

Community College of Philadelphia

Policy Against Non-Title IX Sexual Misconduct, Relationship Violence, and Stalking

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Policy Against Non-Title IX Sexual Misconduct, Relationship Violence, and Stalking

I. Introduction

The Community College of Philadelphia is committed to maintaining an academic and working environment free of unlawful discrimination and harassment, including Sexual Misconduct, Relationship Violence, and Stalking. This policy prohibits Sexual Misconduct, Relationship Violence, or Stalking by or against any student, faculty, administrator, staff, employee, vendor, contractor, volunteer, or visitor to the College. This policy and its investigation and hearing procedures only apply to acts of sexual misconduct that do not rise to the level of Title IX sexual harassment and misconduct. The specific conduct covered by this policy is detailed in the “*Scope of Policy*” section of this policy. Sexual misconduct that rises to the level of Title IX sexual harassment and misconduct is covered by the College’s Memorandum #359 Policy Against Title IX Sexual Harassment. As set forth in this policy, the College will take all appropriate steps to prevent and respond to incidents of Sexual Misconduct, Relationship Violence, and Stalking effectively and equitably.

This policy will:

- Define prohibited conduct
- Explain how to make a report of Sexual Misconduct, Relationship Violence, Stalking, or Retaliation
- Identify interim measures and support services available for victims of conduct prohibited by this policy
- Provide information regarding how reports made under this policy are investigated and disciplined

II. Scope of Policy

This policy applies to all students, faculty, administrators, staff, employees, vendors, contractors, volunteers, and visitors to the College, regardless of sexual orientation, gender, gender identity, gender expression, or any other characteristic, and regardless of the sex or sexes of the parties involved, including when the parties involved are all of the same sex.

This policy applies to the following types of sexual misconduct: reports of severe or pervasive sexual harassment that take place on College property or at any College-sponsored program or activity whether occurring on or off campus; and reports of severe or pervasive sexual harassment, sexual misconduct, relationship violence or stalking that take place off-campus, even if not related to a College-sponsored program or activity, if the conduct is likely to have a substantial effect on an individual College community member, on College life or activities, or if the conduct poses a threat of danger to any member of the College community. The Title IX Coordinator is responsible for determining whether a report of sexual harassment, sexual misconduct, relationship violence or stalking is covered by this policy, the College’s Memorandum #359 Policy Against Title IX Sexual Harassment or the College’s Memorandum #357 Anti-Discrimination and Harassment Complaint Policy.

III. Title IX Coordinator

The College's Title IX Coordinator is responsible for overseeing the administration of this policy and the College's response to reports made pursuant to this policy. The contact information for the Title IX Coordinator is:

Diversity Compliance Officer & Title IX Coordinator
Office of Diversity and Equity
Mint Building, Room M2-7
1700 Spring Garden Street
Philadelphia, PA 19130
Phone: (215) 751-8039
E-mail: titleix@ccp.edu

IV. Conduct Prohibited by this Policy

The following conduct is prohibited by this policy:

1. **Sexual Misconduct** is a broad term that refers to a range of behavior including:
 - a. **Sexual Assault:** Sexual assault includes any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes the offenses of rape, fondling, incest, statutory rape, forcible sodomy (oral or anal sexual intercourse), and sexual assault with an object. These terms and other forms of sexual assault are further defined by the Code of Federal Regulations and the Pennsylvania Crimes Code, as set forth in Appendix A of this policy. The conduct defined in Appendix A is also prohibited by this policy.
 - b. **Sexual Harassment:** Sexual harassment is unwelcome verbal or physical conduct based on sex or gender or unwelcome verbal or physical conduct of a sexual nature (including sexual advances or requests for sexual favors) when:
 - i. Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of an individual's employment, study, or participation in College-sponsored activities;
 - ii. Submission to or rejection of such conduct is used as the basis for decisions affecting a person's study, employment, or participation in College-sponsored activities; or
 - iii. The conduct is **severe or pervasive** enough that it would substantially interfere with a reasonable person's work or academic performance or ability to participate in or receive the benefits, services, or opportunities

in academic or work programs, or it creates an intimidating, hostile, offensive, or demeaning academic or working environment.

