

# Policy Against Discriminatory and Sexual Harassment Including: Sexual Assault and Other Forms of Sexual Violence, Dating Violence, Domestic Violence and Stalking

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No member of the Allegheny College community should tolerate discriminatory or sexual harassment, sexual assault or other forms of sexual violence, dating violence, domestic violence or stalking. Allegheny College prohibits all forms of such conduct (defined more specifically below) by any member of the Allegheny College community or by any guest or visitor to Allegheny. Individuals experiencing, observing, or otherwise having information regarding any of these types of misconduct are urged to report the information immediately to one of the persons listed in Part IV below. If a hostile environment has been created, the College will take steps to end such an environment. The College takes all such reports seriously and will respond promptly.

## **PART I: STATEMENT OF POLICY**

All members of the Allegheny Community have a right to learn and work in an environment free from unlawful discrimination and harassing conduct, including sexual harassment. Allegheny College policy expressly prohibits discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, gender, gender identity, gender expression, age, religion, disability and other criteria protected by applicable law. Allegheny also prohibits discriminatory and sexual harassment, sexual assault and other forms of sexual violence, dating violence, domestic violence and stalking. The College is dedicated to furthering the potential of each member of its community through education and advocates a diverse community that is not hampered by intimidation, hostility, violence or other types of injurious or offensive behavior. As affirmed in the Statement of Community, members of the College community will respectfully confront and

proactively seek to prevent all forms of discriminatory and sexual harassment and sexual violence in the Allegheny College community, when it is safe to do so. In establishing this policy, the College's purposes include:

- 1) to make clear that no member of our College community shall be subject to any harassment, abuse or violence based on the individual's race, color, national origin, ethnicity, sex, sexual orientation, gender, gender identity, gender expression, age, religion, or disability;
- 2) to provide a means by which the entire College community can be made aware of the deep-seated, corrosive and sometimes hidden nature of racism, sexism, religious bigotry and other forms of group hatred; and
- 3) to set forth the processes available for reporting, investigating and resolving alleged instances of discriminatory and sexual harassment, sexual assault and other forms of sexual violence, dating violence, domestic violence and stalking. The College will respond promptly and appropriately to any form of alleged misconduct under this policy occurring in the College community.

Allegheny also affirms its commitment to the principles of free speech and inquiry. The legitimate exercise of these freedoms in our community does not include either the right to engage in abusive behavior toward others or to curtail the freedom of others to participate in a shared learning experience. Promoting a diverse environment free of discrimination, discriminatory harassment, and sexual harassment while supporting freedom of speech is not to be viewed as mutually exclusive; these values are to be considered in tandem when addressing incidents of alleged discriminatory harassment or sexual harassment.

## **PART II: DEFINITIONS**

- A. Discriminatory Harassment: Discriminatory harassment is defined as any verbal, physical, written or symbolic behavior that is directed at an identifiable individual or group and/or their property and is based on that individual's or group's membership (or perceived membership) in a particular demographic group, including race, color, religion, age, gender, gender identity, gender expression, national origin or ethnicity, mental or

physical disability, or sexual orientation, and interferes with a reasonable person's academic or work performance, creates an intimidating, hostile or offensive situation or environment for a person or that subjects a person to unwanted and unsolicited attention. Such behaviors include, but are not limited to, the use of slurs, epithets, name-calling, gestures, demeaning jokes, derogatory stereotypes, bullying, or conduct that may be physically threatening, harmful or humiliating or cause a person to feel unsafe. Examples of forms of discriminatory harassment are included in Appendix A of this policy.

- B. Sexual Harassment: For purposes of this policy, sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature. Sexual harassment may be found in a single episode as well as in persistent behavior. Sexual harassment also includes unwelcome sexual conduct when:
- a. such conduct has the purpose or effect of interfering with an individual's academic and/or work performance or of creating an intimidating, hostile, or offensive living, learning or working environment; or
  - b. submission to such conduct is made (explicitly or implicitly) a term or condition of an individual's employment or education; or submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual.
- C. Sexual Violence: Sexual violence is a form of sexual harassment and it includes rape, sexual assault, sexual battery, and sexual coercion. Sexual coercion is the act of using pressure or force to have sexual contact with someone who has already refused.
- D. Sexual Assault: Sexual assault is also a form of sexual harassment, and it includes any type of sexual activity perpetrated against a person's will, where that person does not give clear and voluntary consent or where the

person is incapable of giving consent due to drug or alcohol use or due to intellectual or other disabilities. Examples of sexual assault, sexual violence and other forms of sexual harassment are included in Appendix A.

