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I. **SCOPE**

This **Policy Prohibiting Sexual Misconduct, Relationship Violence, and Stalking** (“Policy”) applies to students, faculty, employees (union and non-union), volunteers, administrators, independent contractors, and visitors, including any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity at University.

II. **POLICY STATEMENT**

This Policy prohibits Sexual Misconduct, Relationship Violence, and Stalking (all of which such conduct is defined in Section IV below) of/against University community members of any gender, gender identity, gender expression, or sexual orientation.

This Policy is intended to:

- Provide the University community with a clear set of behavioral standards and prohibited conduct;
- Identify the Title IX Coordinator and Deputy Title IX Coordinators;
- Outline the University’s response to Sexual Misconduct, Relationship Violence, and Stalking;
- Outline where a University community member can obtain support and/or access resources confidentially, both on campus and in the greater community;
- Explain how and where a University community member can make a report to the University and/or to law enforcement; and,
- Direct community members to the grievance procedures applicable to resolution of reports of Sexual Misconduct, Relationship Violence, and Stalking. Such procedures outline how a report against a student or employee will be investigated, evaluated, and adjudicated by the University, as well as explain available appeal procedures.

This Policy is consistent with relevant governmental statutes and regulations, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, The Uniform Services Employment and Reemployment Rights Act, The Pennsylvania Human Relations Act, the Violence Against Women Reauthorization Act of 2013, and the Cheltenham Township Anti-Discrimination Ordinance.
III. POLICY

The University is committed to providing a learning and working environment that is free from all forms of discrimination and conduct that can be considered unreasonably harassing, coercive, or disruptive, including Sexual Harassment and/or Sexual Violence. The University will not tolerate Sexual Misconduct, Relationship Violence, and Stalking.

Sexual Misconduct, Relationship Violence, and Stalking pose a threat both to individual members of the University community and to the community collectively. Acts of Sexual Misconduct, Relationship Violence, and Stalking represent a fundamental failure to recognize and respect the intrinsic worth and dignity of other members of the community. Such acts are contrary to the values and standards of the University community and are against University policy. They may also constitute criminal conduct under local, state, or federal laws (or a combination thereof).

The University is committed to establishing clear and effective policy and procedures, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints of such conduct. These policies and procedures are intended to guide community members who have experienced or been affected by Sexual Misconduct, Relationship Violence, and/or Stalking.

The University is prepared to take all appropriate steps to prevent and respond to such behavior. Recognizing that each situation has its own characteristics, the University will respond promptly and equitably while tailoring the solution to best fit the situation. Sexual Misconduct, Relationship Violence, and Stalking encompass a broad spectrum of conduct, and the University will respond accordingly, considering both the severity of the alleged offense and the threat the conduct poses to the community.

Jurisdiction

The University has jurisdiction over complaints of Sexual Misconduct, Relationship Violence, and Stalking occurring on University property or at any University-sponsored off-campus program or activity (occurring either on or off campus). The University also has jurisdiction over any off-campus conduct (even if unrelated to a University-sponsored program or activity) that is likely to have a substantial effect on an individual University community member, on University life or activities, or that poses a threat of danger to any member of the University community.

Prohibited Conduct

The Conduct prohibited by the Policy includes:

1. Sexual Misconduct, including:
   a. Sexual Harassment
   b. Sexual Assault
   c. Sexual Violence

2. Relationship Violence, including:
   a. Domestic Violence
   b. Dating Violence

3. Stalking

4. Retaliation
IV. DEFINITIONS

The conduct prohibited by the Policy and important terms and concepts are defined as follows:

A. Alcohol and Other Drugs: In general, the University considers sexual contact while under the influence of alcohol and/or other drugs to be risky behavior. Alcohol and other drugs impair a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. From the perspective of the Complainant, the use of alcohol and/or other drugs can limit a person’s ability to give Consent knowingly and voluntarily. From the perspective of a Respondent, the use of alcohol and/or other drugs can create an atmosphere of confusion over whether Consent has been given knowingly and voluntarily. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent and amount of the ingestion of alcohol and/or other drugs by the Complainant or of the extent to which the use of alcohol and/or other drugs impacted a Complainant’s ability to give Consent. For example, an individual who is in a blackout may appear to act normally and be giving Consent but may not actually have conscious awareness, the ability to Consent, or later recall the events in question. The extent to which a person in this state affirmatively gives mutually understandable words and/or clear, unambiguous actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the person’s level of alcohol consumption and/or level of impairment must be evaluated in determining whether Consent has been given.

Being intoxicated or impaired by alcohol and/or other drugs is never an excuse for Sexual Harassment, Sexual Misconduct, or Sexual Violence and does not diminish one’s responsibility to obtain Consent.

B. Coercion: A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would not have submitted. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get Consent from another. A person’s words or conduct cannot amount to coercion unless they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. When an individual makes it clear that he/she/zi does not want to engage in sexual activity, that he/she/zi wants to stop, or that he/she/zi does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

C. Complainant: The alleged victim, in other words, the individual(s) who has experienced a possible instance of Sexual Misconduct, Relationship Violence, and/or Stalking, regardless of whether that individual makes a report or seeks formal disciplinary action. Note: As explained below, the University reserves the right to serve as Complainant and to initiate disciplinary proceedings in appropriate circumstances, even where the alleged victim does not wish to make a report or to proceed with disciplinary action him/herself.

D. Consent: Consent to engage in sexual activity must be informed, knowing and voluntary. It must exist from the beginning to end of each instance of sexual activity and to each form of sexual contact. Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. It is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. In the absence of an outward demonstration, Consent does not exist.

