

Sexual Harassment and Sexual Assault Policy and Response Protocol

Disclaimer:

Effective July 1, 2011, Allegheny College has moved to an online standard process for reporting discriminatory harassment and/or hate crimes and sexual harassment and/or sexual assault. Please visit the Office of Institutional Diversity, Equity and Access website at <http://sites.allegheny.edu/idea/> to review the online reporting process and directions to complete the form.

IDEA, Dean of the College, Dean of Students, and Human Resources works with Allegheny faculty, staff, and students who believe they may have been subjected to unfair or inequitable treatment for any reason. Each office seeks to address discriminatory and sexual harassment, including but not limited to discrimination on the basis of considerations prohibited by law or official College policy. We assist individuals who believe they may have been harassed or treated differently than others in the same situation.

PART I. INTRODUCTION

Allegheny College has a no-tolerance policy toward any type of racism, sexism, religious bigotry or other form of hatred, such as insidious discrimination based on sexual orientation, gender identity or gender expression. Allegheny is dedicated to furthering the potential of each member of its community through education and will confront and respond to all forms of sexual harassment and/or sexual assault. We advocate a diverse community that is not hampered by intimidation, hostility, or other types of offensive behavior.

Sexual harassment, which includes sexual assault as well as other gender-biased behavior, limits the individual's options, experience, and opportunity for full achievement. Allegheny College prohibits sexual harassment and assault of or by members of the College community, guests or visitors to the community and all applicants for admission to or employment by the College. Sexual harassment violates, among other things, College policy, Title VII of the Civil Rights Act of 1964 as amended (when the context of harassment is within an employment relationship), and/or Title IX of the Education Amendments of 1972 (when the context of the harassment is within an educational relationship).

Allegheny 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 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 harassment. Consistent with the *Statement of Community*, members of the College will respectfully confront conduct inconsistent with this policy.

The reality for Allegheny students and employees is that sexual harassment and/or sexual assault can occur in their living communities, in their classrooms, at co-curricular activities, in employment situations, and at off-campus College-related activities. The College has policies, procedures and protocols in place to respond to different kinds of incidents, enabling the College to attend to the health and safety of students, manage individual complaints or grievances, and adjudicate possible violations of the College's policies. Violations of College policy may also constitute infractions of civil and criminal law.

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PART II. DEFINITIONS

A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- 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 situation or environment; or
- 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.

Whether a specific act does in fact constitute sexual harassment must be determined on a case-by-case basis in the light of all relevant circumstances, including the nature of the alleged incident, the effect on the individual to whom the behavior is directed, and the context in which it occurred. This policy recognizes that sexual harassment may occur when one person has sanctioned authority over another person (e.g. faculty-student, administrator-staff, etc.) or between persons of the same College status (e.g., student-student, faculty-faculty, administrator-administrator, staff-staff). 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.

B. Sexual assault and abuse¹ is any type of sexual activity that you do not agree to. It can be verbal, visual, or anything that forces a person to join in unwanted sexual contact or attention. It can happen in different situations, by a stranger in an isolated place, on a date, or (in the home) where you live by someone you know. (*Source: U.S. Department of Health & Human Services*).

C. Sexual violence is a form of Sexual Harassment. Sexual violence 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.

PART III. REPORTING PROTOCOL

A. Immediate Actions/Steps

Regardless of when, where, or how it occurs, individuals or groups who are targets of sexual harassment and/or sexual assault are encouraged to take the following action.

1. Get to a safe place. This may mean simply getting away from the location of the incident, or seeking support from a friend, person with whom you are comfortable, or a Resident Assistant (RA) on duty or the on-call Residence Life staff member through Security (814) 332-3357.
2. If you believe you are a victim of some form of sexual harassment and/or sexual assault, there are several options available to guide you through all or any steps of this process. Any affected parties may contact the Sexual Harassment Officer. Self-blame is common in any type of sexual harassment, but remember, sexual harassment and assault are never the victim's fault!