- E. Dating Violence: Dating violence is violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.
  
- F. Domestic Violence: Pennsylvania law defines domestic violence as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in repetitive conduct toward a certain person (i.e. stalking) that puts them in fear of bodily injury. These acts can take place between family or household members, current or former spouses, sexual partners or those who share biological parenthood in order to qualify as domestic violence or abuse.
  
- G. Stalking: The term “stalking” means a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress. Cyber-stalking, or the repeated use of electronic communications to harass or cause fear, is also included in this definition.
  
- H. Consent: Sexual activity requires consent, which is defined as clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or otherwise, is necessary. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and individuals are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect. Consent

cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent. Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

- I. Incapacitation: The inability, temporarily or permanently, to give consent because someone is mentally and/or physically helpless, unconscious, or unaware due to drug or alcohol consumption (voluntarily or involuntarily), or for some other reason. Incapacitation means a person does not have the ability to give consent.
  
- J. Retaliation: Retaliation is treating someone differently because they in good faith made a report under this Policy or participated in/cooperated with an investigation of a complaint under this Policy and/or otherwise opposed conduct or practices prohibited by this Policy. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment, threatening, intimidating, or coercing the person, or otherwise discriminating against any person for exercising their rights or responsibilities under this policy. Retaliation under this policy may be found whether or not the complaint is ultimately found to have merit.
  
- K. Responsible Employee: A "responsible employee" for purposes of this policy includes all Allegheny College employees except the professional counselors in the College Counseling Center, professional staff in the

Winslow Health Center, and the College Chaplain and Catholic Campus Minister. Responsible employees have an obligation to promptly report incidents of sexual violence or other types of misconduct prohibited by this policy to the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Part IV below. The report should include all relevant details about the alleged incident that a student or another person has shared with the responsible employee, including the name of the alleged perpetrator (if known), the student or other member of the campus community who experienced the alleged misconduct, others involved in the incident as well as the date, time and location of the incident. Before a student reveals this type of information to a responsible employee, the responsible employee should make every effort to ensure that the student understands the employee's reporting obligation and the student's option to request that the College maintain his or her confidentiality (which request would be considered by the Title IX Coordinator), and the student's ability to share the information confidentially with certain individuals on campus or with off-campus sexual assault resource centers, advocates, and health care providers.

### **PART III: RIGHTS AND RESPONSIBILITIES UNDER THIS POLICY**

Members of the College community who are aware of conduct that violates this policy, whether they observe the conduct directly or otherwise learn about it, should report it to the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Part IV below. Responsible employees (as defined in Part II above) are obligated by this policy to report such conduct to assure that the matter is handled promptly and appropriately by trained personnel and that appropriate corrective and remedial actions may be taken as warranted, including interim measures. Violations of this policy can occur regardless of gender identity or sexual orientation. Although sexual harassment often involves a supervisory employment relationship or faculty/student relationship, it can also be committed by a student against a faculty member, by an employee against a supervisor, by a member of one's peer group (such as by a student against another student), or by a contractor, vendor or other visitor to the College. A hostile environment can

also be created by the actions of more than one person or a group. Every member of the Allegheny College Community has both rights and responsibilities under this policy. Since an educational institution depends on the free and open exchange of information and views, some of which may be controversial or even offensive, this policy is not intended to limit readings, discussions, or assignments in appropriate educational settings.

*Student Requests for Confidentiality*: Students reporting incidents of alleged sexual violence sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. In such cases, the Title IX Coordinator will inform the student that honoring the request may limit the College's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator, and will explain that this policy and the law include protections against retaliation. If the student still requests that their name not be disclosed to the alleged perpetrator or that the College not investigate or seek action against the alleged perpetrator, the Title IX Coordinator will determine whether or not the College can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the incident of alleged sexual violence.