Guidance for Consent:
• Each participant in a sexual encounter must Consent to each act of sexual activity. Consent to one form of sexual activity does not constitute Consent to engage in all forms of sexual activity.
• Consent is active, not passive. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. Relying on non-verbal communication can lead to misunderstanding. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving Consent. When Consent is requested verbally, absence of any explicit verbal response constitutes lack of Consent. A verbal “no” constitutes lack of Consent, even if it sounds insincere or indecisive.
• Prior to engaging in sexual activity, each participant should ask himself or herself the question, “has the other person consented?” If the answer is “no” or “I’m not sure,” then the participant should recognize that Consent has not been demonstrated.
• If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.
• Either party may withdraw Consent at any time. Withdrawal of Consent must be outwardly demonstrated by words and/or actions that clearly indicate a desire to end sexual activity. Once withdrawal of Consent has been expressed, sexual activity must cease.
• A current or previous dating or sexual relationship, by itself, does not automatically give either initial or continued Consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
• Consent is not effective if it results from the use of physical force, threat of physical force, intimidation, coercion, incapacitation or any other factor that would eliminate an individual’s ability to exercise his/her/hir own free will to choose whether or not to have sexual contact.
• The responsibility of obtaining Consent rests with the individual who initiates the sexual activity. An individual who initiates sexual activity should be able to explain the basis for his/her/hir belief that Consent existed.

E. Force: Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom to choose whether or not to participate in sexual activity.

F. Incapacitation: An individual who is incapacitated cannot Consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give Consent, because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that the sexual activity is occurring. Incapacitation is when an individual lacks the ability to make informed, rational judgments to engage in sexual activity because he/she/zi lacks conscious knowledge of the nature of the act (e.g., to understand who, what, when, where, why or how of the sexual interaction.)

While Incapacitation may result from the use of alcohol and/or drugs, consumption of alcohol or other drugs alone is insufficient to establish Incapacitation. Where alcohol and/or other drugs (including prescription drugs) are involved, Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be approaching Incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol or other substance, combativeness, and/or emotional volatility.

Evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

• Decision making ability;
• Awareness of consequences;
• Ability to make informed judgments; or
• Capacity to appreciate the nature and quality of the act.
Evaluating Incapacitation also requires an assessment of whether a Respondent should have been aware of the Complainant’s Incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent’s position.

**G. Relationship Violence:** Includes both Domestic Violence and Dating Violence (as each term is further defined below).

1. **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse, by a person similarly situated to a spouse of the alleged victim under the domestic or family 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.

2. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party’s statement, taking into consideration the following factors: (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence, for purposes of this Policy, does not include emotional abuse.

While there is no distinct definition of “Domestic Violence” or “Dating Violence” under the Pennsylvania Crimes Code, it should be noted that if a criminal complaint were made to law enforcement outside of the University, the standard of probable cause set forth in Appendix B would apply to that criminal complaint.

**H. Reporter:** The individual reporting alleged conduct prohibited by this Policy. The Reporter may be the Complainant or any other person.

**I. Respondent:** The individual(s) who has been accused of Sexual Harassment, Sexual Violence, Sexual Assault, Intimate Partner Violence, Domestic Violence, Dating Violence, and/or Stalking.

**J. Responsible Employee:** Those people the University has designated as required to report instances of Sexual Misconduct, Relationship Violence and/or Stalking that they become aware of (see Section V. D for further description.

**K. Sexual Misconduct:** An umbrella term encompassing a range of behavior, including Sexual Assault, Sexual Exploitation, Sexual Harassment, and Sexual Violence (as each term is further defined below).

1. **Sexual Assault:** Having or attempting to have sexual intercourse or sexual contact with another individual without Consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or Coercion, where an individual does not Consent to the sexual act, or where an individual is incapacitated.

   *Relating to non-consensual sexual intercourse:* having or attempting to have sexual intercourse with another individual without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration involving genital-to-mouth contact.

   *Relating to non-consensual sexual contact:* having or attempting to have sexual contact with another individual without Consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one’s intimate parts, or disrobing or exposure of another for the purposes of sexual gratification, and without permission. Intimate parts may include the breasts, buttocks, mouth or any other part of the body that is touched in a sexual manner for the purpose of sexual gratification.
Sexual Assault is also prohibited by federal and Pennsylvania law. For purposes of this Policy, prohibited Sexual Assault includes: rape, statutory sexual assault, sexual assault, indecent assault, fondling, and incest, as defined by the FBI’s Uniform Crime Reporting Program (available at http://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-user-manual), or the Pennsylvania Criminal Code. Applicable definitions from the Uniform Crime Reporting Program and the Pennsylvania Criminal Code are provided in Appendix A to this Policy.

2. Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of Sexual Exploitation are prohibited even though the behavior does not constitute any of the other prohibited Sexual Misconduct. Examples include, but are not limited to:

- Observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity;
- Prostituting another individual;
- Exposing one’s genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without his/her/hir knowledge; and
- Inducing Incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

3. Sexual Harassment: Any unwelcome sexual advance, request for sexual favor(s), or other unwelcome verbal, nonverbal, graphic or physical conduct of a sexual nature when one of the following conditions is present: (1) submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or participation in social, co- or extra-curricular activities; OR (2) submission to or rejection of such conduct is used as the basis for decisions affecting the individual (i.e., quid pro quo); OR (3) such conduct is so severe or pervasive, or so objectively offensive, that it has the purpose or effect of unreasonably interfering with an individual’s work or academic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, or social environment. The purpose or effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

A single, isolated incident of Sexual Harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has or had an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
• May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
• May occur in the classroom, in the workplace, in residential settings, or in any other setting.
• May be a one-time event or can be part of a pattern of behavior.
• May be committed in the presence of others or when the parties are alone.
• May affect the Complainant, Reporter and/or third parties who witness or observe harassment.