Conduct is “unwelcome” if it was not requested or invited by the victim, and the victim considered the conduct to be undesirable or offensive. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that a person welcomed other conduct. The fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

Examples of behavior which may be considered sexual harassment include, but are not limited to:

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion or grades;
 - Direct propositions of a sexual nature;
 - Sexually explicit statements, questions, jokes or teasing;
 - Unnecessarily touching, panting, hugging or brushing against a person’s body;
 - Remarks of a sexual nature regarding a person’s clothing, body, sexual activity, previous sexual experience, or sexual orientation;
 - Repeated requests for dates or social interaction made through verbal requests, notes, telephone calls, facsimiles, or e-mails;
 - Visual displays of inappropriate sexual images; and
 - Attempted or actual incidents of Sexual Assault, Sexual Violence, Sexual Exploitation, or any of the other conduct prohibited by this policy.
- c. **Sexual Exploitation:** Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to:
- Prostituting another person;
 - Recording images (*e.g.*, video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
 - Distributing images (*e.g.*, video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known

that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and

- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

- d. **Sexual Violence:** Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including Sexual Assault.

2. Relationship Violence is a broad term that includes the following behavior:

- a. **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party'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.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Note: Dating Violence is not defined under Pennsylvania law.

- b. **Domestic Violence:** Domestic Violence is a felony or misdemeanor crime of violence committed by:

- A. A current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania; or
- E. 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 the Commonwealth of Pennsylvania.

Note: Domestic Violence is not defined under Pennsylvania law.

3. Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. fear for the person's safety or the safety of others; or
- B. suffer substantial emotional distress.

"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker 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 victim.

"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Stalking as defined by the Pennsylvania Crimes Code is also prohibited conduct under this policy. See Appendix A.

4. Retaliation:

Any adverse treatment that is reasonably likely to deter someone from filing a report or participating in an investigation or disciplinary process under this policy. Retaliation can be verbal, written, graphic, electronic or physical, and can include but is not limited to intimidation, threats, coercion or unfavorable employment or educational actions directed toward an individual to deter them from filing a report or participating in the investigation or disciplinary process. Retaliation also includes acts taken with the intent of seeking retribution against an individual who filed a report or who otherwise participated in the investigation or disciplinary process.

V. Important Information Regarding Prohibited Conduct

a. Consent

As used in this policy, the term "**Consent**" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity. Consent must be ongoing throughout sexual activity and can be revoked at any time. Silence or absence of resistance will not necessarily imply consent. Assent (an affirmative statement or action) shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of their intoxication, unconsciousness, youth, mental deficiency or incapacity (also known as "**Incapacitation**"), or if the assent is the product of threat, force, or coercion. Consent to prior sexual activities does not constitute consent to future acts. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.

b. Prohibited Conduct Through Different Communication Mediums

Violations of this policy may occur through various communication mediums, including but not limited to, face-to-face contact, telephone, written notes, Wiki contributions, instant messages, text

messaging, file sharing, voice chat, video chat, social networking, or blogging, regardless of whether such communication occurs on College premises.

c. Attempting, Assisting, or Encouraging Prohibited Conduct

An attempt to commit any of the prohibited conduct identified in this policy, or assisting or willfully or knowingly encouraging such prohibited conduct, may also be considered a violation of this policy.

d. Consensual Sexual or Romantic Relationships

Consensual relationships occurring between supervisors and subordinates or faculty and students can lead to circumstances which may be interpreted as sexual harassment. Consensual relationships may also be viewed as causing a hostile or offensive work or academic environment when other staff or students believe that the person(s) involved in the relationship(s) is/are receiving favorable treatment in employment or educational decisions and actions.

The College strongly discourages any sexual or romantic relationship between a faculty member and a student where the faculty member has authority or influence over, or responsibility for, that student. Similarly, the College discourages any sexual or romantic relationship between a supervisor and a staff employee, where the supervisor has authority or influence over, or responsibility for, that employee. Consensual relationships among faculty and students or supervisors and staff where such authority, influence or responsibility exists are strongly discouraged. **Any consensual relationships which create severe, pervasive and objectively offensive work or academic environments for other students or staff are prohibited.**

VI. Emergency Assistance for Victims of Sexual Misconduct, Relationship Violence or Stalking

An individual who is in imminent danger of Sexual Misconduct, Relationship Violence, or Stalking should contact law enforcement or, if on campus, the Department of Public Safety.