When weighing a request for confidentiality, or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged respondent will commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual violence complaints about the same alleged respondent;
  - Whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged respondent threatened further sexual violence or other violence against the complainant or others;

- Whether the sexual violence was committed by multiple respondents;
- Whether the sexual violence was perpetrated with a weapon
- Whether the complainant is a minor
- Whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g.: security cameras or personnel, physical evidence)
- Whether the complainant's report reveals a pattern of perpetration (e.g.: via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors may lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the complainants request for confidentiality.

#### **PART IV: TITLE IX COORDINATOR AND DEPUTY COORDINATORS**

The Title IX Coordinator and Deputy Coordinators listed below are responsible for, among other things, overseeing reports and complaints brought forward under this policy to assure that these matters are handled appropriately and effectively, and for identifying and addressing patterns of misconduct and systemic problems. They also serve as resources available to anyone seeking additional information about the processes and procedures under this policy, about other resources that may be available to victims of misconduct covered by this policy, or who wish to file a complaint of an alleged violation of this policy.

Gilly Ford serves as Title IX Coordinator/EO Officer for Allegheny.

Email: [gford@allegheny.edu](mailto:gford@allegheny.edu)

Phone: (814) 332-3085

Office Address: 201 Bentley Hall

The following individuals serve as Deputy Title IX/EO Coordinators for purposes of this policy:



Jennifer Mangus, Director of Human Resources and EEO Officer  
Email: [jmangus@allegheny.edu](mailto:jmangus@allegheny.edu)  
Phone: (814) 332-2312  
Office Address: Bentley Hall

Mandy Prusia, Associate Director of Athletics and Recreation  
Email: [mprusia@allegheny.edu](mailto:mprusia@allegheny.edu)  
Phone: (814) 332-3367  
Office Address: Wise Center

The Title IX Coordinator and Deputy Coordinators listed above also coordinate the College's compliance efforts and carry out the College's responsibilities under this policy and under Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, as well as various other federal and state non-discrimination laws and regulations.

Inquiries may also be directed to the Office for Civil Rights of the U.S. Department of Education at (800) 421-3481 or by email at [OCR@ed.gov](mailto:OCR@ed.gov).

## **PART V: OPTIONS AND PROCESSES FOR RESOLUTION**

Any student, prospective student, employee, applicant for employment, or campus visitor who believes that they have been subjected to conduct in violation of this policy or who has observed, knows of, or suspects an occurrence of discriminatory or sexual harassment, sexual assault or other forms of sexual violence, dating violence, domestic violence, or stalking should immediately contact the Title IX Coordinator or one of the Deputy Title IX Coordinators listed above. Students who report being a victim of physical or sexual assault while intoxicated through voluntary or involuntary means will not be subject to disciplinary sanctioning by the College for an alcohol violation even if they are underage. Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of the College to take prompt and appropriate action regarding a complaint or report, including the ability to undertake appropriate interim measures. Although the College does not impose a limitations period for reviewing internal complaints of alleged violations of this policy, the College recognizes that to conduct a meaningful investigation and take prompt remedial action as appropriate, a timely report or complaint is important. Individuals who believe they have been subjected to alleged violations of this

policy will be informed about options for resolving potential violations. Those options include informal dispute resolution, referral to other college offices (where appropriate), and formal resolution pursuant to this policy. Certain forms of misconduct under this policy may constitute criminal conduct. Whether or not someone who has been subjected to such conduct chooses to pursue criminal charges externally, they have the right to pursue an internal complaint under this policy, regardless of the status of any external proceedings. Further, the College may have an obligation to pursue an investigation, make a complaint, and take corrective action directly even if a victim chooses not to pursue the matter internally at the College. See also Part III above, under the subheading “Students Requests for Confidentiality.” Students are also offered the opportunity to report to local law enforcement. For more information about reporting a matter to law enforcement, see Part VI – A, below.

#### A. INITIATION OF THE PROCESS

The Title IX Coordinator (or designee) will initiate the process under this policy by notifying the accused party (“respondent”) that a complaint has been filed against them and inform the respondent of the nature of the complaint, providing a written copy or a summary of the complaint to the respondent. The Title IX Coordinator (or Deputy Coordinator) shall explain to both parties the avenues for informal and formal action, including a description of the process and the relevant avenues of redress to the complainant and the respondent and provide each of them with a copy of this policy.

