures that apply these policies in an equitable and consistent manner.

As members of the University Community, all Students are expected to uphold and abide by the standards set forth in the Student Code of Conduct. These standards are reflective of the University's core values - civility, integrity, and responsibility – and the following Rights & Responsibilities:

We have the right to safety and security;  
We have the responsibility to ensure the safety and security of others.

We have the right to be treated with respect;  
We have the responsibility to treat others with respect.

We have the right to expect the best;  
We have the responsibility to give our best.

We have the right to be treated fairly;  
We have the responsibility to treat others fairly.

The student conduct process attempts to teach civic principles within the context of the academic mission. The process views Students as adults, and as such, expects them to be aware of applicable local, state, and federal laws, as well as all published University policies, procedures, and rules.

Violation of the Student Code of Conduct may subject a Student to action through the student conduct process. Where warranted, violations may also be referred for action through appropriate law enforcement agency or court. The University may initiate an investigation and proceed with resolution within the scope of its authority, responsibility, and jurisdiction, without regard to the commencement or disposition of any civil or criminal court proceeding.

Matters subject to conduct jurisdiction may be resolved through the student conduct system, regardless of any actions that may be brought in civil or criminal court systems. The University's jurisdiction over alleged conduct violations extends to actions committed by Students and Student Organizations:

- at any place of university operation, including all campuses, satellite, and remote locations;
- while attending or participating in university events, activities or programs, either in-person or otherwise;
- when otherwise off-campus and where the action:
  - significantly breaches the peace (i.e., results in initiation of a criminal action by law enforcement authorities);
  - substantially infringes upon the personal or property rights of another member of the University Community; or
  - is otherwise detrimental to the educational mission and/or a substantial interests of the University.



**Appeals Office** /The individual or individuals with the authority appointed by the University to decide appeals. The Appeals Office (active) 1027 PennWest University, P.O. Box 27000, Erie, PA 16581-0270. It is the responsibility of the Appeals Office to ensure that the process is fair and unbiased, and will not serve as the Investigator, advisor to any Party or a Decision Maker in the same matter.

**Confidentiality** /University employees and off-campus organizations who are not required to Report identifiable Student information regarding an incident of sexual misconduct to the Title IX Coordinator. A comprehensive list of on-campus and off-campus confidential resources is available online at:

PennWest California: [Title IX | PennWest California \(calu.edu\)](https://www.calu.edu/title-ix)

PennWest Clarion: [Title IX \(clarion.edu\)](https://www.clarion.edu/title-ix)

PennWest Edinboro: [Title IX | PennWest Edinboro](https://www.edinboro.edu/title-ix)

**Consent** / (For purposes of the Prohibited Behavior Definitions relating to Sexual Misconduct) a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Investigator** An individual employed or appointed by the University to conduct an investigation in Student conduct matters.

**Referral** A written Report of alleged Student Code of Conduct violations, excluding sexual misconduct violations made by a member of the University Community against a Student or Student Organization/Group.

**Referring Party** A member of the University Community who has submitted a Referral alleging a violation of the Student Code of Conduct. University Community members making Referrals as part of their duties will act as witnesses in the process.

**Report** /An allegation, other than a Referral, of a violation of the Student Code of Conduct made against any Student or Student Organization/Group.

**Reporter** /An individual who submits a Report to the University alleging a violation of the Student Code of Conduct. University Community members making Reports as part of their duties will act as witnesses in the process.

**Referral Party** The Student(s) or Student Organization/Group alleged to have violated provisions of the Student Code of Conduct.

**Sexual Misconduct Investigator** /The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under the Sexual Misconduct Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents

---

---

---

---

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





---

---

**Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. Sexual Assault may be one of the following categories:

**Sexual Penetration Without Consent** – Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.

**Sexual Contact Without Consent** – Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

**Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute<sup>1</sup>.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

**Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
- Indecent exposure or inducing others to expose private or intimate parts of the body when consent is not present;
-

the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.

**Re la , H s le E e Se al Ha ass e** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

**N Re la , H s le E e Se al Ha ass e** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from any educational, employment, social or residential program offered in connection with the University.

**S al** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyber-stalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

**The** – (a) The unauthorized possession, removal, and/or receipt of property without the express consent of the owner; or (b) the attempt to possess, remove or receive without the express consent of the owner.