Department of Public Safety

On-campus emergencies should be reported to the Department of Public Safety. The Department of Public Safety is available 24 hours per day, seven days per week.

- Main Campus – Mint Building, Room MG-12, (215) 751-8111, or Extension 5555 from a campus phone
- West Philadelphia Regional Center – Public Safety Desk, (267) 299-5863
- Northwest Regional Center – Public Safety Desk, (215) 496-6012
- Northeast Regional Center – Public Safety Desk, (215) 972-6219

Additionally, red emergency phones are located throughout Main Campus and the Regional Centers. Dial 5555 for direct access to the Department of Public Safety.

Police Department

An individual can also report emergencies occurring on- or off-campus by dialing 911 to reach the local police department.

Medical Attention

In the event of an emergency that requires medical attention, individuals should go to the nearest hospital. Below is contact information for hospitals located in the vicinity of Main Campus and the Regional Centers.¹

<p><i>Main Campus</i></p> <p>Penn Presbyterian Medical Center 51 North 39th Street Philadelphia, PA 19104 (215) 662-8215</p> <p>Jefferson University Hospital 132 South 10th Street Philadelphia, PA 19107 (215) 952-9130</p>	<p><i>West Regional Center</i></p> <p>Penn Presbyterian Medical Center 51 North 39th Street Philadelphia, PA 19104 (215) 662-8000</p> <p>Hospital of the University of Pennsylvania 3400 Spruce Street Philadelphia, PA 19104 (215) 662-4000</p> <p>Mercy Philadelphia Hospital 501 South 54th Street Philadelphia, PA 19143 (215) 748-9000</p>	<p><i>Northwest Regional Center</i></p> <p>Einstein Medical Center – Philadelphia 5501 Old York Road Philadelphia, PA 19141 (215) 456-7890</p> <p><i>Northeast Regional Center</i></p> <p>Aria – Jefferson Health Torresdale Red Lion and Knights Road Philadelphia, PA 19114 (215) 612-4000</p>
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VII. Reporting Violations of this Policy

Note that although the victim of alleged Sexual Misconduct, Relationship Violence, or Stalking may be the most common person to file a report, anyone can file a report of an alleged violation of this policy, including a witness or a third party. While there is no required time frame for submitting reports under this policy, the College encourages reporters to submit a report as soon as possible to maximize the College's opportunity to effectively investigate and respond to the report. Individuals who make a report pursuant to this policy will receive a copy of this policy or be provided with the link to this policy on the College's website.

Offices or Departments Designated to Receive Reports Under this Policy

An individual may file a report of Sexual Misconduct, Relationship Violence, or Stalking with the following offices or departments:

¹ The College is not affiliated with these hospitals. The hospitals listed and/or contact information may change. Contact the Department of Public Safety for the most current information regarding nearby hospitals.

<p><i>Students, Employees, and Third Parties</i></p> <p><i>Diversity Compliance Officer & Title IX Coordinator</i> Office of Diversity and Equity Mint Building, Room M2-7 1700 Spring Garden Street Philadelphia, PA 19130 (215) 751-8039 titleix@ccp.edu</p> <p>OR</p> <p><i>Department of Public Safety</i> Mint Building, Room MG-12 1700 Spring Garden Street Philadelphia, PA 19130 (215) 751-8111 or X5555</p>	<p><i>Students Only</i></p> <p><i>Office of the Dean of Students</i> Winnet Student Life Building, Room S1-10 1700 Spring Garden Street Philadelphia, PA 19130 (215) 751-8161 judicial@ccp.edu</p>
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The Title IX Coordinator must always be notified when a report of a violation of this policy has been filed with any office, department or employee at the College. Allegations of Sexual Misconduct, Relationship Violence, and Stalking will also be reported to the Director of Public Safety when required.