Interim Measures. During the pendency of an investigation or other proceedings under this policy, the College may be required to take reasonable and prudent interim measures to ensure equal access to its education programs and activities, to protect the parties, and/ or to safeguard the College community, including interim disciplinary measures if necessary and appropriate. In cases of alleged sexual violence, sexual assault, dating violence, domestic violence or other forms of sexual misconduct, the Title IX Coordinator will notify the complainant of their options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or their living, transportation, dining, and working situation as appropriate. In such cases, the Title IX Coordinator will also notify the complainant of available resources (such as counseling services, medical

and mental health services, victim advocacy services) and of the right to report a crime to local law enforcement

Confidentiality. The College will respect the wishes of the victim to maintain confidentiality to the greatest degree possible consistent with the College's legal obligations to take all reasonable steps to protect the welfare of the campus community and to otherwise comply with applicable law. See also Part III above under the subheading "Student Requests for Confidentiality."

#### B. INFORMAL RESOLUTION PROCESS

The College provides an informal resolution process when the parties desire to resolve the situation cooperatively. Informal resolution may include inquiries into the facts, but does not typically rise to the level of a formal investigation unless required by applicable law. The informal process, which is overseen by the Title IX Coordinator or a Deputy Coordinator, is designed to resolve complaints quickly, efficiently, and to the mutual satisfaction of all parties involved. Where circumstances allow, the informal process will be initiated as soon as possible after the filing of the complaint or receipt of a report of an alleged violation, absent any unusual circumstances. Informal resolution may include, but is not limited to, options such as meeting informally with the complainant and the respondent (individual or group representative) with the intent of bringing about resolution, meeting privately with the respondent and acting as intercessor, separation of the parties, referral of the parties to counseling programs, conducting educational and/or training programs, or other remedial measures. In cases where groups are involved, the Title IX Coordinator may require that one or two members of the group be authorized in writing to act on behalf of the group in the informal process; all members of the group would be bound by the terms of the informal process. Situations that are resolved through informal resolution are usually subject to follow up after a period of time. Steps taken by the Title IX Coordinator or a Deputy Title IX Coordinator to help the parties achieve informal resolution will be documented. Some reports of alleged violations of this policy may not be appropriate for informal resolution but may require a formal investigation at the discretion of the Title IX Coordinator. Both the complainant and the respondent have the right to bypass or end the informal complaint process at any time in order to begin the formal complaint process. (Note: The College does not use mediation as a form of informal resolution of alleged sexual

assault/sexual violence. The Office for Civil Rights of the U.S. Department of Education has taken the position that mediation is not an appropriate mechanism for resolution in such cases.)

#### C. PROCEDURES FOR FORMAL COMPLAINT PROCESS

If the allegation of a violation of this policy has not been resolved as a result of the informal process or is not suited for informal efforts, or if either the complainant or the respondent request to invoke the formal complaint process, the following process will be initiated. (The lodging and processing of a formal complaint does not preclude, however, the possibility of an informal resolution of the matter.)

In these cases, the individual making the complaint (the “complainant”) generally will be asked to provide a statement containing the name(s) and relevant allegations against a person (the “respondent”). Where the individual against whom an allegation is made is a student of Allegheny, cases will be handled through the process described for non-academic conduct in Section 5 of The Compass (unless in conflict with this policy,) which can be found at the following link: <http://sites.allegheny.edu/deanofstudents/student-handbook/>

In addition, the general principles described below in numbered paragraphs 1 through 13 shall also apply to student cases, including the “preponderance of evidence” standard in paragraph 8 below. Where the respondent is a faculty member or staff member, cases are handled through the process described below. Where the respondent has dual status or where there are multiple respondents with varying statuses, the College has discretion to determine whether to pursue the matter under the Code of Student Conduct or under the process described below. Where the respondent is a vendor/contractor or visitor, the College is not required to follow either the process described below or in the Code of Student Conduct. In such cases, the College reserves the right to take summary action.

