

Policy Against Title IX Sexual Harassment

Memorandum #359 - Policy Against Title IX Sexual Harassment

Effective Date: This policy is effective as of August 14, 2020.

Related Policies - Memorandum #357 Anti-Discrimination and Harassment Complaint Policy; Memorandum #358 Policy Against Sexual Misconduct, Relationship Violence, and Stalking Not Covered by Title IX)

I. INTRODUCTION

Community College of Philadelphia is committed to maintaining an academic and working environment free of unlawful discrimination and harassment. Under this policy, forms of discrimination or harassment based on sex will not be tolerated. This policy prohibits Title IX Sexual Harassment by or against any student, faculty, administrator, staff, employee, vendor, contractor, volunteer, or visitor to the College. Title IX Sexual Harassment includes Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence or Stalking. As set forth in this policy, the College will take all appropriate steps to prevent and respond to incidents of sexual harassment in a prompt and equitable manner.

Reports of Sexual Harassment that do not rise to the level of unwelcome verbal or physical conduct based on sex or of a sexual nature that does not rise to the level of sexual harassment under this policy may be covered by the College's Memorandum #357 Policy Against Sexual Misconduct, Relationship Violence and Stalking Not Covered by Title IX <https://myccp.online/college-policies-and-procedures/policy-against-sexual-misconduct-relationship-violence-and-stalking> , and/or the College's Memorandum #358 Anti-Discrimination and Harassment Complaint Policy (<https://myccp.online/college-policies-and-procedures/anti-discrimination-and-harassment-complaint-policy>).

This policy will:

- Define Title IX Sexual Harassment.
- Explain how to make a report of Title IX Sexual Harassment.
- Identify interim measures and support services available for Complainants or Respondents under this policy.
- Provide information on the Title IX process, including how reports made under this policy are equitably investigated and the hearing process.

II. POLICY

A. 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. Under this policy, the College has jurisdiction over reports of sexual harassment that takes place on all College property and at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs, to include any building owned or controlled by a student organization that is officially recognized by the College.

At the time of the filing of a formal complaint, the Complainant must be participating in or attempting to participate in the College's educational programming or activity. Students, employees, and third parties may file reports of sexual harassment, under this policy.

B. 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:

Leila E. Lawrence
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

C. Conduct Prohibited by this Policy

The following conduct is prohibited by this policy:

1. Sexual Harassment, defined as follows:

- a. **Sexual Assault:** Sexual assault includes any forcible or non-forcible sexual act directed against another person without the consent of said person, including instances where the person 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 determined by a reasonable person to be so severe, pervasive and objectively offensive it effectively denies a person's equal access to the College's education program or activity, 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 Complainant, and the Complainant 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, grades or any other aide, benefit or service of the College;
 - 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, social media, texts, notes telephone calls, facsimiles, e-mails, or other electronic communication;
 - Visual displays of inappropriate sexual images; and
 - Attempted or actual incidents of Sexual Assault, Sexual Violence, or any of the other conduct prohibited by this policy.
- c. **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 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 Commonwealth of Pennsylvania; 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 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:

- Fear for the person's safety or the safety of others; or
- 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.

D. Important Information Regarding Prohibited Conduct

1. 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.

2. 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 that occurs on College property or at any location, event or circumstance over which the College has substantial control over both the alleged Respondent and the context in which the conduct occurs.**

**Misconduct that occurs through the use of the above mediums and does not fall within the jurisdiction of this policy may still be investigated under the College’s Anti-Discrimination and Harassment Complaint Policy and Non-Title IX Policy Against Sexual Misconduct, Relationship Violence, and Stalking.

3. 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.

4. Retaliation

The College prohibits retaliation against any individual who makes or intends to make a report of sexual misconduct or Title IX sexual harassment 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.

5. 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.**

E. 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 and findings of hearing proceedings will only be shared in compliance with this policy. 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.

III. REPORTING VIOLATIONS OF THIS POLICY

Students, employees and third parties may file reports of violations of this policy with the Title IX Coordinator in person, by mail, telephone, or by email. They may also report violations of this policy to the Department of Public Safety or any other Person with Authority. The contact information for both offices is:

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

Department of Public Safety
Mint Building, Room MG-12
1700 Spring Garden Street
Philadelphia, PA 19130
(215) 751-8111 or X5555

Students, *only*, may file reports of violations of this policy with the Dean of Students. The contact information for the Dean of Students is:

Office of the Dean of Students
Winnet Student Life Building
Room S1-10
1700 Spring Garden Street
Philadelphia, PA 19130
Phone: (215) 751-8161
E-mail: judicial@ccp.edu

Complaints may also be filed with employees designated as “*Persons With Authority.*” *Persons With Authority* include the following College employees: President and Vice-Presidents; Deans and Associate Deans; Directors; Department Heads and Associate Department Heads; and Managers.

