

## **Sexual Violence Policy (Assault Awareness, Prevention, and Response)**

Peirce College does not tolerate any form of sexual violence or sexual harassment including, but not limited to, domestic violence, dating violence, rape, stalking or any other form of sexual offense. These behaviors are more generally addressed in the College's Policy Prohibiting Sexual Harassment, set forth in the Equal Opportunity policy found in *SECTION VII* of the College Catalog. Information provided in this Sexual Violence Policy is intended to supplement and reinforce the College's Policy Prohibiting Sexual Harassment.

The College is committed to preventing the occurrence of such sexual offenses which includes any sexual act directed at another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. The College is also committed to offering educational programs to promote awareness of rape, acquaintance rape, domestic and dating violence, stalking, and forcible and non-forcible sex offenses, as well as taking appropriate actions in the event a sexual assault is reported. Such offenses may also violate federal, state, and local laws and those who engage in such acts may be subject to criminal prosecution.

### **DEFINITIONS**

**Domestic Violence** - The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 jurisdiction.

Domestic violence is defined as the US Department of Justice as, "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner". It can be physical, sexual, emotional, economic, and psychological. If you or someone you know is experiencing domestic abuse, there is help out there. Call the [National Domestic Violence Hotline](#): 1-800-799-SAFE (7233).

**Dating Violence** - The term "dating violence" means violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Stalking** - The term "stalking" means engaging in a course of conduct directed towards a specific person that would cause a reasonable person to:

- (A) Fear for his or her safety or the safety of others; or
- (B) Suffer substantial emotional distress

**Rape** - The term rape means a sexual assault involving an act of penetration and includes acquaintance rape (assailant and victim know each other).

**Non-forcible sex acts** - Includes unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by Pennsylvania law.

**Consent** - Consent is an affirmative decision to engage in mutually acceptable sexual activity, and is given by clear words or actions. It is an informed decision made freely and actively by all parties. Consent may not be inferred from silence, passivity, or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity and the existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, intimidation, isolation, confinement, or force. Agreement given under such conditions does not constitute consent.

## **PREVENTION AND AWARENESS PROGRAMS**

Peirce College is committed to providing on campus and online educational programs to promote the prevention and awareness of sexual violence or sexual harassment including, but not limited to, domestic violence, dating violence, rape, acquaintance rape, stalking or any other form of sexual offense. Such educational programs also address risk reduction and the role of active bystanders in preventing such offenses.

Educational programs include but are not limited to: information provided in orientation courses and new student orientation programming, awareness, risk reduction, and prevention workshops provided during Sexual Assault Awareness and Prevention month, a community awareness day, and resource materials available throughout the campus. Other educational programs are offered by the Mary W. Walker Center '33 for Academic Excellence throughout the year as well as are available to students upon request.

In addition, literature on preventing and awareness of dating and domestic violence, risk reduction, and off-campus counseling and mental health services is available through the Mary W. Walker Center '33 for Academic Excellence, located at the main campus, 2 Alumni Hall. Students may also contact the Center at 888-467-3472, ext. 9251 or at [WCAE@peirce.edu](mailto:WCAE@peirce.edu).

## **RISK REDUCTION**

Risk reduction involves utilizing strategies to reduce one's risk of sexual assault or harassment. The Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org) provides the following helpful information on its website:

### **Avoiding Dangerous Situations:**

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.

- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone. <https://rainn.org/get-information/sexual-assault-prevention/avoiding-dangerous-situations>

The RAINN website also has other important information on avoiding dangerous situations: <https://rainn.org/get-information/sexual-assault-prevention/avoiding-dangerous-situations>

### **Handling Social Situations**

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

In addition, the RAINN website has other important information on preventing sexual assault in social situations: <https://rainn.org/get-information/sexual-assault-prevention/social-situations>.

The RAINN website also has other important information on safety planning, responding to pressure and computer safety: <https://rainn.org/get-information/sexual-assault-prevention>

### **ACTIVE BYSTANDER**

Active Bystanders play a critical role in the prevention of sexual violence and other sexual offenses. These are individuals who observe violence or conditions that may perpetuate violence and follow the appropriate reporting procedures, such as, calling 911, informing campus security and/or college officials. It is understandable that in many circumstances, the active bystander may be uncomfortable intervening or communicating concerns; however, conveying potential risks to individuals or the college community will help the College maintain a safe environment. As a support, the Walker Center for Academic Excellence provides information on the role of active bystanders. The RAINN website also has other important information on the role bystanders can play in preventing and responding to acts of sexual violence: <https://rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>.