The following general principles and procedures shall govern this process, to the extent consistent with the College’s legal obligations:

1. All persons concerned are to be treated with respect and impartiality.

2. Procedures are to be fair, both in substance and in perception, to all persons concerned and to the College community.
3. The Title IX Coordinator (or Deputy Coordinator) shall provide the respondent with a description of the primary facts of the allegation at the first meeting set to discuss the investigation.
4. The investigation of all formal complaints generally includes interviews of (i) the complainant, (ii) the respondent, and (iii) any witnesses as needed; and (iv) review of relevant documents as appropriate. Disclosure of facts to non-party witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.
5. Both the complainant and respondent will be given an equal opportunity to be heard, to provide a statement, documentation and other evidence, and to suggest the names of other persons who they believe might have relevant information. The complainant and respondent will be provided access (equally) to relevant information and documents once the investigative file is complete
6. At any time during the investigation, the Title IX Coordinator may recommend interim protections or remedies be provided by College officials. These protections and remedies may include (but are not limited to) separating the parties, placing limitations on contact between the parties, or making alternative workplace, housing, extracurricular or academic arrangements where reasonable and feasible. See also Section V, Part A regarding interim measures. Failure to comply with the terms of interim protections or remedies may be considered a separate violation of this policy.
7. The investigation shall be completed as promptly as possible and in most cases in less than 60 working days from receipt of the original complaint. However, some investigations may not be completed in this timeframe due to the nature and extent of the allegations or other extenuating circumstances. In the event the investigation cannot be completed within 60 days, the parties would be notified in writing.
8. After concluding the investigation, the Title IX Coordinator/Deputy Coordinator (or designee) will record findings and recommendations in a written report. In making findings, the “preponderance of the evidence” standard (i.e., more likely than not) will be used. The complainant and respondent will be informed that the investigation has

- been completed and will be given the opportunity to review the statements and any evidence collected as part of the investigation.
9. Following completion of the review described in paragraph 8, the Title IX Coordinator (or designee) shall recommend appropriate action in accordance with the provisions of this policy and other applicable College policies and procedures. In the case of a staff respondent, the written report of findings and the Title IX Coordinator's recommendations shall be submitted to the appropriate AEC member(s) for the department or unit where the complainant and respondent are located. Final decisions in cases where a staff employee is the respondent shall be made by the Executive Vice President. In cases where a faculty member or other instructional employee is the respondent, final decisions shall be made by the Provost. If the proposed action by the Provost includes dismissal of a faculty member, the matter will be referred to the process described in the Faculty Handbook under Termination for Cause. The decisions and recommended actions of the Executive Vice President and the Provost will be communicated in writing to the Title IX Coordinator and to the complainant and the respondent.
  10. Sanctions and corrective actions will be implemented on a case-by-case basis for violations of this policy, and they will be appropriate to the circumstances and gravity of the violation, and may range from personal coaching/counseling to an official warning, suspension, termination or expulsion. Possible sanctions for students include all of those listed in Section 6 of The Compass. The College will take appropriate steps to prevent recurrence of any violations of this policy and to remediate the effects on the complainant and the campus community, if appropriate.
  11. No person shall make an allegation that they know to be untrue or knowingly provide false information during the course of an investigation or other proceedings under this policy. Making a false complaint or knowingly giving false information is a violation of this policy and may be a basis for discipline.
  12. To the extent that appeals are provided for in any existing College processes that might come into play in connection with findings or the imposition of a recommended disciplinary sanction under this policy, it is understood that both the complainant and the respondent would have the right to appeal.

13. In student conduct cases, following the completion of the Community Standards Hearing, the Committee will prepare a written decision using the preponderance of evidence standard and stating the rationale for its decision.

**D. RECORDKEEPING**

Official records regarding all complaints filed under this policy will be securely and confidentially maintained by the Title IX Coordinator.

**E. RETALIATION IS PROHIBITED**

It is a violation of this policy for anyone (individual or group) to retaliate against anyone who makes a report or brings a complaint under this policy or who cooperates with or otherwise participates in the investigation or resolution of a complaint under this policy. This includes, but is not limited to, bullying and harassment through electronic media as well as in person. Allegheny College will take steps to prevent retaliation and will also take strong responsive action if the College finds that retaliation has occurred.