Reporting to Other College Employees

The College understands that not every individual will be comfortable making a report to the offices or departments outlined above, and some individuals will prefer to report allegations of Sexual Misconduct, Relationship Violence, or Stalking to an employee of the College that he or she trusts. For example, a student may choose to make a report to their instructor or counselor, or an employee may choose to make a report to their supervisor.

If a person chooses to make a report to a College employee, he or she must be aware that all College employees (faculty, administrators, and staff) are designated as “**Responsible Employees**,” which means they are required to report to the Title IX Coordinator when they become aware of any alleged violation of this policy affecting the College community. Responsible Employees must report to the Title IX Coordinator all relevant details about the alleged violation that the individual has shared, and that the College will need to determine what occurred and to resolve the situation. The Title IX Coordinator will then address the report in accordance with this policy.

A College employee who receives a report of Sexual Misconduct, Relationship Violence, or Stalking cannot guarantee confidentiality, and is obligated to pass that information along to the Title IX Coordinator.

Contents of a Report

An individual will be asked to provide as much detail as possible in making a report, including the name and contact information of the victim, the alleged perpetrator, and any witnesses (if known); the date, time, and location of the incident; a description of the prohibited conduct; supporting

documentation or other evidence (pictures, texts, emails, etc.), if any; and any other information which would assist the College in appropriately investigating and responding to the report.

Anonymous Reporting

In order to maximize the College's ability to effectively investigate and respond to reports under this policy, the College encourages individuals to provide identifying information when filing a report under this policy. However, the College will accept anonymous reports. Individuals who wish to make an anonymous report of violations of this policy may do so via the College's EthicsPoint confidential reporting system at www.ethicspoint.com, or via the Department of Public Safety's online reporting system at <https://www.mycap.online/safety-and-security/report-crime-or-suspicious-activity>.

The College will make all reasonable efforts to investigate and respond to reports filed anonymously, however, the College may be limited in its ability to fully investigate and resolve the report depending upon the level of information available in the report.

Criminal Report

A person who has been the victim of Sexual Misconduct, Relationship Violence, or Stalking also has the right to pursue criminal action against the alleged perpetrator, including seeking a protective order. Whether or not the victim chooses to seek criminal action is within the discretion of the victim. If requested by the victim, the College will provide reasonable assistance or other support in notifying law enforcement of the report. The College will cooperate with a criminal investigation to the extent permitted by law.

An individual may choose to pursue criminal action at any time. The College encourages individuals contemplating pursuing criminal action to consult with law enforcement as soon as possible after the alleged incident in order to ensure that any physical and other forms of evidence are preserved in as timely a fashion as possible.

Reports made pursuant to this policy are completely separate from a criminal investigation. Even if a criminal investigation is ongoing, the College will still conduct its own investigation in accordance with this policy. While the criminal investigation is pending, law enforcement may require the College to delay or otherwise temporarily limit its own investigation, which may delay the College's resolution of the report. The College will comply with any such request by law enforcement to the extent permitted by law, and continue with its investigation as soon as reasonably practicable.

VIII. Confidentiality

The College is committed to protecting the privacy of all parties involved in a report made under this policy, to the extent permitted by applicable law and subject to the College's reporting obligations as described below. The College will treat all reports with sensitivity, and reports, investigations, disciplinary proceedings, and any interim or supportive measures will be kept as confidential as possible, and shared only on a need-to-know basis. Information pertaining to reports made under this policy will be kept in a secure manner.

College's Reporting Obligations

The College's Department of Public Safety must keep a daily crime log to record all criminal incidents and alleged criminal incidents reported to the Department of Public Safety. Reports made pursuant to this policy may trigger the Department of Public Safety's responsibility to update the daily crime log. The daily crime log includes the date and time the crime was reported; the date and time the crime occurred; the nature of the crime; the general location of the crime; and the disposition of the report, if known. The daily crime log does not include personally identifiable information, and includes only enough information about the incident to identify the type of crime alleged or committed. The daily crime log for the most current 60 days is made available for public inspection during regular business hours, and daily crime logs older than 60 days are made available upon request.