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- Students: Sexual Harassment Officer (814) 332-4356
Counseling Center (814) 332-4368
Winslow Health Center (814) 332-4355
 - Faculty: Dean of the College (814) 332-3393
 - Staff: Office of Human Resources (814) 332-2312
 - Visitors: Safety and Security Office (814) 332-3357
 - After Hours: Safety and Security will coordinate emergency response efforts with on-call Student Life staff members and other campus personnel.
3. Additional campus offices may be contacted in case of sexual harassment and/or sexual assault:
- Chief Diversity Officer/EEO Officer (814) 332-2777
 - Office of Diversity Affairs (814) 332-3332
 - Office of Spiritual and Religious Life (814) 332-2800
4. Seek support. The local rape crisis center is provided by Women's Services, Inc. [24 hour hotline: (814) 333-9766]. You 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 you re-establish control of the situation. Additional community resources are listed below:
- Emergency Room-Meadville Medical Center (814) 333-5500
 - Meadville City Police (814) 724-6100 or 911 [emergency]
 - Meadville Crisis Line (814) 724-2732
5. Report the assault. Reporting the crime can be the start of a formal or legal process, but it does not obligate you to follow through on criminal charges. This can be the start of regaining control of the situation, seeking some type of justice, and/or helping to prevent others from becoming victims of your attacker.
- To the Meadville City Police (911)
The police will take a statement from you about what happened. You can have a support person or advocate with you when you speak with the police. This support person can be a friend, an RA, a family member, a professional staff member (such as the Sexual Harassment Officer) or an advocate from Women's Services Inc. Expect to answer a number of questions, often more than once. This can be a difficult task, but telling your story can help you in your healing process.
 - After filing a report, you will meet with a representative of the District Attorney's Office. He/she will explain the legal process and help you decide whether to pursue criminal charges against your assailant. This office will also make the decision on whether there is enough evidence to file criminal charges against the assailant. This can be a challenging process; it can be helpful to have a support person with you from the College or Women's Services, Inc.
6. Protocols for filing informal and formal complaints are outlined in Part III, Sections C and D of this policy.

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Allegheny College recognizes its right and responsibility to respond to sexual harassment and/or sexual assault crimes. Therefore, any complaint alleging a violation of the College's policy by students, faculty, administrators, staff, or campus visitors will be investigated by those entrusted to carry out the College's policy. The College will respect the wishes of the victim to maintain confidentiality to the greatest degree possible. However, there are special circumstances in which the College must investigate and report on certain matters.

If the victim of sexual assault is a student, assistance may be offered in changing academic and living situations after an alleged assault incident if so requested by the victim and if such changes are reasonably available.

B. Other Actions/Steps

If the sexual harassment you have experienced involves any type of physical contact, especially in the case of non-consensual sexual contact and/or non-consensual sexual intercourse, please consider the following steps, in addition to those listed above in Section A:

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
 - 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 attacker. 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

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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 would not be usable for evidence in this situation, but you would find out for yourself if you were 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 for purchase from a pharmacist (at a pharmacy) without a prescription, and at 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), Women's Services (hotline: 814-333-9766; office: 814-724-4637) or the Sexual Harassment Officer (814-332- 4356).
- g. The Emergency Room at Meadville Medical Center (751 Liberty Street; 814-333-5500) is a nearby health facility where you can seek medical care. Please be advised that they are required to contact the Meadville 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 - 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 Health Center, Security, Residence Life, or the Sexual Harassment Officer, The P.E.R.K. can be collected at the Emergency Room of the Meadville Medical Center.
- h. The Winslow Heath Center (Schultz Hall, 814-332-4355) or Family Planning Services (747 Terrace Street, 814-333-7088) can 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.

C. Informal Complaint and Resolution Procedures

Reporting sexual harassment and/or sexual assault crimes is important. For the welfare of individuals and our College community, it is critical that anyone who believes they have experienced or observed offensive behaviors or acts should report it.

For assistance and support in reporting sexual harassment and/or sexual assault, individuals are strongly encouraged to talk to a professional staff member at the College from the list of offices in Section A, Items 2 and 3 (additional community resources are listed in Section A, Item 4 and Section B, Items 1 and 2). These offices serve as a venue in which to explore, informally, questions about sexual harassment and/or sexual assault.

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Informal resolution may include, but is not limited to: listening and providing an impartial sounding board, suggesting strategies for the individual or group to adopt, meeting informally with the accuser and the accused (individual or group representative) with the intent of bringing about resolution, meeting privately with the accused and acting as intercessor, or advising the alleged victim to file a formal complaint. The College official may arrange meetings with the parties if all are willing. In cases where groups are involved, the College official 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 are bound by the terms of the informal process.

All consultations are private, with the exception that alleged misconduct which may violate federal, state and/or local law may have to be reported to College officials. During an informal consultation, the identities of the parties involved need not be revealed. Protecting confidentiality at this level allows the accusers to explore their concerns without the detailed information required for formal complaints.

While every effort to protect and assist the accuser will be made, the College official seeks to protect the rights and further the legitimate interests of both the accuser and the accused. The College official will keep confidential records using a standard reporting process and may have to consult with other College officials when appropriate.

Official records of the alleged harassment will be stored in a secure, centralized administrative office within the College in order to protect the privacy and confidentiality, within the limits of the law, of both the accuser and the accused. For students, files will be kept in the Dean of Students Office; for faculty, in the Dean of the College's Office; and for other employees, in the Office of Human Resources.