**PART VI: OTHER AVAILABLE ACTIONS AND RESOURCES**

**A. CONTACTING LAW ENFORCEMENT**

Certain forms of misconduct covered by this policy would also be a violation of criminal law. An individual has the option of filing a criminal complaint, and may do so with the Office of Public Safety, which is located in the Newton Observatory and can be reached by telephone at (814) 332-3357. The Office of Public Safety is open seven days per week, and 24 hours per day. A criminal complaint may also be lodged with the Meadville City Police, (814) 724-6100 or 911 (emergency). Notifying the Office of Public Safety of a violation of this policy will result in the Office of Public Safety contacting Meadville City Police; however, you are under no obligation to file a report with the Meadville City Police. Telling your experience to the Title IX Coordinator does not obligate you to report it to the police, nor does reporting it to the police obligate you to file a formal complaint under this policy —these are separate processes. College process and criminal process can occur simultaneously and occur independently. After filing a report with criminal law enforcement, the complaining party will meet with a representative of the Police Department and/or District Attorney's Office who will explain the criminal process and help the complainant decide whether to pursue criminal charges against the

alleged assailant. The District Attorney's office will also make the decision on whether there is enough evidence to pursue criminal charges. Please also see Appendix B for additional information on gathering/preserving evidence.

## B. OTHER CAMPUS RESOURCES

A number of on-campus and off-campus resources (some of which are listed below) are available to assist individuals who have been the victim of conduct prohibited by this policy. Confidential reporting means that you can talk with someone and they are not required by law to report any assault that may have already occurred. These confidential reporting options include clergy, physicians and licensed counselors.

Confidential reporting options on or nearby the Allegheny campus include:

- College Counseling Center, 304 Reis Hall, (814) 332-4368
- Winslow Health Center, Schultz Hall, (814) 332-4355
- Emergency Room-Meadville Medical Center, 751 Liberty Street, (814) 333-5500
- Meadville Crisis Line, (814) 724-2732
- College Chaplain, 101 Reis Hall, (814) 332-2800

Non-Confidential reporting options include:

- Inclusion, Diversity, Equity, Access & Social Justice (IDEAS) Center, (814)-332-2718
- Dean of Students Office, (814)-332-4356
- Title IX Coordinator and Deputies (814)-332-3085
- You can also report to any faculty or staff member with whom you are comfortable talking about the incident; however, that person will be required to make a report to the Title IX Coordinator
- Office of Public Safety – (814)-332-3357

### Seeking Assistance

1. If the incident caused physical injury, the victim should seek medical attention immediately, and should also preserve any evidence of the incident and injuries as the evidence may assist with the investigation and/or serve as proof of a crime. The following resources are available locally to assist victims of the types of misconduct encompassed by this policy:



- Winslow Health Center, Schultz Hall, (814) 332-4355
  - Emergency Room-Meadville Medical Center, 751 Liberty Street, (814)-333-5500
  - Meadville Crisis Line, (814)-724-2732
2. For assistance after regular business hours, the Office of Public Safety will coordinate emergency response efforts with on-call Student Life staff members and other campus personnel. See also the College's Campus Security Report, available on-line at <http://sites.alleghey.edu/publicsafety/>.
3. In addition to reporting the misconduct to the Title IX Coordinator or to one of the Deputy Title IX Coordinators as described in Part IV above (and/or to law enforcement), victims are also encouraged to take the following actions:
- Get to a safe place. This may mean simply getting away from the location of the incident, or seeking support from a friend, Residence Life staff member, or person with whom the victim is comfortable.
  - Seek medical attention. The victim's well-being is of primary concern. If the incident caused physical harm, the victim should seek medical attention immediately.  
See the list of local healthcare facilities above.
  - Preserve evidence. If the incident was a form of oral/verbal harassment, write the actual slur, joke, or comment on a sheet of paper. If it was written (for example, a flier or email message), preserve the written evidence. An individual who has been sexually or physically assaulted should do everything possible to preserve any evidence of the incident and injuries.
  - Seek support. The local rape crisis center is provided by Women's Services, Inc. [24 hour hotline: (814) 333-9766]. The victim can also speak to a counselor at a national center by calling the RAINN hotline [800-656-HOPE]. Telling someone is the first step to healing and will help the victim re-establish control of the situation. The Meadville Crisis Line (814) 724-2732 is an additional resource for support.

- If the sexual misconduct involved any type of physical contact, especially in the case of non-consensual sexual contact and/or non-consensual sexual intercourse, the victim should also consider the steps described in Appendix B to this policy.

## **PART VII. AWARENESS EDUCATION AND PREVENTION**

This policy will be published and disseminated to the entire College community, included in orientation materials for all new students, faculty, staff, and administrators, and made available through appropriate campus offices.