4. Sexual Violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Sexual Violence includes Sexual Exploitation, as the term is defined above.

L. Retaliation: Act(s) or attempt(s) to act out or seek retribution against the Complainant, Reporter, Respondent, or any other individual or group of individuals involved in the investigation and/or resolution of an allegation of Sexual Misconduct, Relationship Violence, or Stalking. Any individual or group of individuals, not just a Respondent, Reporter or Complainant, can commit retaliation. Retaliation can take many forms, including continued harassment or violence, and/or other forms of harassment.

M. Stalking: a course (more than once) of unwelcome conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, and/or cause fear of harm or injury to that person. The feared harm or injury may be physical, emotional, or psychological, to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Examples include, but are not limited to:

• Unwelcome and repeated visual or physical proximity to a person;
• Repeated oral or written threats;
• Extortion of money or valuables;
• Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person;
• Unwelcome/unsolicited emails, instants messages, and messages on online bulletin boards;
• Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; and/or,
• Sending/posting unwelcome/unsolicited messages with another username.

Although the focus of this Policy is on gender-based Stalking, Stalking of any type is prohibited. Pennsylvania law also prohibits stalking. The applicable definition from the Pennsylvania Criminal Code, Title 18, is provided in Appendix C.

N. Third Party: Any other participant in the process, including a witness to the conduct, an individual who makes a report on behalf of another person, or an affected community member.

O. University: Arcadia University, its colleges, schools, affiliates, divisions and subsidiaries.

V. REPORTING, RESOURCES, AND PROCESSES

The University is committed to treating all members of the community with civility, dignity, empathy, and respect. Any individual affected by Sexual Misconduct, Relationship Violence, or Stalking, whether as a Complainant, a Reporter, a Respondent, or a Third Party, will have equal access to support services through the University. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. Accordingly, the University encourages any individual who has questions or concerns to seek the support of campus and/or community resources. These individuals can provide guidance in making decisions, information about available resources and procedural options, and assistance to any party
in the event that a report and/or resolution under this Policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. Emergency/Immediate Reporting Options

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of Sexual Misconduct, Relationship Violence, or Stalking. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The University will assist any University community member to get to a safe place and will provide coordination with law enforcement, information about the University’s resources and complaint processes, and transportation to the hospital.

Options for Contacting Law Enforcement

- **University Department of Public Safety**
  The Department of Public Safety is available 24-hours a day, year-round
  In an emergency, call 215-572-2999 or x2999 from any campus phone
  For all other calls, dial 215-572-2800 or x2800 from any campus phone

- **Cheltenham Township Police Department**
  Emergency: 911
  Phone: 215-885-1600
  Location: 8230 Old York Road, Elkins Park, PA 19027

Students may also request to speak with a Student Affairs Administrator on call. Call Public Safety at 215-572-2800 to be connected to the Student Affairs Administrator after hours or 215-572-2933 during academic year business hours. Employees may contact the Employee Assistance Program, Cigna Behavioral Health at 1-800-538-3543.

Options for Seeking Medical Attention

- **Abington Memorial Hospital**
  Phone: 215-481-2000 (24 hours a day, seven days a week)
  Location: 1200 Old York Road, Abington, PA 19001

A medical provider at Abington Memorial Hospital (AMH) can provide emergency and/or follow-up medical services and provide a forum to discuss any healthcare concerns related to the incident in a confidential medical setting. AMH can conduct a medical exam through a Sexual Assault Nurse Examiner (SANE). A medical exam will treat any injury or trauma and address concerns about sexually transmitted infections and pregnancy. If you choose to have a forensic medical exam, you should not bathe, douche, brush your teeth or hair, drink, eat, change your clothing or wash your bedding to preserve evidence. If you need to change your clothing, you should place them in a paper bag.

The University encourages individuals to bring a support person for accompaniment during the exam. Public Safety is also available to transport you to a medical exam.

There is a limited window of time (typically 72 to 96 hours) following an incident of Sexual Assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention at AMH and to gather any evidence will remain confidential and will preserve the full range of options to seek resolution through the
University’s complaint processes and/or criminal action. Additionally, in Pennsylvania, an individual can submit to a medical exam anonymously.

**Additional option for Students**

- **Student Health Services**
  Phone: 215-572-2966 or x2966 from any campus phone
  Location: Heinz Hall, Ground floor
  Academic Year Medical Staff hours: ([https://www.arcadia.edu/life-arcadia/campus-services/wellness-services/student-health-services](https://www.arcadia.edu/life-arcadia/campus-services/wellness-services/student-health-services))

Certified nurse practitioners, part-time physicians and secretarial support staff student Health Services (SHS). Students are assessed and treated for illness and injuries by nurse practitioners with physician consultation and referral when necessary. Sexual health information and/or counseling and birth control options are available through SHS.

SHS staff sees emergencies immediately during hours of operation. After-hour emergencies and those emergencies that cannot be handled at SHS are sent to area hospitals using private transportation or ambulance as necessary.