The Department of Public Safety will also issue timely warnings regarding certain crimes which the College considers to represent a serious or continuing threat to students or employees. Certain reports made under this policy may result in the issuance of a timely warning. The Department of Public Safety will decide whether a timely warning is appropriate on a case-by-case basis depending upon various factors including but not limited to the nature of the crime, the continuing danger to the campus community, and the potential risk of compromising law enforcement efforts. The College will not release personally identifiable information regarding the victim in a timely warning. The College may, in appropriate circumstances, include personally identifiable information regarding an alleged perpetrator in a timely warning.

Reports made pursuant to this policy which involve Dating Violence, Domestic Violence, Sexual Assault, and Stalking will be included in the College's annual report of crime statistics in the College's Annual Security Report, which is made available to the public, and to the U.S. Department of Education, as required by law. Reports of crime statistics do not include any personally identifiable information.

Finally, the College reserves the right to notify law enforcement of reports made pursuant to this policy if the College determines that such notification is necessary to protect the health and safety of the College community or the public.

When the Report Involves a Victim Under 18 Years Old

In the event that a report made under this policy involves reasonably suspected or actual child abuse or neglect, all College employees who are mandated reporters pursuant to Policy #162, Community College of Philadelphia Child Abuse Reporting Policy, must report child abuse or neglect that they know about, see, or have reasonable cause to suspect first to the Pennsylvania Department of Public Welfare Child Line at (800) 932-0313, and then to the Director of Public Safety or his designee at (215) 751-8188 or childabusereport@ccp.edu, or, if the employee is unable or prefers not to contact the Director of Public Safety, to the Vice President for Business and Finance at (215) 751-8029.

IX. Investigation Procedures and Protocols

The College will take prompt and appropriate steps to investigate and remedy reports of violations of this policy. All reports will be investigated according to the following procedures and protocols. In all cases, the Title IX Coordinator will maintain oversight over the investigation/disciplinary

process. The parties will be promptly notified in writing of which office is responsible for conducting the investigation/disciplinary process, and provided with more detailed information regarding the applicable investigation/disciplinary procedures.

Student Perpetrators

If the alleged perpetrator is a student, the Judicial Affairs Officer, within the Office of the Dean of Students, will be responsible for investigating the report. The investigation and disciplinary process will be in compliance with the Student Code of Conduct.

Employee Perpetrators

If the alleged perpetrator is an employee, the Title IX Coordinator will investigate the report. The investigation and disciplinary process will be in accordance with the procedures set forth in the Anti-Discrimination and Harassment Policy, the Employee Handbook, and any applicable Collective Bargaining Agreement.

Third Party Perpetrators

If the alleged perpetrator is a third party, the Title IX Coordinator will investigate the report according to the procedures set forth in the Anti-Discrimination and Harassment Complaint Policy. Although the College will not be able to pursue disciplinary action against a third party perpetrator, the College will make reasonable efforts to assist the victim in other ways, including providing interim measures (including barring the third party from campus), and other support services to the victim.

Investigations may include:

- Conducting interviews with the victim, the alleged perpetrator, and any witnesses
- Reviewing student and/or personnel files
- Gathering and examining other relevant documents

In all cases:

- The College will conduct a prompt, thorough, equitable, and impartial investigation
- The College will determine:
 - whether or not the conduct occurred, using a preponderance of the evidence (more likely than not) standard; and
 - if the conduct occurred, what actions the College will take to remedy the conduct and prevent future conduct, which may include imposing sanctions on the alleged perpetrator and/or providing remedies for the victim.
- Both parties will have an equal opportunity to present relevant witnesses and other evidence.
- The College will seek to resolve all reports made pursuant to this policy within sixty calendar days whenever practicable. The parties will be advised when resolution is expected to take longer.
- To the extent permitted by law, both parties will receive simultaneous written notice of the outcome of the investigation and disciplinary process.