**Th ea , f Ha** – Intentionally or recklessly engaging in physical, verbal or written conduct that creates a reasonable fear of infliction of physical pain or injury to another person or damage to property. This includes a single threat, or a course of conduct, regardless of whether such incidents are in person or conveyed through electronic means.

**U a h , i ed Acce** – Access, entry, presence, or use of buildings, rooms, property, and/or accounts (electronic or otherwise) without permission

**U i e i P , ic** – Violation of any published University policy or rule (official University policies can be found [here](#)).

**Va da i** – Intentional, reckless and/or unauthorized damage, destruction or defacement of property of another, including University property-

**Wea ,** – Violations include the following: The use, possession, and/or transportation of:

✕

- any item designed and/or used in such a way to threaten, inflict bodily harm, and/or physical damage, except those items identified in paragraph (b) below.
- The unlawful or unauthorized use, possession, or transportation of (i) a firearm and/or (ii) firearm ammunition. A copy of the University's rules regarding use, possession, and transportation of firearms on campus can be found [here](#).

*R I M P P*  


---

*R*

**O e e**

The University believes strongly in providing a fundamentally fair and impartial Student conduct process. To that end, the Referred Party will receive reasonably specific advanced written notice containing a description of the alleged violations of the Student Code of Conduct, including time, date, and place of occurrence and a description of the alleged prohibited conduct.

The University also believes in providing Students with multiple pathways to resolution including but not limited to alternate dispute resolution options (in appropriate cases and where mutually agreed upon).

Reports of alleged sexual misconduct, including those involving a mixture of both non-sexual misconduct and sexual misconduct charges, will follow the process outlined in the Sexual Misconduct policy.

Note regarding matters involving a mixture of both non-sexual misconduct and sexual misconduct charges: If all of the alleged sexual misconduct violations are dismissed, and the remaining underlying allegations, if true, would violate the Student Code of Conduct, the matter may be referred for further action by the University's Dean of Students Office, as appropriate.

**B de f P f**

The University bears the burden of establishing any charged violation of this Code. The Referred Party does not have the burden to prove that a violation did not occur. A Referred Party may decide not to participate in the hearing or an investigation. Neither of these decisions shifts the burden of proof away from the University.

**S a d a d f P f**

The University is responsible for establishing any charged violation by a "preponderance of the evidence standard. This means that the University must show that it is more likely than not that the Referred Party engaged in the charged violation of the Student Code of Conduct.

**Use fAd s s**

Parties are permitted to have an Advisor accompany them to any hearing or meeting that the party is required to attend. Each party is responsible for coordinating and scheduling with their choice of Advisor. The Advisor may be a member of the University Community, an attorney (retained at the Student's own expense), or another individual selected by the party. In all conduct matters except those addressed through the Sexual Misconduct Policy processes,<sup>2</sup> the Advisor may not speak or participate directly in any aspect of the conduct process, but rather can only consult and interact privately with their Student. The Advisor may not be a party or witness in the matter.

<sup>2</sup> Please refer to the University's Sexual Misconduct Policy for information regarding the role of Advisors in matters handled through the Sexual Misconduct processes.

While the University will consider information regarding Advisor schedules and availability, the scheduling of meetings and hearings throughout the Student conduct process is at the discretion of the University.

## **S b            a Refe    al**

While any individual may make a Report of an alleged violation of the Student Code of Conduct by a University Student or Student Organization, only a member of the University Community may submit a Referral to the Dean of Students or designee. Formal action under the student conduct process will occur only upon the submission of a Referral. In instances where a member of the University Community makes a Report of an alleged violation of the Student Code of Conduct, but elects not to submit a Referral, the Dean of Students/ designee will review the Report and may, as deemed appropriate, initiate a Referral. Similarly, in instances where a Referring Party cannot be identified or wishes not to participate, the University may, at its discretion, initiate a Referral against a Referred Party. If a Referring party remains anonymous, the University will be limited in response.

All Referrals must be in writing and should be submitted as soon as possible after the events on which the Referral is based. Referrals, other than those relating to alleged sexual misconduct, must be submitted to the Office of the Dean of Students or designee. Referrals may be submitted electronically or may contact the Dean of Students Office to request alternative means. Electronic submissions of incident reports are found at the following links:

PennWest California: [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=50](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=50)

PennWest Clarion: [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=0](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=0)

PennWest Edinboro: [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=51](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=51)

PennWest Global Online: [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=127](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=127)

when the person that prepared them is not available to testify or answer questions.