**B. Campus Support Resources**

University community members have access to a variety of resources provided by the University. All of the staff listed below are trained to support individuals affected by alleged Sexual Misconduct, Relationship Violence, and Stalking and to coordinate with the Title IX Coordinator consistent with the University’s commitment to a safe and healthy educational environment. **While not bound by confidentiality, these resources will maintain the privacy of an individual’s information within the limited circle of those involved in the disciplinary investigation and resolution process.** Please refer to the subsection of the Policy titled **Confidential Reporting Options** for information on how and where to access confidential resources.

The University Department of Public Safety is available 24-hours a day, year round. In an emergency dial 215-572-2999 or x2999 from any campus phone. For all other calls, dial 215-572-2800 or x2800 from any campus phone.

Campus Resources Available Monday through Friday 8:30 am to 5:00 pm:

**Title IX Coordinator**
Nora Nelle
(215) 517-2659
nellen@arcadia.edu
777 Limekiln Pike
Room 111, Suite 112
Glenside, PA 19038

**Dean of Students**
Andrew M. Goretsky
(215) 572-2934
goretsky@arcadia.edu
Kuch Center
450 S. Easton Road
Glenside, PA 19038
Assistant Vice President of Human Resources/Affirmative Action Officer
(215) 572-2790
782 Limekiln Pike
Glenside, PA 19038

Director of Public Safety
Ruth Evans
(215) 572-2187
evansr@arcadia.edu
Dilworth Hall
450 S. Easton Road
Glenside, PA 19038

Deputy Title IX Coordinator and
Associate Dean of Students
Dian Taylor-Alleyne
(215) 572-2932
taylor-alleyne@arcadia.edu
Kuch Center
450 S. Easton Road
Glenside, PA 19038

Deputy Title IX Coordinator and
Head Coach, Women’s Field Hockey & Lacrosse
Erin Livingston
(267) 620-4856
livingse@arcadia.edu
Kuch Center
450 S. Easton Road
Glenside, PA 19038

Deputy Title IX Coordinator and
Associate Dean for Institutional Diversity
Judith Dalton
(215) 572-4088
daltonj@arcadia.edu
Taylor Hall
450 S. Easton Road
Glenside, PA 19038

Deputy Title IX Coordinator and
Director of Student Services, The College of Global Studies
Tim Barton
(215) 572-4070
bartont@arcadia.edu
Larsen Hall
450 S. Easton Road
Glenside, PA 19038
C. Support Resources Off Campus

Students, faculty, and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on- or off-campus and should inquire of each resource as to the level of confidentiality it can provide.

Cheltenham Township Police Department (215) 885-1600

Abington Memorial Hospital (215) 481-2000 (24-hour dispatcher)
HIV/AIDS and Sexually Transmitted Infections (STI) Testing
Medical exam
Morning-after pregnancy prevention
Sexual Assault exam*
* These exams do not obligate you to file criminal charges. Evidence is stored by law enforcement to preserve the chain of evidence. Additionally, under Pennsylvania law, these exams can be submitted anonymously.

Pennsylvania Victims Compensation Assistance Program 1-800-233-2339
www.pccd.state.pa.us (click on “Victim Services” tab)

National Domestic Violence Hotline 1-800-799-SAFE (7223) OR 1-800-787-3224 (TTY)

Victim Services Center of Montgomery County, Inc. (888) 521-0983 (24-hour crisis line)
325 Swede St.
Norristown, PA 19401
(610) 277-0932
http://www.victimservicescenter.org/

Women Organized Against Rape (215) 985-3333 (24-hour Hotline)
One Penn Center
1617 JFK Boulevard, Suite 800
Philadelphia, PA 19103
(215) 985-3315

Religious and Spiritual Advisors
Rev. Beth Lyon (United Church of Christ) 215-887-1819
Pastor Henrik Sonntag (St. Paul’s Lutheran Church) 215-884-3005
Rabbi Saul Grife (Beth Tikvah-B’nai Jeshurun) 215-836-5677

D. On Campus Reporting

The University is committed to providing a variety of welcoming and accessible ways for community members to voice concerns about and report instances of alleged Sexual Misconduct, Relationship Violence,
and Stalking. Reporting an issue is the best way for the community to help an individual receive the resources, support, and accommodations available at and near the University, as well as to preserve pertinent information and tangible materials. Not only does reporting help the individual, communication about issues related to Sexual Misconduct, Relationship Violence, and Stalking can also help to prevent future occurrence of such issues. The information community members report can illuminate patterns of behavior, immediate threats to the safety of the community, and systemic issues.

At the time a report is made, a Complainant does not have to decide whether or not to request a formal resolution/disciplinary process. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. University officials will do everything possible to respect an individual’s autonomy in making these important decisions and to provide support that will assist each individual in making that determination. Unless there is an immediate threat to the community or a minor is involved, the Complainant will set the pace and make decisions about how best to proceed (including by not naming the other party/ies at the time of the report).

An individual who reports to the University that he/she/zi has been a victim of Sexual Misconduct, Relationship Violence, or Stalking, regardless of whether the offense occurred on or off campus, shall be provided with a written explanation of the his/her/hir rights and options, including: (1) procedures victims should follow if an incident of Sexual Misconduct, Relationship Violence, or Stalking has occurred; (2) notification about existing assistance and services available for victims; and (6) notification about options for accommodations for victims; (3) procedures for disciplinary proceedings in cases of Sexual Misconduct, Relationship Violence, and Stalking; (4) information about how the University will protect the confidentiality of victims; (5) the possible sanctions or protective measures that the University may impose following a final determination of a disciplinary proceeding regarding Sexual Misconduct, Relationship Violence, and Stalking.