The Title IX Office and the Dean of Students Office in conjunction with other campus offices including but not limited to the Counseling Center, the Health Center, the Office of Residence Life, the Office of Human Resources, and the Office of Public Safety, provide education, awareness and prevention programs for the campus on relevant topics such as date/acquaintance rape, sexual assault prevention and response, and personal safety.

During New Student Orientation, information about date/acquaintance rape, and sexual assault education and prevention programming is offered to first year students. Sexual assault education, prevention and response training is provided regularly to the peer leaders (Resident and Community Advisors) in the Office of Residence Life. In addition, educational sessions and workshops will be conducted by the College's Title IX Coordinator and EEO Officer and other campus offices to 1) inform the campus about identifying conduct that would violate this policy, 2) advise members of the campus community about their rights and responsibilities under this policy, and 3) train College staff members who are most likely responsible for the implementation and administration of this policy, protocol, and standard reporting procedures.

In the fall of 2012, the College, in partnership with Women's Services, Inc. of Meadville, developed a Bystander Intervention training program. All first year students are required to attend a workshop to learn how to be an effective bystander.

As of Fall 2013, every first year student has been required to complete "Haven", an on-line sexual assault/sexual violence education and prevention tool.

Because the law pertaining to matters addressed in this document may evolve over time, this policy will be reviewed regularly and revised as needed.

## **APPENDIX A**

The following are examples (not intended to be exhaustive lists) of some of the types of conduct prohibited by this policy.

Examples of forms of Discriminatory Harassment:

- a) Discriminatory behavior that could discomfort, humiliate, demean or bully an individual or group. Such behaviors include physical violence, such as shoves or kicks, and statements and comments such as questions, jokes or anecdotes that are offensive to a person's or group's membership (or perceived membership) in a particular group, including race, color, religion, age, gender, gender identity, gender expression, national origin/ethnicity, mental or physical disability, or sexual orientation.
- b) Verbal insults: verbal communication which includes lewd or obscene remarks directed at a person or group because of their identities (or perceived identities), including race, color, religion, color, age, gender, gender identity, gender expression, national origin/ethnicity, mental or physical disability, or sexual orientation.
- c) Written insults: written or graphic communication that is similarly meant to harass an individual or group because of their membership or perceived membership in a particular demographic group. These insults may be in the form of written or electronic means, including printed posters or flyers, electronic mail, internet postings, facsimile documents, wireless communication or similar transmission.

Examples of forms of Sexual Assault and Sexual Violence:

- a) Non-consensual sexual contact: the intentional touching of another person's body in a sexual manner without his/her consent.
- b) Sexual exploitation: taking non-consensual sexual advantage of another for one's own benefit or to the benefit of anyone other than the one being

exploited. Examples include but are not limited to: videotaping sexual acts without consent of both partners; allowing others to observe sexual activities without the consent of both partners; endangering the health of another person by knowingly exposing him or her to an STI or HIV; inducing incapacitation of another, through encouragement to consume excess quantities of alcohol or giving the person alcohol or other drugs without his or her knowledge, with the purpose of having sex with the other person (this is exploitation regardless of whether sexual activity occurs; if the incapacitation results in unwanted sexual activity, it is a violation of multiple college policies).

- c) Non-consensual sexual intercourse: unwanted vaginal, oral, and/or anal intercourse using any part of the body or an object.
- d) Unwanted sexual contact with victim unable to give consent: taking non-consensual advantage of another when a person knew or reasonably should have known that the other person was unable to give consent due to voluntary or involuntary intoxication from drugs and/or alcohol.

Examples of other forms of Sexual Harassment:

- a) Sexist remarks and behavior: behavior that emphasizes the sexuality or the sexual identity of another person in an inappropriate manner or situation; a pattern of conduct (not legitimately related to the subject matter of a course, if one is involved) that could discomfort, humiliate, or demean an individual because of their sex. Behaviors include comments of a sexual nature or sexually explicit questions; sexually suggestive remarks; jokes or anecdotes; visual conduct such as leering at a person's body; displaying obscene materials in publicly shared spaces; and unwanted physical advances.
- b) Written insults of a sexual nature: written communication or graphic communication, including electronic communication, which offends or humiliates an individual or group based on sex.
- c) Unwelcome sexual advances or repeated requests for dating or other social engagements, with or without a promise of reward or punishment

(such as conditions of employment, promotion, work status, grades, or letters of recommendation) for compliance.