The Dean of Students or designee has discretion to control the methods of presentation of evidence or

---

The facilitating administrator will give the Referred Party the opportunity to:

- come to mutual resolution during the Conduct Conference, waving the right to a Formal Hearing and the right to an appeal;
- request a hearing; or

## **Hearing Procedures**

### ***If a Referred Party fails to appear at the Hearing, the hearing will be held in their absence***

At the discretion of the Dean of Students or designee, any matters not involving possible Educational Outcomes of suspension or expulsion may be scheduled and heard informally before a Hearing Officer. Procedures for hearings before Hearing Officers are less formal; however, as set forth more fully below, the following provisions apply to both informal hearings before a Hearing Officer and formal hearings before the University Conduct Board.

#### **Closed Hearing**

All hearings are closed to the public. Hearings are open only to the parties identified by the University. Witnesses are not permitted to remain in the hearing room except as directed.

#### **Hearing Attendance**

The Referred Party and any identified parties with knowledge of the incident, are expected to appear at a hearing. However, in the event that a key witness or affected party fails to attend a Student conduct hearing, the Dean of Students or designee reserves the right to dismiss the matter, or to proceed with the hearing. If a Referred Party fails to appear, the hearing may be conducted in their absence. In extraordinary circumstances the Dean of Students or designee has sole discretion to reschedule the hearing.

The Referred Party has the right to challenge the designation of a Hearing Officer or University Conduct Board member for: personal bias; or prior involvement with parties or circumstances surrounding the matter. A challenge to a Hearing Officer or University Conduct Board member for cause must be presented to the Dean of Students Office in writing at least 2 days before the scheduled hearing. The party making the challenge must provide all facts supporting their challenge. A ruling on the challenge will be issued in advance of any hearing.

#### **Witnesses**

The Referred Party is required to notify the Dean of Students or designee of the names and contact information of their respective witnesses at least 3 days prior to the scheduled hearing time. Character witnesses are not permitted.

The Referred Party is responsible for arranging for the attendance of their witnesses at the hearing.

Witnesses are only allowed in the hearing room during their period of testimony or when called to answer questions. The Hearing Officer or University Conduct Board reserves the option of limiting the number of witnesses providing statements at a hearing.

In matters of Student Organization/Group misconduct, individuals who provide information as part of an investigation may remain confidential throughout the conduct process, provided their identities are known to the University and the investigator serves as a witness.

#### **Hearing Outcome**

If a decision of “not responsible” is reached, the matter is closed with no right of appeal.

If a decision of “responsible” is reached, the Hearing Officer or University Conduct Board will make a decision regarding Educational Outcomes. Past violations of the Student Code of Conduct will be factored into the determination of the Educational Outcomes after a decision of responsibility has been reached. Previous conduct will not be considered in establishing whether a Referred Party is “responsible” or “not responsible” of the current charges.



A written decision will be issued, setting forth the findings on the charge(s) and the Educational Outcomes imposed. Absent extenuating circumstances, the written decision will be issued as expeditiously as possible but in no event later than thirty (30) days after conclusion of the hearing. The determination letter will include factual findings and rationale for the decision, and present a complete description of the educational outcomes, if any. Appeal criteria and procedures will be outlined as well.

All hearings before the University Conduct Board are recorded. Hearings before the Hearing Officer may be recorded at the discretion of the Hearing Officer. Where audio or video recording is not made, a written summary of the hearing will be made. Any additional video, audio, stenographic, or photographic recording of any hearing is prohibited.

## **Educational Outcomes**

Educational Outcomes are utilized to help Students and Student Organizations develop more productive patterns of behavior, to support the integrity of the academic mission, and to protect the members of the University Community.

Stipulations may be attached to all Educational Outcomes as deemed appropriate in the interest of supporting the principles outlined above. The Dean of Students or designee has final authority in determining completion of assigned stipulations. Registration holds may be placed pending receipt of required evidence of completion of assigned stipulations.

### **Disciplinary Warning**

**Disciplinary Warning** Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. Students receiving a Disciplinary Warning remain in good disciplinary standing.

**Disciplinary Probation** Official notification of a specified period of review and monitoring. Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a Student. Students on Disciplinary Probation are not in good disciplinary standing.

**Final Disciplinary Probation** Final Disciplinary Probation is imposed only in very serious cases or in response to progressive discipline stipulating that a Student, in lieu of University suspension, is being allowed to remain at the University provided that the Student adheres to certain conditions, as set by the Board or Hearing Officer. A Student on Final Disciplinary Probation is denied the privilege to represent the University in any organized capacity including intercollegiate varsity, non-varsity or club events or to hold office in any Student Organization. Students on Final Disciplinary Probation are not in good disciplinary standing.