**Statement Regarding Privacy**

The University is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct, Relationship Violence, and/or Stalking. In any report, investigation, or resolution of a report under this Policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation(s).

With limited exceptions, such as mandatory reports to law enforcement or compliance with lawfully issued process, the privacy of all parties will be respected and safeguarded. Information related to a report under this Policy will only be shared with those University employees who “need to know” in order to assist in the review, investigation, or resolution of the report. All University employees or others involved in the University’s Title IX response, including the Title IX Coordinator, the Deputy Title IX Coordinators, members of the Department of Public Safety, members of the Student Affairs team, investigators and adjudicators, receive specific training and guidance about safeguarding private information.

When responding to a report of misconduct under this Policy, the University will assess a Complainant's request for confidentiality consistent with the subsection titled Requests for Confidentiality below.

**Reporting to Responsible Employees**

The University recognizes that a Reporter may choose to report allegations of Sexual Misconduct, Relationship Violence, and/or Stalking to a trusted employee of the University. For example, a student may choose to confide in a resident advisor, a faculty member, or a coach. Similarly, an employee may choose to confide in a supervisor.

With the limited exceptions indicated in the subsection of this Policy titled Confidential Reporting Options, the University has designated all employees, including faculty, adjunct and visiting faculty, administrators, and staff as Responsible Employees. Students employed by the University are not considered Responsible
Employees unless they are resident advisors. If a Responsible Employee becomes aware of an alleged act of Sexual Misconduct, Relationship Violence, and/or Stalking, then he/she/zi must promptly contact the Title IX Coordinator or other member of the Title IX Team (the University’s Title IX Team is defined below) and report what he/she/zi knows. The Title IX Coordinator is specifically charged with coordinating an initial assessment of the report, initiating the investigation, and responding to allegations of Sexual Misconduct, Relationship Violence, and/or Stalking to stop the harassment, prevent its recurrence, and address its effects.

When a Responsible Employee believes that an individual may be about to report an alleged act of Sexual Misconduct, Relationship Violence, and/or Stalking, or an individual has already done so, the Responsible Employee should take prompt steps to advise the individual that the University will maintain the privacy of the information, but that the Responsible Employee cannot maintain complete confidentiality and is required to report the alleged conduct and to communicate the names of the parties involved, if revealed, to the Title IX Coordinator.

If the Reporter wishes to reveal information, or already has done so, but would like to remain anonymous, the Responsible Employee should inform the Reporter that his/her/hir name will be shared with the Title IX Coordinator but that the Title IX Coordinator typically will not automatically initiate a University investigation against the reporting individual’s wishes (or the Complainant’s wishes, if different). Please refer to the subsection of the Policy titled Requests for Confidentiality for information on how the University will weigh, and respond to, requests for confidentiality.

All University community members, even non-employees, are strongly encouraged to report information regarding any incident of Sexual Misconduct, Relationship Violence, and/or Stalking to a member of the Title IX Team.

Confidential Reporting Options

The University encourages all community members to make a prompt report of any alleged incident of Sexual Misconduct, Relationship Violence, and/or Stalking to local law enforcement and the University. The University recognizes, however, that not every individual is prepared to make a report to the University or to law enforcement. As such, the University offers the below confidential resources to students and employees.

These confidential resources will not report any information about an incident reported to them in their capacity as a professional/licensed counselor (as opposed to reports that may be made to them in their roles as administrators, faculty, or otherwise) to the Title IX Coordinator, or any other party, without the Reporter’s permission unless there is a possibility of harm to the Reporter or another person, or in cases of child or elder abuse, when Counseling Services staff are mandated to report certain information to the appropriate authorities.

Students

Students wishing to obtain confidential support or resources on campus, or to report information to a confidential location, are encouraged to contact University Counseling Services (USC). USC is staffed by counseling professionals who are bound by separate laws of confidentiality and will not share a report with other members of the University unless the reporting student wishes to do so or there is a legal exception that requires such additional reporting (for example, circumstances that give rise to an imminent safety concern or a report of child abuse or neglect).

University Counseling Services
(215) 572-2967 (from 8 am to 6 pm, Monday-Friday)
(215) 572-2999 (to be connected to Public Safety for after hours emergencies)
Heinz Hall, Ground Floor
Employees

Employees may receive confidential counseling services through the Employee Assistance Program. The Employee Assistance Program is handled through CIGNA Behavioral Health. For questions, please call 1-800-538-3543.

E. Responding to a Report: The Title IX Team

Title IX Coordinator and Deputy Coordinators

The University has appointed a Title IX Coordinator. This office is currently held by Nora Nelle. The Title IX Coordinator can be contacted by telephone, e-mail, or in person during regular office hours (8:30 am - 5:00 pm, Monday – Friday).

Nora Nelle  
Title IX Coordinator  
215-517-2659  
nellen@arcadia.edu  
777 Limekiln Pike, Room 111, Suite 112  
Glenside, PA 19038

The Title IX Coordinator oversees the University’s centralized review, investigation, and resolution of reports of Sexual Misconduct, Relationship Violence, and Stalking. The Coordinator also coordinates the University’s compliance with Title IX and VAWA.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of Sexual Misconduct, Relationship Violence, and/or Stalking;
- Knowledgeable and trained in relevant federal and state law and University policy and procedure;
- Available to advise any individual, including a Complainant, a Reporter, a Respondent, or a Third Party, about the courses of action available at the University, both informally and formally;
- Available to provide assistance to any University member regarding how to respond appropriately to reports of Sexual Misconduct, Relationship Violence, and/or Stalking; and,
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures.