## **CONFIDENTIALITY**

The College does not currently offer confidential on-campus pastoral, counseling or mental health services for victims of sexual violence and other offenses. However, victims/survivors are encouraged to seek off-campus counseling in order to speak confidentially with a professional and begin the recovery period. A member of the College community may contact any number of local community resources for these counseling services. A list of off-campus counseling, mental health, and other related services is provided within this document, **See Community Resources: Counseling, Mental Health, and Related Services.**

The College respects the rights of victim confidentiality and will honor victims' requests to keep reports confidential to the extent permitted by law, and to the extent consistent with the College's obligation to investigate allegations. Victims are encouraged to inquire about confidentiality when seeking assistance and support from the varying offices.

The College understands and appreciates that, at times, an individual who reports an act of sexual violence or other sexual offense may wish to remain anonymous and may not wish to pursue the internal disciplinary process. In such instances, consistent with its Title IX obligations, if the College has credible notice of a report of an act of sexual violence or other sexual offense against a member of the College community, the College will take immediate and appropriate steps to evaluate what occurred and determine if further action is required as well as prevent any further recurrence. Any response to such notice may be limited if the events giving rise to such notice cannot be verified by independent facts.

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Jeanne Clery Act") and the College University Security Information Act of the Commonwealth of Pennsylvania, federal and state law mandates the disclosure of certain statistics regarding sexual violence that occurs within the geographic boundaries of an institution of higher education. In accordance with both the Jeanne Clery Act, as well as the Campus Sexual Violence Elimination Act ("Save Act") provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), Jeanne Clery Act reports do not include the names of anyone involved, or any other information that identifies an individual. In addition, consistent with applicable law, the College will take appropriate steps to protect the identity of a victim in connection with any publicly available recordkeeping.

A victim also retains the right to make an anonymous complaint using Peirce's online system at [www.peirce.ethicspoint.com](http://www.peirce.ethicspoint.com) or by calling the hotline phone number (855) 857-5885.

Consistent with applicable law, in connection with issuing a Timely Warning involving an incident of sexual violence, the College will withhold the name of the victim.

## **RESPONSIBLE EMPLOYEES/CAMPUS RESOURCES**

All College persons (students and employees) have a duty to report any incident and/or disclosure of sexual violence (including but not limited to domestic violence, dating violence, stalking or rape and other sexual offenses) as well as unlawful sexual discrimination, harassment, and/or retaliation to those designated as Responsible Employees. Responsible Employees must report complaints of sexual violence as well as unlawful sexual discrimination, harassment, and/or retaliation to the Title IX Coordinator or Deputy Title IX Coordinators.

Responsible Employees serve as campus resources to assist members of the Peirce College community and visitors to the campus who have been, or know someone who has been, the victim of such incidents. In response to receiving a complaint, Responsible Employees will provide information regarding options for pursuing a complaint, making a confidential complaint consistent with applicable law, which will be considered by the College,

as well as well as providing counseling, medical, and support resources. The Responsible Employees who serve as campus resources are designated as follows:

- Vice President, Academic Affairs & Provost\*
- Vice President, Finance & Administration
- Vice President, Integrated Marketing, Communications, & Recruitment Strategies
- Vice President, Human Resources/Chief Diversity & Inclusion Officer\*
- Vice President, Institutional Advancement & Strategic Partnerships
- Vice President, Enrollment Management & Student Services\*
- Dean of Graduate Studies
- Dean, Academic Operations & Faculty Support\*
- Dean, Academic Advising & Registrar
- Assistant Dean, Student Support Services,\*
- Assistant Professor, Health Programs
- Chief Auxiliary Services Officer\*
- Chief Information Officer\*
- Director, Employment & Employee Services
- Director, Payroll & Employee Services
- Director, Undergraduate Admissions
- Director, Student Financial Services
- Senior Director, Marketing & External Relations
- Director, Center for Career & Professional Development
- Associate Director, Faculty Recruitment & Professional Development
- Supervisor, Auxiliary Services\*
- Supervisor, Physical Plant\*
- Facilitator, Perkins Grant/Student Disability Services Coordinator

\*The College's Emergency Response Team serves as the Campus Security Authorities for the purposes of the Jeanne Clery Act reporting.

Responsible Employees who serve as campus resources are also available to assist College employees and other members of the Peirce College community and visitors to the campus with making an immediate and direct report of suspected child abuse.

### **COMMUNITY RESOURCES: COUNSELING, MENTAL HEALTH, AND RELATED SERVICES**

Although the College does not currently offer on campus counseling or mental health services for victims of sexual violence and other sexual offenses, there are a number of off-campus educational, counseling, and mental health services available and students are encouraged to utilize these resources.

These educational and counseling services include:

**Philadelphia Special Victims Unit**

300 E. Hunting Park Ave

Philadelphia, PA 19124

Phone: 215-387-9500

Description: Provides initial emergency medical treatment and crisis counseling services for sexual assault victims.