Normally, complaints raised through the informal process will be resolved within sixty days. The College official may find that some complaints are not appropriate for informal resolution. In such cases, or at any time during or after the informal process, the accuser may make a formal complaint to the appropriate College official (student complaints to the Dean of Students; faculty complaints to the Dean of the College; staff complaints to the Director of Human Resources; in the case where the accuser does not feel comfortable with these respective offices, formal complaints may go to the Chief Diversity Officer/EEO Officer). When an informal complaint is taken through a formal process, the College official who assisted the accuser in the informal process generally would not be asked by the College to serve as a witness or be required to offer evidence or testimony of any sort during the formal process.

D. Formal Complaint and Resolution Procedures

Any member of the Allegheny community or a campus visitor who believes they have been a victim of sexual harassment and/or sexual assault may file a formal complaint with the offices listed in Part III, Section A, Items 2 and 3. The formal complaint must be in the form of a signed statement containing the name(s) of the accused, the nature and date(s) of the incidents and an assertion that the signed statement is a formal complaint. The College official receiving the written complaint will follow the standard reporting process once a signed statement is filed as a formal complaint. The following guidelines govern the formal process:

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If the accused is a student or visitor, the formal complaint may be submitted to the Dean of Students or the Sexual Harassment Officer for investigation and further processing. If after the investigation, it is determined that disciplinary proceedings should ensue, the formal complaint will be sent to the Student Conduct Officer, who will initiate the disciplinary process as outlined by the College Student Conduct System published in *The Compass*.

If the accused is a faculty member, the formal complaint will be submitted to the Dean of the College for investigation. If investigation warrants further action, the disciplinary process as outlined in the *Faculty Handbook* will be initiated.

If the accused is an administrator or staff member, the formal complaint will be submitted to the Director of Human Resources for investigation. If investigation warrants further action, the disciplinary process established for administrators or staff as outlined in the *Employee Handbooks* will be initiated.

In the case where the accuser does not feel comfortable with these respective offices, formal complaints may go to the Chief Diversity Officer/EEO Officer.

Any formal complaint filed for violation of this policy by faculty, staff, administrator, student, or visitor will be promptly and impartially investigated by those entrusted to carry out this policy. Consequences will be determined on a case-by-case basis, will be appropriate to the case and individuals involved, and may range from personal advising to an official warning, possible suspension, termination, or expulsion. Disciplinary actions that may result from a finding in favor of the accuser or in favor of the accused will be communicated in writing by the appropriate AEC member. Normally, the above process will be completed within sixty days of the receipt of the initial formal complaint. However, some investigations may not be completed in this timeframe due to the nature and extent of the allegations or other extenuating circumstances.

Persons in a position of authority within the College or an affiliated program are expected to provide an educational and work environment free of harassment. In keeping with the guidelines of the Equal Employment Opportunity Commission and the Office for Civil Rights, the College prohibits any retaliation against an individual for filing in good faith a complaint of sexual harassment and/or sexual assault. Official records of the alleged harassment will be collected using a standard reporting process and stored in a secure, centralized administrative office within the College in order to protect the privacy and confidentiality, within the limits of the law, of both the accuser and the accused. For students, files will be kept in the Dean of Students Office; for faculty, in the Dean of the College's Office; and for other employees, in the Office of Human Resources.

E. Disciplinary Action and Grievance Procedure

Where there is a finding that sexual harassment and/or sexual assault has occurred, the College will follow its established procedures as outlined in *The Compass*, *Faculty Handbook*, or *Employee Handbooks*, including taking appropriate corrective action with applicable due process protections for the accused individual(s), to ensure that the harassment ceases and does not recur. The corrective actions taken will depend on all the facts and circumstances of the case.

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Violations of this policy statement may warrant imposition of sanctions. Continued violations of College policy on sexual harassment and/or sexual assault will result in those violations being deemed presumptively willful. Continued, repeated, or multiple violations may result in stronger sanctions. Consequences will be determined on a case-by-case basis, will be appropriate to the case and individuals involved, and may range from advising to an official warning, possible suspension, termination, or expulsion.

For a case in which a student or visitor is accused, the Dean of Students or the Student Conduct Officer will implement sanctions. For a case in which a faculty member is accused, the Dean of the College will implement sanctions. For a case in which a staff member is accused, the appropriate College official will implement sanctions. For a case in which an administrator is accused, the College President will implement sanctions. For a case in which the College President is accused, the matter will be referred to the Chair of the Board of Trustees who will proceed according to Board guidelines.