**Allegations of Sexual Assault, Relationship Violence, and Stalking will also be reported to the Director of Public Safety.*

A. 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 potential violations of this policy to an employee of the College that he, she or they trust. 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.

Persons With Authority have a heightened responsibility of ensuring compliance with this policy and are mandated to report any and all allegations of sexual harassment and sexual misconduct to the Title IX Coordinator. Persons With Authority 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. All other employees are “**Responsible Employees**” and are required to report to the Title IX Coordinator complaints of sexual harassment and/or misconduct, of which they become aware. The Title IX Coordinator will then address the report in accordance with this policy.

B. 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 Complainant, the Respondent, 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. (Link to complaint form)

C. 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.myccp.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.

D. Who May Report

Note that in addition to the filing of a report by a Complainant, 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 strongly 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.

E. Criminal Report

A Complainant who alleges to have been the victim of Sexual Assault, Relationship Violence, or Stalking also has the right to pursue criminal action against the Respondent, including seeking a protective order. Whether or not the Complainant chooses to seek criminal action is within the discretion of the Complainant. If requested by the Complainant, 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. **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.**

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.

F. False Report

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.

G. 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 alleged 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.

IV. INVESTIGATION AND HEARING PROCEDURES

The College will ensure that it takes steps to investigate and remedy reports of violations of this policy in a prompt and equitable manner. These steps include prompt contact with the Complainant by the Title IX Coordinator to explain the process for filing a formal complaint. If a formal complaint is filed, it will be promptly handled in accordance with the following procedures. In all cases, the Title IX Coordinator will maintain oversight over the investigation and disciplinary process. The parties will be promptly notified in writing of which office is responsible for conducting the investigation and disciplinary process, and will be provided with more detailed information regarding the applicable investigation and disciplinary procedures. If a complainant chooses not to file a formal complaint, the Title IX Coordinator will still advise the complainant of any available supportive measures.

A. Student Respondents

If the Respondent 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 accordance with this policy's Investigation and Hearing Procedures and Protocols.

B. Employee Respondents

If the Respondent is an employee, the Title IX Coordinator will investigate the report. The investigation and disciplinary process will be in accordance with this policy's Investigation and Hearing Procedures and Protocols, the Employee Handbook, and any applicable Collective Bargaining Agreement(s).

C. Third Party Respondents

If the Respondent is a third party, the Title IX Coordinator will determine if the College has jurisdiction to investigate the report under this policy, and if so, the College will investigate the report in accordance with the procedures set forth in this policy. Although the College will not be able to pursue disciplinary action against a third party Respondent, the College will make reasonable efforts to assist the Complainant in other ways, including providing interim measures (to include barring the third party from campus), and other support services to the Complainant.

D. Investigation Procedures:

1. Title IX Coordinator will promptly contact and explain the College's supportive measures to the Complainant.
2. Title IX Coordinator will explain the process for filing a formal complaint.
3. A review of the allegations by the Title IX Coordinator to determine whether they constitute prohibited conduct under this policy.
4. Should the review reveal the following, the report of sexual harassment will not be investigated pursuant to this policy**:
 - a. The allegations, if proven, do not constitute a violation of the conduct prohibited by the policy.

- b. The conduct did not occur on College property or at a location over which the College had substantial control of both the Respondent and the context in which the conduct occurred.
- c. The Complainant is not participating or attempting to participate in the College's educational programming or activity.
- d. The conduct occurred outside of the United States.