The University has also designated several Deputy Title IX Coordinators, whose responsibilities are overseen by the Title IX Coordinator. Deputy Title IX Coordinators are also knowledgeable and trained on University policy and procedure, available to advise any individual about the courses of action available, and to assist any University member regarding how to respond to reports. Deputy Title IX Coordinators are available in the following offices:

Dian Taylor-Alleyne  
Associate Dean of Students  
215-572-2932; taylor-alleyne@arcadia.edu  
University Commons 202

Erin Livingston  
Head Coach, Women’s Field Hockey and Lacrosse  
267-620-4856; livingse@arcadia.edu  
Kuch Center 37
Judith Dalton  
Associate Dean for Institutional Diversity  
215-572-4088; daltonj@arcadia.edu  
Taylor Hall 110

Tim Barton  
Director of Student Services  
The College of Global Studies  
215-572-4070; bartont@arcadia.edu  
Larsen Hall

Maureen Gordon  
Director of Health, Safety & Security  
The College of Global Studies  
215-572-2822; Gordonm@arcadia.edu  
Larsen Hall

The Title IX Coordinator, working with the Title IX Team, will ensure that the University responds to all reports in a timely, effective, and consistent manner. The Title IX Team consists of the Title IX Coordinator, Deputy Title IX Coordinators, Dean of Students, or, if necessary, his or her Associate/Assistant Dean(s) (unless Respondent is a faculty or staff member), Director of Public Safety, and others as applicable, such as the Provost and the Chief Human Resources Officer, or their designees. The Title IX Team is charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim remedies and accommodations to support the individuals involved and to protect the University community. The University is committed to using a consistent and informed response to create a culture of respect and accountability. The Title IX Team is positioned to provide seamless support, assess individual and campus safety needs, and effectively respond to allegations of Sexual Misconduct, Relationship Violence, and Stalking.

Not every member of the Title IX Team is involved in every issue; only those who “need to know” attend to the issue at hand. Usually the team includes the Title IX Coordinator, Director of Public Safety and, depending on who Reporter/Complainant and Respondent are, one of the following: Dean of Students, Chief Human Resources Officer, and/or Provost.

The University will promptly review and respond to all reports of Sexual Misconduct, Relationship Violence, and Stalking in an integrated, consistent manner that treats everyone with dignity and respect. The University will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

Requests for Confidentiality

The University strongly supports a Complainant’s interest in confidentiality in cases involving Sexual Misconduct, Relationship Violence, or Stalking.

If a Complainant discloses an incident to a Responsible Employee but then requests that his/her/hir name or other identifiable information not be shared or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all community members, including the Complainant, and to afford a Respondent fundamental fairness by providing notice and an opportunity to respond before action is taken against a Respondent.
If the University determines that it can honor the request for confidentiality, a Complainant must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

When weighing a Complainant’s request for confidentiality or his/her/hir request 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 Respondent will commit additional acts of sexual or other violence, such as:
  - Whether there have been other Sexual Violence complaints about the same Respondent;
  - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the 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 University possesses other means to obtain relevant evidence of the Sexual Violence (e.g., security cameras or personnel, physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Although rare, there are times when the University may not be able to honor a Complainant’s request for confidentiality in order to provide a safe, non-discriminatory environment for all members of the University community. The presence of one or more of the above factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If, for example, the University has credible information that the Respondent has committed one or more prior acts of Sexual Violence, the balance of factors likely would compel the University to investigate the allegation and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the Complainant’s request for confidentiality.

If the University determines that it cannot maintain a Complainant’s confidentiality, the University will not require a Complainant to participate in any investigation or disciplinary proceeding against his/her/hir wishes. The University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response. The University will remain ever mindful of the Complainant’s well-being, and will take ongoing steps to protect the Complainant from retaliation and harm and work with the Complainant to create a safety plan.

The University is under a continuing obligation to address the issues of Sexual Misconduct campus-wide. All reports of Sexual Misconduct will prompt the University to consider broader remedial action, such as increased monitoring, supervision or security at locations where the reported Sexual Misconduct occurred; increasing education and prevention efforts, including to targeted groups; conducting climate assessments; and/or revisiting its policies and practices.

If the University determines that it can respect a Complainant’s request for confidentiality, the University will also take immediate action as necessary to protect and assist the Complainant, offering any appropriate and reasonable Interim Measures (as defined in section F below). The University will:

- Assist the Complainant in accessing available victim advocacy, academic support, counseling, disability, and health or mental health services;
- Provide other security and support, which could include helping arrange a change of living or working arrangements or course schedules or adjustments for assignments or tests; and
• Inform the Complainant of the right to report a crime to local law enforcement and provide the Complainant with assistance if the he/she/zi wishes to do so.

Reporting Considerations: Timeliness of Report, Location of Incident

Complainants, Reporters, and Third Parties are encouraged to report allegations of Sexual Misconduct, Relationship Violence, and Stalking as soon as possible in order to maximize the University’s ability to respond promptly and effectively. The University does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, the University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects.

Because Sexual Misconduct, Relationship Violence, and Stalking frequently involve interactions between persons that are not witnessed by others, reports of Sexual Misconduct, Relationship Violence, and Stalking cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting of Sexual Misconduct, Relationship Violence, and Stalking under this Policy. Complaints may be filed by students against any community member or group, including another student, a faculty member, or a staff member. Complaints may be filed by employees against any community member or group, including a student or another employee.