**Suspension** Official notification involving a disciplinary separation from the University for a specified period generally not less than one semester and generally not exceeding two years. Suspension involves denial of all associated privileges and rights, including the privilege of using University facilities. A Student may not attend classes or be enrolled in online or distance education, take exams, earn grades, attending University activities or be on University property except for University business during the suspension period. University business must be approved in advance by the Dean of Students or designee.

Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a Student. Students on Suspension are not in good disciplinary standing. All stipulated conditions shall be completed before re-enrollment.

**Expulsion** Official notification of permanent separation and termination of the Referred Party's status

as a Student, and exclusion from University property, privileges, and activities. Students on Expulsion are not in good disciplinary standing.

**Res** Reimbursement for damage to, or destruction of, University property.

**H** **s** **Reass** **e** Movement from a current residential assignment to another location in campus housing. Housing rates may be impacted.

**H** **s** **Re** **al** Removal from campus housing for a speci ed period of time. Access to campus housing including visitation is prohibited. Should circumstances warrant, housing removal could be permanent. In accordance with Residence Life policy, in such instances there will be no refund of housing fees.

**Alc** **l O e D** **Ed** **ca** Completion of an assigned substance education program as directed.

**Res** **c** **fP** **le es** Exclusion from, or limits on, participation in speci ed services and activities or speci ed campus facilities. Prohibition of participation in campus co-curricular activities or use of campus services, e.g., intramural participation, room reservation privileges, leadership

**Ed** **ca** **alAc** **es** Completion of a speci ed activity, service project, educational program, event, assignment, papers, meetings or other educational and/or restorative assignment.

**N C** **ac D ec** **e** Official written expectations issued by a University administrator restricting or prohibiting contact between individuals, and may also include other restrictions.

S de O ga i a i, Ed ca i, a O c, e

**O a** **a** **D sc** **l a** **Wa**

Organization or the loss of the privilege to participate in an activity or event for a specified period of time.

N E  
O

**Me be s Re e** The organization is required to review and affirm each person's commitment to the expectations of organization membership. This may involve one-on-one interviews with each member and a member of the national or international staff, and/or a University Advisor or administrator.

**Me be I a e a d Rec e Re e** The organization is required to submit a plan on how it will emphasize values during the intake process. The plan should include details of the expected date and time of activities, goals, participant learning outcomes, and the event assessments.

**O a a Res** reimbursement for actual damage to or destruction of property, including that of the University.

**I e Meas es**

Interim measures are temporary steps taken by the University through the Dean of Students Office in an effort to maintain the safety of the campus community and an environment conducive for academic success. Interim measures do not replace the regular conduct process, which shall proceed on the normal schedule. Once a final decision has been made on a Student conduct matter, the interim measure will be lifted. Interim measures may include, but are not limited to, administrative directives, a loss of privilege/s, a residence hall room reassignment, or restriction from parts of campus. The Dean of Students or designee, as designated by the University President, may approve or institute the following interim actions without a prior hearing:

*I e i N, e e O r l e C P L a g S M C I D D C B f M C P L a g S M C I D D C*

---

---

---

### I e i S e i

This measure is taken if it is determined the Student's continued presence constitutes an immediate threat of harm or safety to other Students, university personnel or university property.

### I e i S e i f, he U i e i

A Student who is notified of an interim suspension must immediately leave University property. The Student may not return to campus or participate in any university programs or activities, including classes, during the interim suspension period.

### I e i S e i, Re ie P, ce

A Student issued an interim suspension will be afforded a hearing on the interim suspension within 14 days.

If extenuating circumstances warrant an extension of the review, it will be communicated to the Student.

The purpose of the hearing is to review the interim suspension only. The University Conduct Board will determine if Student's continued presence constitutes an immediate threat of harm to other Students, University personnel or to University property. If it is determined that continuation of the interim suspension is not warranted, the Student will be reinstated immediately. The reversal of an interim suspension shall not be construed as finding a Student "not responsible" of underlying alleged violations of the Code of Conduct. The hearing on the interim actions will not address the underlying misconduct. A hearing will be scheduled to address the violations.