****Allegations not investigated under this policy may still be investigated as sexual harassment and/or sexual misconduct pursuant to the College's Anti-Discrimination and Harassment Complaint Policy and/or the Non-Title IX Policy Against Sexual Misconduct, Relationship Violence, and Stalking.**

- 5. Should the review reveal the following, the report of sexual harassment ***may not*** be investigated pursuant to this policy:
 - a. The Complainant withdraws the complaint in writing.
 - b. The Respondent is no longer enrolled or employed at the College.
 - c. Specific circumstances exist that prevent the College from investigating the complaint.
- 6. The College will take appropriate supportive measures as necessary.
- 7. Informal resolution procedures may be available to resolve reports of potential violations of this policy however:
 - a. It is only available when a formal complaint is filed;
 - b. The College cannot require the parties to participate in informal resolution;
 - c. Both parties must agree in writing to participate;
 - d. Either party may withdraw from the informal resolution process at any time prior to resolution; and
 - e. ***Informal resolution will never be appropriate for reports of violations of this policy when the Respondent is an employee of the College and the complainant is a student.***
- 8. Written notice of the process and/or informal resolution will be provided to the parties that a complaint pursuant to this policy has been filed. The notice will be sent simultaneously to both the Complainant and Respondent. The notice will include an explanation of the investigation process and information regarding the parties' right to an Advisor of their choice.** Complainants and Respondents may elect to

obtain an Advisor or have one provided to them by the College. The parties may or may not elect to have an attorney serve as the Advisor.

*****A list of Advisors provided by the College will be available in the Dean of Students Office, in the Title IX Coordinator's Office, in Human Resources, and as an attachment to this policy. Such list will be updated periodically by the College.***

9. Interviews with the Complainant, the Respondent and any witnesses.
10. Review of student and/or personnel files.
11. The collection and examination of other relevant documents. The burden of proof and responsibility for gathering evidence for investigations rests with the College and not the parties. Medical records for a party cannot be collected, accessed, considered, disclosed or otherwise used, unless the College obtains the voluntary, written consent of the party.
12. The College will conduct a prompt, thorough, equitable and impartial investigation and issue a comprehensive investigation report which fairly summarizes relevant evidence. Both parties will have an equal opportunity to review the gathered evidence at least 10-days before the investigation report is finalized, and an equal opportunity to submit written responses to the evidence. Both parties will also have an equal opportunity to review the finalized investigation report at least 10-days prior to the hearing and submit additional written responses to the investigation report.

E. Hearing Procedures:

1. The College will conduct a live hearing (either in-person or via video-conference) at which both parties will have an Advisor of their choice present the relevant evidence and conduct cross-examination of the parties and witnesses.
2. The College will seek to resolve all reports of violations of this policy within 90 calendar days, whenever practicable. The parties will be advised in writing when resolution is expected to take longer.
3. Both parties will receive simultaneous written notice of the outcome of the hearing and any disciplinary sanctions in the form of a written decision from the Hearing Officer conducting the hearing.

4. The written decision will include the following information:
 - a. The standard of evidence (preponderance of the evidence) used to review and analyze the evidence presented;
 - b. The facts that potentially constitute sexual harassment;
 - c. The procedural history of the process, to include all dates for notices to the parties, interviews and site visits, and methods for gathering evidence;
 - d. The findings of facts supporting the determination;
 - e. A separate written analysis of each allegation and the determination;
 - f. Disciplinary sanctions, if appropriate;
 - g. Whether the remedies to restore/preserve the Complainant's equal access to educational programming and/or activities will be provided to the Complainant by the College; and
 - h. Notice that both parties have the right to appeal the decision.
5. For hearings involving a Student as the Respondent the Hearing Officers shall be appointed in accordance with the Student Code of Conduct.
6. For hearings involving a Faculty or Staff member as the Respondent the Hearing Officer shall be appointed by the College's President.

F. Appeals:

1. Both parties have an equal right to a prompt appeal of the determination of the hearing or from a dismissal of a formal complaint of sexual harassment under this policy or any of the allegations therein.
2. Grounds for appeal include the following:
 - a. A procedural irregularity that affected the outcome of the investigation/ hearing.
 - b. The discovery of new evidence that was not reasonably available at the time of determination by the Hearing Officer or dismissal by the Title IX Coordinator.
 - c. A conflict of interest or bias with the Title IX Coordinator, Investigator or Hearing Officer, either generally or specifically that affected the outcome of the investigation or hearing.
3. Appeals involving a Student Respondent must be filed in accordance with the Student Code of Conduct in writing with the Dean of Students within

five (5) school weekdays of the notice of the outcome of the investigation.

4. Appeals involving an Employee Respondent must be filed with the College President in writing within five (5) working days of the notice of the outcome of the investigation.
5. Both parties will have a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.
6. The appeal officer will issue a written decision describing the result of the appeal and the rationale for the result.
7. Both parties will receive simultaneous written notice regarding the outcome of any appeal.