- The alleged perpetrator will be notified of the outcome and any sanctions imposed against him or her.
- The content of the victim notification may differ depending upon the report:
 - Sexual Assault, Dating Violence, Domestic Violence, Stalking: Victims will receive notice of the outcome of the report and any sanctions imposed upon the alleged perpetrator.
 - Sexual Misconduct that does not meet the definition of Sexual Assault: Victims will receive notice of the outcome of the report and notice of any sanctions imposed upon the alleged perpetrator to the extent those sanctions relate to the victim.
- Both parties will have equal opportunity to have an advisor of their choice present during any hearing regarding the report.
- Both parties will have equal rights to a prompt appeal, and receive simultaneous written notice regarding the outcome of any appeal.
- The College will take appropriate interim and remedial measures as necessary, including discipline for the alleged perpetrator.
- Although informal resolution procedures may be available to resolve certain reports, informal resolution procedures will never be appropriate for reports alleging Sexual Assault.

X. Retaliation

The College prohibits retaliation against any individual who makes or intends to make a report under this policy or participates or intends to participate in the investigatory or disciplinary process under this policy. Retaliation in violation of this policy will be subject to disciplinary action.

XI. False Reports

A report made under this policy which is later found to be knowingly or intentionally false or made maliciously without regard for truth may be subject to disciplinary action. Reports made in good faith, even if the allegations are not substantiated, will not be subject to discipline.

XII. Sanctions for Violating this Policy and Safe Harbor

Sanctions

Violations of this policy may result in disciplinary action, up to and including termination of an employee or expulsion of a student, subject to the relevant policies and procedures governing the disciplinary process applicable to the alleged perpetrator.

Safe Harbor

Notwithstanding the foregoing, a witness or victim of an incident of sexual misconduct who reports such incident in good faith will not be sanctioned by the College for admitting in the report to a violation of the College's Student Code of Conduct related to the use of drugs or alcohol.

XIII. Interim Measures

Interim measures are those services, accommodations, or other assistance that the College puts in place for victims after receiving notice of alleged Sexual Misconduct, Relationship Violence, or Stalking, pending the final outcome of any investigation/disciplinary process. Interim measures may be imposed for various reasons, including ensuring the safety of the parties or the College community at large; eliminating a hostile work environment; or protecting the integrity of the investigation and/or disciplinary process.

Interim measures are meant to ensure that the victim in a report under this policy continues to have adequate access to educational and/or work opportunities at the College, while also balancing the rights of the alleged perpetrator. The victim may request these measures from the office responsible for investigating the report, or the College may offer them on its own initiative when it deems them appropriate. The College will determine which interim measures are appropriate for a victim on a case-by-case basis. Potential interim measures include a "no contact" directive pending the outcome of the investigation, provision of a security escort to ensure the safety of the victim, or other interim measures the College deems reasonable and appropriate.

The College may make certain interim measures permanent measures to be applied even after the investigation and/or disciplinary process is complete, when appropriate under the circumstances.

XIV. Counseling, Advocacy, and Support

Individuals who have been victims of Sexual Misconduct, Relationship Violence, or Stalking may also seek other support services both on- and off-campus. Individuals seeking on-campus support services should be aware that all College employees are designated as Responsible Employees who must report allegations of violations of this policy to the Title IX Coordinator, therefore, they cannot guarantee confidentiality.

On-Campus Resources

Counseling Center - Main Campus, Bonnell Building, BG-07, (215) 751-8169 - Northeast Regional Center, Room 102, (267) 299-5980 - Northwest Regional Center, Room 102, (267) 299-5982 - West Regional Center, Room 132, (267) 299-5981	Women's Outreach and Advocacy Center Winnet Student Life Building, Room S1-19, (215) 751-8808	Center for Male Engagement Winnet Student Life Building, S1-05, (215) 751-8817
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Off-Campus Community Resources²

<i>Women Organized Against Rape</i> One Penn Center 1617 John F. Kennedy Blvd., Suite 800 Philadelphia, PA 19103 Hotline: (215) 985-3333 Office: (215) 985-3315	<i>Lutheran Settlement House Bilingual Domestic Violence Program</i> 1340 Frankford Avenue Philadelphia, PA 19125 For Counseling Services: (215) 426-8610, ext. 1236	<i>Pennsylvania Coalition Against Rape</i> 2101 North Front Street Governor's Plaza North, Building #2 Harrisburg, PA 17110 Hotline: 1-888-772-7227 Office: 1-800-692-7445
<i>Women Against Abuse</i> 100 South Broad Street, Suite 1341 Philadelphia, PA 19110 Hotline: 1-866-723-3014 Office: (215) 386-1280	<i>Philadelphia Domestic Violence Hotline</i> Dial: 1-866-723-3014	<i>Counseling services via the Employee Assistant Program (Employees Only)</i> Dial: 1-800-437-0911