### **Appeals**

I  
P

All appeals must be submitted in writing no later than five (5) days after the date noted on the outcome letter. Appeals must be submitted via the Dean of Students Outcome Appeal Form. The original Educational Outcome will be stayed pending a decision on the appeal. However, the designated Appeals Officer may, under extenuating circumstances, continue the Educational Outcomes imposed while an appeal is in process.

In cases of Organization Disciplinary Suspension or Organization Disciplinary Expulsion, the appeals by groups who are affiliated with a national or international organization must be accompanied by a letter of support for the appeal.

An appeal may be sought on the following grounds:

- 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing that could affect the outcome of the matter.
- 3) The University Conduct Board Member/Hearing Officer(s) had a conflict of interest or bias for or against an individual party that affected the outcome of the matter.
- 4) The Disciplinary Educational Outcome imposed was grossly disproportionate based on the charged violation and past conduct record.

The appealing party must set forth the grounds for the appeal, and include any supporting documentation. If the grounds for an appeal asserts a procedural irregularity, existence of new evidence, or conflict of interest/bias, the appealing party bears the burden of establishing by a preponderance of evidence that the outcome of the matter was affected.

The University allows one level of appeal review. No further appeals are permitted.

Appeals of hearing decisions will be submitted to the Dean of Students or designee. The appeal will be

forwarded in a timely manner to the appropriate Appeals Officer for review.

The appeal will be reviewed to determine if the merits of the stated basis for appeal are met. If the appeal grounds have been met, all related documentation and evidence will be reviewed within the scope of the appeal.

The role of the Appeals Officer is not to reweigh the evidence. The Appeals Officer will continue their review to the basis of appeal alleged and may modify the Educational Outcome or in the event of new information, remand back to the original hearing officer or board to reweigh the new evidence. The Appeals Officer may modify the Educational Outcome if an appeal on the basis of the severity of the Educational Outcome is grossly disproportionate to the violation(s) if an appeal is granted.

After review, the Appeals Officer shall inform the appealing party in writing of one of the following determinations:

- Uphold the original decision;
- Affirm or modify the imposed Educational Outcome;
- Overrule the original decision and modify the outcome or dismiss the case based solely on the submissions of the appeal; or
- Overrule the original decision and remand the case back to the board or hearing officer of original jurisdiction for rehearing to correct a procedural or factual defect.

Decisions on the appeal will be issued within thirty (30) days, absent extenuating circumstances.

## **Disciplinary Records Release**

### Disciplinary Records Release

All Students' disciplinary records are kept in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 (the "Buckley Amendment"), 20 U.S.C. 1232g. In accordance with these provisions, all disciplinary files are confidential and may only be disclosed:

- To the Student;
- To a person or agency possessing a signed consent from the Student authorizing the release to the designated person/agency. Signed consents must meet the requirements of FERPA. Consent forms are available on the University's website at the following links:
  - PennWest California: [ferpa-release-academic-records.pdf \(calu.edu\)](#)
  - PennWest Clarion: [release-of-information.pdf \(clarion.edu\)](#)
  - PennWest Edinboro: [FERPA Consent to Release Information \(edinboro.edu\)](#)
- Records may also be disclosed to the following individuals without consent of the Student:
  - To the parents of a dependent Student (as defined by the Internal Revenue Service);
  - To the parents or guardians of a Student under the age of 21 who has been found responsible, or accepted responsibility for an alcohol or drug violation. In such instances, the parents/guardians may be notified of the violation(s).
  - To a court official, agency, or other designated individual in order to comply with a subpoena or court order served upon the University. When served with a subpoena or court order, the University will notify the Student in writing that it is complying with the court order.
  - To a requesting individual \_\_\_\_\_, under the Student Code of Conduct for a violation relating to a crime of violence or a non-forcible sex offense, as provided in FERPA (34 C.F.R. § 99.39).<sup>3</sup> In such instances, only the final results (the name of the Student, the violation committed, the Educational Outcome imposed, date of decision

<sup>3</sup> A crime of violence is any acts, that would, if proven, constitute: destruction/ damage/ vandalism of property, arson, assault offenses, burglary, forcible sex offenses, robbery, criminal homicide, kidnapping or robbery, as more fully defined in Appendix A to Part 99 of FERPA.

---

---

---

---

---

---

---

---

---

---

---

---

Matthew G. Shafer; Dean of Students  
mshafer@pennwest.edu

All policies will be reviewed every two years or on an as needed basis if a change in BOG, PASSHE or Pennsylvania law would create the need for an immediate change.