Both the accuser and the accused are entitled to the same opportunities to have others present during the campus disciplinary proceedings. Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

The EEO Officer will be informed of any disciplinary action taken by the College. Those, against whom disciplinary action is taken, whether because an allegation has been sustained or because an intentionally false accusation was made, may use the relevant grievance procedure to appeal the disciplinary action imposed.

F. Appeals

Disciplinary decisions may be appealed by either the accuser or the accused. The failure to appeal within the stipulated time period as specified in *The Compass, Faculty Handbook*, or *Employee Handbooks* shall constitute a waiver of appeal. The appeals process for students, faculty, staff and administrators will follow the established guidelines as outlined in the respective policy documents approved by the College.

PART IV. READY RESPONSE TEAM

The purpose of convening the Ready Response Team (RRT) is not to respond to more private incidents, especially when victims are uncomfortable with a public response, but rather to *deal with more visible incidents that are likely to significantly affect the community in general*. The RRT may only be convened by the Dean of the College, Chief Diversity Officer, or Dean of Students.

Members of the RRT include: Dean of the College, Chief Diversity Officer/EEO Officer, Dean of Students, Co-Chairs of the Campus Climate and Offensive Behaviors Diversity Work Group, Director of Diversity Affairs, Faculty Council Representative, and Sexual Harassment Officer.

- a) The RRT will review available information regarding an incident and may implement a strategy to educate and/or engage the campus community regarding the issue when necessary or appropriate.
- b) The RRT will identify the needs of the affected communities as well as those of the larger Allegheny community. Informing the affected communities and the larger community regarding the incident, as appropriate, will be a major function of the response team.

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- c) The RRT will be provided with progress reports about the status the investigation to the extent allowable by law, College policy, and/or the need to preserve the integrity of the investigation. Whenever possible, the team will provide assistance to ensure that all aspects of sexual harassment and/or sexual assault activities are examined and that the investigation is handled in a manner that is efficient, effective and culturally sensitive. The intent is to send a clear message that the College has a no-tolerance policy for sexual harassment and/or sexual assault and will act in accordance and professionally when such incidents are reported.
- d) The RRT will serve in an advisory and consultative role to the President of the College.
- e) When notifying the campus community, all appropriate communications will be coordinated through the RRT. Any offensive act or behavior which potentially violates the "Statement of Community" will be addressed swiftly and appropriately. The College is sensitive to anonymity in these circumstances. A two-prong response strategy will be used: first, to alert the campus about the incident; and, second, to offer a follow-up response and concrete actions on how the College is handling the situation.

PART V. EDUCATION, PREVENTION AND CAMPUS SUPPORT

This policy will be published and disseminated to the College community, included in orientation materials for all new students, faculty, staff, and administrators made available through appropriate campus offices. The Dean of Students Office in conjunction with other campus offices including but not limited to the Counseling Center, the Health Center and the Office of Residence Life, provides educational 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 EEO Officer and other campus offices to 1) inform the campus about identifying sexual harassment and/or sexual assault and the problems it may cause, 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.

While we are all charged with the responsibility for providing an environment free of sexual harassment and sexual violence, specific individuals and offices have been identified as resources for information and help with concerns related to sexual harassment and/or sexual assault. These concerns may include actions in which individuals have been involved, incidents that they may have witnessed, or discussions of the climate on the Allegheny College campus. Some of these individuals can offer advising and counseling, as requested by the concerned person. Because the law pertaining to matters addressed in this document may evolve over time, this policy will be reviewed regularly and revised as needed.

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ENDNOTES

Forms of Sexual Harassment:

- 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 a reasonable individual. 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 (Allegheny College, DSHP, 2009 version).
- Written insults: written communication or graphic communication, including electronic communication, which is meant to harass an individual or group based on gender, gender identity or sexual orientation and/or which has the effect of doing so (Allegheny College, DSHP, 2009 version).
- Unwelcome advances or propositions for dating, social engagements, or sexual liaison, with or without a promise of reward or punishment (such as conditions of employment, promotion, work status, grades, or letters of recommendation) for compliance (Allegheny College, DSHP, 2009 version).

iiForms of Sexual Assault and Abuse:

- Non-consensual sexual contact: the intentional touching of another person's body in a sexual manner without his/her consent (Allegheny College, DSHP, 2009 version).
- 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 policies) (Allegheny College, DSHP, 2009 version).
- Non-consensual sexual intercourse: unwanted vaginal, oral, and/or anal intercourse using any part of the body or an object (Allegheny College, DSHP, 2009 version).
- 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 from intoxication from drugs and/or alcohol (Allegheny College, DSHP, 2009 version).