Coordination with Law Enforcement

The University encourages Complainants to pursue criminal action for incidents of alleged of Sexual Misconduct, Relationship Violence, and Stalking that may also be considered crimes under Pennsylvania criminal statutes. The University will assist the Reporter(s) or Complainant(s) in making a criminal report and will cooperate with law enforcement agencies if the Complainant(s) decides to pursue the criminal process to the extent permitted by law. Except where the Complainant(s) is/are younger than eighteen (18) years old, the University will respect the Complainant’s choice whether or not to report an incident to local law enforcement. The University and its members have a responsibility and duty to report suspected child abuse to the Pennsylvania Department of Human Services.

The University’s Policy, definitions, and burden of proof may differ from Pennsylvania criminal law.

A Complainant may seek resolution through the University’s grievance procedures, may pursue criminal action, may choose one but not the other, may choose both, or may choose not to pursue action in either process. Law enforcement’s investigation, decision to prosecute, and the outcome of any investigation and/or prosecution are not determinative of whether the University will take action against a Respondent and are not determinative of whether Sexual Misconduct, Relationship Violence, and Stalking, as defined in the Policy, occurred.

Proceedings under University grievance procedures for an alleged violation of the Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Amnesty for Alcohol and Other Drug Use

The University seeks to remove any barriers to reporting. The University will generally offer any student, whether the Complainant, Reporter or a third party, who reports allegations of Sexual Misconduct, Relationship Violence, and/or Stalking, limited immunity from being charged for policy violations related to the personal ingestion of alcohol and/or other drug use, provided that any such violation(s) did not, and do not, place the health and safety of any person at risk. The University may choose, however, to pursue educational interventions for those individuals.
**Bystander Intervention**

The University considers the welfare of students, faculty, and staff to be of paramount importance. The University recognizes that at times University community members, on and off campus, may need assistance. The University urges all community members to offer help and assistance to others in need and take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct or Relationship Violence. Taking action may include indirect or direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, and/or seeking assistance from a person in authority, such as faculty members, coaches, deans, Public Safety, or police.

**Statement Against Retaliation**

The University will not tolerate Retaliation in any form. The University recognizes that Retaliation can take many forms, it may be committed by or against an individual or a group, and that a Complainant, Reporter, Respondent, Third Party, and any employee charged with implementing University Procedures may also be the subject of retaliation by another individual. It is a violation of University Policy to retaliate in any way against a student or employee because he/she/zi raised allegations of Sexual Misconduct, Relationship Violence, and/or Stalking.

An individual reporting alleged Sexual Misconduct, Relationship Violence, or Stalking is entitled to protection from any form of Retaliation following a report that is made in good faith, even if the report is not later substantiated.

**False Reporting**

The University takes the validity of information very seriously, as a charge of Sexual Misconduct, Relationship Violence, and/or Stalking may have severe consequences. A Complainant or Reporter who makes a report that is later found to be intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the allegations in the report are not substantiated through an investigation and/or adjudication.

**Group Infractions**

When members of a group or organization, individuals acting collusively, or members of a club or team act in concert in violation of the Policy, they may be charged as a group, and a hearing may proceed against the group as joint Respondents.

**University as Complainant**

There may be circumstances when a Complainant chooses not to make a report to the College, does not wish to initiate disciplinary proceedings, or decides he/she/zi no longer wishes to participate in the investigative or disciplinary processes once they have commenced. In these situations--and where the underlying conduct is sufficiently serious or poses a threat to other members of the University community--the University reserves the right to step in the shoes of the Complainant and keep the process moving forward.

**F. Interim Measures, Remedies & Accommodations**

**Overview**

Upon receipt of a report of Sexual Misconduct, Relationship Violence, or Stalking, the University will impose interim measures when reasonable and appropriate. Interim measures will be considered in every case,
although they may not be implemented in every case. Interim measures may be imposed regardless of whether formal resolution/disciplinary action is sought by the Complainant or the University.

A Reporter, Complainant, or Respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion for any or all of the following reasons: to eliminate a hostile environment, to ensure the safety of one or more parties, to preserve the status quo while an investigation commences, to ensure the safety of the broader University community, and/or to protect the integrity of the investigatory and/or disciplinary process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed as an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure.

**Range of Interim Measures and Accommodations**

Interim measures will be implemented at the discretion of the University when reasonable and appropriate. Potential remedies and accommodations that may be applied and/or available to the Reporter, Complainant and/or the Respondent include:

As to students:
- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of a University no-contact directive
- Rescheduling of exams and assignments
- Providing alternative course completion options
- A change in class schedule or transferring sections, including the ability to drop a course without penalty and, when possible, without any impact on financial aid
- A change in student’s University housing assignment
- Assistance from University staff in completing University housing relocation
- Financial aid related services
- Limiting an individual or organization’s access to certain University facilities or activities pending resolution of the matter
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- An interim suspension pending the outcome of a conduct hearing
- Any other interim measure or accommodation which can be tailored to the involved individuals to achieve the goals of this Policy

As to employees:
- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- A change of office space
- A change in work schedule or job assignment
- Limiting an individual or organization’s access to certain University facilities or activities pending resolution of the matter
- A voluntary leave of absence
- Any other interim measure or accommodation which can be tailored to the involved individuals to achieve the goals of this Policy

**Interim Suspension or Leave**

Where the alleged Sexual Misconduct, Relationship Violence, or Stalking poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the campus community, the University may place an
individual student or employee or an organization on interim suspension/leave pending the outcome of a disciplinary hearing. This means pending resolution of the matter, the individual or organization may be denied access to campus or otherwise stripped of University privileges. During interim suspension/leave, a student, employee or group typically may not continue his/her/hir/its coursework, duties of employment, or other activities unless otherwise noted in the interim suspension/leave letter. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and hearing (but not appeal), where a hearing is required, within an expedited time frame.