XV. Enforcement and Training

The Title IX Coordinator is responsible for ensuring the enforcement of this policy, and for administering training regarding this policy, with the ultimate goal of raising awareness and preventing Sexual Misconduct, Relationship Violence, and Stalking within the College community. The Title IX Coordinator, in conjunction with the Office of the Dean of Students, the Department of Public Safety, and other departments as applicable, will conduct trainings for faculty, administrators, staff, and students

² The College is not affiliated with these community resources. This list may be subject to change. Contact the Title IX Coordinator or the Dean of Students for the most current information regarding available off-campus resources.

and otherwise serve as a resource for the College community regarding individual rights and responsibilities under this policy.

Appendix A

Relevant Definitions from 34 C.F.R. Part 668, Appendix A

Sex Offenses – any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

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 his/her age or because of his/her temporary or permanent mental incapacity.

Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape – the 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 the consent of the victim.

Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

Relevant Definitions from the Pennsylvania Crimes Code

18 Pa. Cons. Stat. Ann. § 2709.1 – Stalking

(a) **Offense defined.** – A person commits the crime of stalking when the person either:

- (1) Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

...

(f) **Definitions.** – As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Communicates.” To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

“Course of conduct.” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

“Emotional distress.” A temporary or permanent state of mental anguish.

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other person related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

18 Pa. Cons. Stat. Ann. § 3121 – Rape

(a) **Offense defined.** – A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.

...

- (c) **Rape of a child.** – A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.
- (d) **Rape of a child with serious bodily injury.** – A person commits the offense of a rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

18 Pa. Cons. Stat. Ann. § 3122.1 – Statutory Sexual Assault

(a) **Felony of the second degree.** – Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- a. Four years older but less than eight years older than the complainant; or
- b. Eight years older but less than 11 years older than the complainant.

(b) **Felony of the first degree.** – A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

18 Pa. Cons. Stat. Ann. § 3123 – Involuntary Deviate Sexual Intercourse

- (a) **Offense defined.** – A person commits a felony of the first degree when the person engaged in deviate sexual intercourse with a complainant:
- (1) By forcible compulsion;
 - (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
 - (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
 - (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
 - (5) Who suffers from a mental disability which renders him or her incapable of consent; or
 - (6) Deleted.
 - (7) Who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.
- (b) **Involuntary deviate sexual intercourse with a child.** – A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.
- (c) **Involuntary deviate sexual intercourse with a child with serious bodily injury.** – A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.
- ...
- (e) **Definition.** – As used in this section, the term “forcible compulsion” includes but is not limited to, compulsion resulting in another person’s death, whether the death occurred before, during or after the sexual intercourse.

18 Pa. Cons. Stat. Ann. § 3124.1 – Sexual Assault

Except as provided in section 3121 (rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant’s consent.

18 Pa. Cons. Stat. Ann. § 3125 – Aggravated Indecent Assault

- (a) **Offenses defined.** – Except as provided in section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person’s body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:
- (1) The person does so without the complainant’s consent;
 - (2) The person does so by forcible compulsion;

- (3) The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
 - (4) The complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
 - (5) The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
 - (6) The complainant suffers from a mental disability which renders him or her incapable of consent;
 - (7) The complainant is less than 13 years of age; or
 - (8) The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.
- (b) Aggravated indecent assault of a child. – A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

18 Pa. Cons. Stat. Ann. § 3126 – Indecent Assault

- (a) **Offense defined.** – A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:
- (1) The person does so without the complainant's consent;
 - (2) The person does so by forcible compulsion;
 - (3) The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
 - (4) The complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
 - (5) The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
 - (6) The complainant suffers from a mental disability, which renders the complainant incapable of consent;
 - (7) The complainant is less than 13 years of age; or
 - (8) The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

18 Pa. Cons. Stat. Ann. § 3127 – Indecent Exposure

- (a) **Offense defined.** – A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.