## **APPENDIX B**

If the sexual misconduct you experienced involved any type of physical contact, please consider the following steps:

1. Do not bathe, shower, douche, or change your clothes. If you have already done so, preserve evidence of the assault by placing clothing in a brown paper bag. Try to avoid eating, drinking, smoking, and urinating until you have sought medical care (although if you have already done these things, evidence can still be collected and it is still very important to receive medical care).
2. Seek medical care as soon as possible. Medical care is advised for many reasons - you may have a physical injury that you are unaware of, you can be tested and preventatively treated for sexually transmitted diseases, you can explore options for emergency contraception to prevent pregnancy, and evidence can be collected for crime prosecution by a Physical Evidence Recovery Kit (P.E.R.K.). The kind of evidence that supports a legal case against an assailant should be collected within 72 hours of an assault. Having a P.E.R.K. completed does not obligate you to follow through on criminal charges - it just offers you this option. You have the right to refuse the P.E.R.K., and even if you do consent to it, it does not commit you to following through with filing criminal charges against your assailant. However, if it is not collected, you will lose the opportunity for its use should you later decide to pursue criminal charges against the assailant.

You can expect the following:

- a) A physical exam, including an exam of the area violated (i.e. pelvic exam if vaginally penetrated, rectal exam if anally penetrated). Any bruises or other injuries will be evaluated.
- b) Blood work will be offered to test for STIs and HIV. Follow-up testing will be required for these as well (it can take several months for an infection to be detected). You will be offered antibiotics to prevent actual infection in case of exposure.

- c) If you suspect that you have been drugged, request urine testing for drugs. Testing for some drugs (such as the date rape drug, GHB) must be done within a short time frame (12 hours) while others are present for longer periods of time. If you are unable to seek medical care within a short time, collect your urine in a clean container with a tight fitting lid, place it in the refrigerator, and take it with you to the medical facility. The sample likely would not be usable for evidence in this situation, but you could find out for yourself if you had been drugged.
- d) If you are concerned about the possibility of pregnancy, emergency contraception (EC) may be a good option. EC is medication that works by preventing ovulation or fertilization, and may inhibit implantation. It is available at the ER, for purchase from pharmacies without a prescription, and from the Health Center.
- e) You have the right to ask any questions of the medical practitioner or to request a break whenever you need it. The process can be long (up to two hours), but this just means that the medical team is being thorough in making sure you are physically okay. The medical staff will advise you about follow-up treatment, but you can expect to be encouraged to seek follow-up care six weeks, six months, and twelve months after the attack. At these visits, you will be given follow-up tests for pregnancy, STIs and HIV. Follow-up visits can occur with your own physician, the Health Center, or Family Planning.
- f) You have the choice to either have your health insurance billed for your medical exam or have the payment made through the Pennsylvania Crime Victims Compensation Program. You should receive information on this program if you go to the Emergency Room. If you would like more information, contact the PA Victims Compensation Program (800-233-2339) or Women's Services, Inc. (hotline: 814-333-9766; office: 814-724-4637).
- g) The Emergency Room at Meadville Medical Center (751 Liberty Street, 814-333-5500) is a nearby healthcare facility where you can seek medical care. The hospital is required to contact the Meadville City Police when a sexual assault is reported to them, but this in no way obligates you to speak with

the officer or follow through on criminal charges. The Emergency Room will also call in an advocate from Women's Services, Inc. - the local rape crisis center. This person will simply provide as much support as you want. Transportation to the Emergency Room can be arranged through the Winslow Health Center, the Office of Public Safety or Residence Life. The P.E.R.K. can be collected at the Emergency Room of the Meadville Medical Center.

- h) The Winslow Health Center (Schultz Hall, 814-332-4355) or Family Planning Services (747 Terrace Street, 814-333-7088) can also provide a medical exam and testing. Family Planning and the Health Center can provide emergency contraception; neither can collect the P.E.R.K. (collected at the ER). Hours are more limited at these locations and neither is an emergency response center.

(Reviewed/Revised July 2017)