V. SANCTIONS FOR VIOLATING THIS POLICY AND SAFE HARBOR

A. 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 Respondent.

B. Safe Harbor

Notwithstanding the foregoing, a student witness or student victim of an incident of a violation of this policy 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.

VI. SUPPORTIVE MEASURES

Supportive measures are those non-disciplinary, non-punitive services, accommodations, or other assistance that the College puts in place for individuals after receiving notice of alleged violations of this policy, pending the final outcome of any investigation/hearing process, or when no formal complaint is filed. Supportive 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.

Supportive measures are meant to ensure that both parties involved in a report under this policy continues to have adequate access to educational and/or work opportunities at the College, without unreasonably burdening the other party. A party 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 supportive measures are appropriate on a case-by-case basis. Potential supportive measures include a “no contact” directive pending the outcome of the investigation, provision of a security escort, modifications of class schedules or deadlines, emergency removal** from the College’s education program and activity or other supportive measures the College deems reasonable and appropriate.

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

**Should the College determine that an emergency removal of the Respondent from the College’s education program or activity is appropriate (i.e., the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment), the College will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Individuals who have been victims of violations of this policy may also seek other supportive measures both on- and off-campus. Upon becoming aware of a report of a potential violation of this policy, the Title IX Coordinator must promptly contact the potential Complainant to discuss the availability of supportive measures, services, consider the Complainant’s wishes with respect to supportive measures, services, and inform the Complainant of the availability of supportive measures, services, with or without the filing of a formal complaint.

These supportive measures are available to both the potential Complainant and potential Respondent.

Individuals seeking on-campus support services should be aware that employees designated as Persons With Authority must report allegations of violations of this policy to the Title IX Coordinator. Therefore, they cannot guarantee confidentiality.

A. On-Campus Resources

1. 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

2. Women's Outreach and Advocacy Center
Winnet Student Life Building, Room S1-19, (215) 751-8808

3. Center for Male Engagement
Winnet Student Life Building, S1-05, (215) 751-8817

B. Off-Campus Community Resources**

1. Lutheran Settlement House Bilingual Domestic Violence Program
1340 Frankford Avenue, Philadelphia, PA 19125 - For Counseling Services:
(215) 426-8610, ext. 1236

2. Pennsylvania Coalition Against Rape
2101 North Front Street Governor's Plaza North, Building #2
Harrisburg, PA 17110 Hotline: 1-888-772-7227 Office: 1-800-692-7445

3. Women Organized Against Rape
One Penn Center, 1617 John F. Kennedy Blvd., Suite 800, Philadelphia,
PA 19103
Hotline: (215) 985-3333 Office: (215) 985-3315

4. Women Against Abuse
100 South Broad Street, Suite 134, Philadelphia, PA 19110
Hotline: 1-866-723-3014 Office: (215) 386-1280

5. Philadelphia Domestic Violence Hotline
Dial: 1-866-723-3014

6. Counseling services via the Employee Assistant Program (Employees Only)
Dial: 1-800-437-0911

**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.

VIII. EMERGENCY ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT, RELATIONSHIP VIOLENCE OR STALKING

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

A. 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.

B. Police Department

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

C. 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.

Main Campus

Hospital of the University of Pennsylvania
3400 Spruce Street
Philadelphia, PA 19104
(215) 662-4000

Pennsylvania Hospital
800 Spruce Street

Philadelphia, PA 19107
(215) 829-3000

Penn Presbyterian Medical Center
51 North 39th Street
Philadelphia, PA 19104
(215) 662-8215

Jefferson University Hospital
132 South 10th Street
Philadelphia, PA 19107
(215) 952-9130

West Regional Center

Penn Presbyterian Medical Center
51 North 39th Street
Philadelphia, PA 19104
(215) 662-8000

Mercy Philadelphia Hospital
501 South 54th Street
Philadelphia, PA 19143
(215) 748-9000

Northwest Regional Center

Einstein Medical Center - Philadelphia
5501 Old York Road
Philadelphia, PA 19141
(215) 456-7890

Northeast Regional Center

Aria - Jefferson Health Torresdale
Red Lion and Knights Road
Philadelphia, PA 19114
(215) 612-4000

IX. 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 Harassment, 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 and otherwise serve as a resource for the College community regarding individual rights and responsibilities under this policy. All materials for training pursuant to this policy can be found here ([link to training materials](#)).

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.