G. University Disciplinary Process for Alleged Sexual Misconduct, Relationship Violence and Stalking

As noted above, any individual who believes that he/she/zi has been subjected to Sexual Misconduct, Relationship Violence, or Stalking may choose to (a) participate in both the University disciplinary process and an outside law enforcement process; (b) the University process only; (c) the outside law enforcement process only; or (d) none of the above.

Complaints involving student, faculty, staff, or administrator Respondents will be resolved pursuant to the University’s Procedures for Resolution of Complaints of Sexual Misconduct, Relationship Violence and Stalking.

For complaints where the Respondent is an individual unaffiliated with the University, although the University cannot pursue disciplinary action against the Respondent, the University can assist the Complainant in many ways, including, but not limited to, ensuring that the Complainant receives appropriate medical care, offering interim and remedial accommodations; coordinating reporting and follow-up with outside law enforcement; and providing support during off-campus proceedings.

VI. EFFECTIVE DATE

This Policy shall be effective on the date signed below.

Annual Review

The Provost and Vice President for Academic Affairs and the Title IX Coordinator will review this Policy on an annual basis, typically during summer recess, in order to capture evolving legal requirements and improve the delivery of service based on a review of experience each academic year.

VII. SIGNATURE, TITLE AND DATE OF APPROVAL

BY: __________________________________________
President

Date: ________________________________________
APPENDIX A

In addition to the Prohibited Conduct defined in Section IV of the Policy, the conduct defined in this Appendix is prohibited by the Policy as a form of Sexual Assault. Each of the following definitions is therefore applicable to the Policy.

Sexual Assault Pursuant to the FBI’s Uniform Crime Reporting Program
Each of the following definitions and section numbers is pulled directly from the Criminal Justice Information Services Uniform Crime Reporting Program National Incident-Based Reporting System User Manual (available at https://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-user-manual). The pertinent definitions are:

11A Rape (except Statutory Rape)
The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Agencies should classify the crime as rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, agencies should classify the crime as statutory rape.

This offense includes the rape of both males and females as long as at least one of the offenders is the opposite sex of the victim. Black’s Law Dictionary, 6th ed., defines carnal knowledge as “the act of a man having sexual bodily connections with a woman; sexual intercourse.” There is carnal knowledge if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

In cases where several offenders rape one person, the responding agency should count one Rape (for one victim) and report separate offender information for each offender.

11D 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 or physical incapacity.

Because there is no penetration in fondling, this offense will not convert to the SRS as Rape.

36A Incest
Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

36B Statutory Rape
Nonforcible sexual intercourse with a person who is under the statutory age of consent. If the offender used or threatened the use of force or the victim was incapable of giving consent because of his/her youth or mental impairment, either temporary or permanent, law enforcement should classify the offense as Rape, not Statutory Rape.

Sexual Assault Under Pennsylvania Crimes Code
Each of the following definitions is pulled directly from Title 18 of the Pennsylvania Crimes Code; the section number (e.g., § 3121, § 3122, etc.) is also pulled directly from the Pennsylvania Crimes Code. The pertinent definitions are:

§ 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.

(b) 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.

(c) Rape of a child with serious bodily injury.--A person commits the offense of 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.

Link: http://www.legis.state.pa.us/cfdocs/legis/LJ/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=21&subsctn=0

§ 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:

(1) four years older but less than eight years older than the complainant; or

(2) 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.

Link: http://www.legis.state.pa.us/cfdocs/legis/LJ/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=22&subsctn=1

§ 3123. Involuntary deviate sexual intercourse.

(a) Offense defined.--A person commits a felony of the first degree when the person engages 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 by amendment).

(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.

Link: http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=23&subsctn=0

§ 3124.1. Sexual assault.

Except as provided in section 3121 (relating to 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.

Link: http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=24&subsctn=1

§ 3125. Aggravated indecent assault.

(a) Offenses defined.--Except as provided in sections 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.

Link: http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.031..HTM

§ 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.

Link:
http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=26&subsctn=0

§ 4302. Incest.

(a) General rule - Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.

(b) Incest of a minor - A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and:

(1) Is under the age of 13 years; or
(2) Is 13 to 18 years of age and the person is four or more years older than the complainant.

(c) Relationships - The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

Link:
http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=43&sctn=2&subsctn=0
APPENDIX B

Standard for Probable Cause under Pennsylvania Crimes Code

While there is no distinct definition of “Domestic Violence” under the Pennsylvania Crimes Code, it should be noted that if a criminal complaint is made to law enforcement outside of the University, the following standard of probable cause will apply. NOTE: This is being provided for informational purposes only. This standard is different from the procedures that apply to on campus disciplinary matters, as set forth in the Policy Prohibiting Sexual Misconduct, Relationship Violence, and Stalking.

§ 2711. Probable cause arrests in domestic violence cases.

(a) General rule.--A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term “family or household member” has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

Link:
http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=27&scin=11&subscin=0
In addition to the definitions identified above in Section III, the following definitions are applicable to this Policy. The conduct described below is prohibited by this Policy as a form of Stalking.

This definition is pulled directly from Title 18 of the Pennsylvania Crimes Code, section 2709.1.

§ 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.

(b) Venue -

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct that 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.

(c) 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 persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Link: 
http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&c hpt=27&sctn=9&subsectn=1