**Family Based Services: Sexual Abuse**

1315 Windrim Avenue

Philadelphia, PA 19141

Phone: 215-456-2626

Description: Provides intensive individual, family, and group sexual abuse therapy with on-call crisis response available 24 hours a day, 7 days a week.

**RAINN (Rape, Abuse & Incest National Network)**

Phone: 1-800-656-HOPE

Website: <http://www.rainn.org>

Description: The Rape, Abuse & Incest National Network is the nation's largest anti-sexual assault organization. RAINN operates the National Sexual Assault Hotline and carries out programs to prevent sexual assault, help victims, and ensure that rapists are brought to justice.

**Sexual Assault Center – Jefferson Hospital Emergency Room**

10th and Sansom Street

Philadelphia, PA 19107

Phone: 215-955-6840

Description: Provides medical care for injuries, documentation, and evidence collection for legal purposes, prevention, and treatment for possible sexually transmitted infections and pregnancy. Medical follow up is offered in our Sexual Assault Follow Up Clinic along with referral for counseling to reduce emotional trauma.

**New Jersey Coalition Against Sexual Assault (NJCASA)**

2233 Whitehorse Mercerville Road, Suite J

Trenton, New Jersey 08609

Phone: 1-800-601-7200 (24-hour hotline)

Website: <http://www.njcasa.org>

Description: NJCASA programs provide the following free, confidential services: Twenty-four hour hotline and crisis intervention, information and referral services, short-term crisis counseling, advocacy, accompaniment to the hospital, police department and/or court, support groups, emergency client needs. There are rape crisis centers in 21 New Jersey counties.

**Women Organized Against Rape (WOAR)**

One Penn Center

1617 John F Kennedy Blvd. Suite 1100

Philadelphia, PA 19103

Phone: 215-985-3333 (24-hour hotline)

Description: Counseling and information about sexual violence are available twenty-four hours a day, seven days a week, through WOAR's hotline. WOAR's staff and experienced volunteers provide counseling and support for

victim/survivors receiving medical treatment in the emergency rooms at Episcopal Hospital in North Philadelphia and Thomas Jefferson University Hospital in Center City Philadelphia.

Any student needing assistance in contacting any of these off-campus programs or counseling services related to sexual assault and/or prevention may contact the Mary W. Walker Center '33 for Academic Excellence at 888-467-3472, ext. 9251 or [WCAE@peirce.edu](mailto:WCAE@peirce.edu).

For more information about sexual assault awareness and counseling services, please refer to these other organizations for additional information and support:

- Philadelphia Domestic Violence Hotline: 1-866-723-3014
- Pennsylvania Coalition Against Rape (PCAR): [www.pcar.org](http://www.pcar.org)
- National Sexual Violence Resource Center: [www.nsvrc.org](http://www.nsvrc.org)
- National Center for Victims of Crime: [www.victimsofcrime.org](http://www.victimsofcrime.org)
- Information on male sexual abuse: [www.malesurvivor.org](http://www.malesurvivor.org)
- Philadelphia Special Victims Unit: 215-685-3251
- Office of Emergency Shelter & Services: 215-686-7150

#### **TITLE IX COORDINATOR**

Complaints of sexual violence, including but not limited to domestic violence, dating violence, stalking or rape and other sexual offenses, as well as sexual harassment can also be communicated to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the College's compliance with Title IX and overseeing the College's review, investigation, and resolution of allegations of sexual violence and other sexual offenses. The interim Title IX Coordinator is the Director, Employment and Employee Services and can be reached at 215-670-9217, [dmjuarez@peirce.edu](mailto:dmjuarez@peirce.edu) and is located in Human Resources Department, 3R Alumni Hall.

#### **WHAT TO DO IN THE EVENT OF A SEXUAL ASSAULT**

If you believe that you have been a victim of a sexual assault or that a sex offense has occurred, you should, as soon as possible:

- If possible, find a safe place away from the perpetrator or from any other potential danger.
- *Report the incident immediately to campus Security Services using any of following methods:*
  1. Use the telephones located by the elevator on each floor of College Hall;
  2. Dial extension 9444 from any telephone on campus; or
  3. Dial 215-670-9444 or 215-670-9284 from any other telephone.

In addition, victims are encouraged to report sexual assault to the local Philadelphia Police Department at 911.

The Assistant Dean, Student Support Services, or his or her designee, will assist a student in notifying local police authorities, if the student requests such assistance. Victims should seek medical attention immediately and preserve any evidence (do not shower, bath, eat, drink, smoke or change clothing prior to a medical or legal examination). It is important to have a forensic medical exam to check for internal injuries, receive medication for sexually transmitted infections, discuss options for HIV and pregnancy prevention, and gather forensic evidence. Victims

can receive a Forensic Medical Examination at the Philadelphia Sexual Assault Response Center, and can be transported there by campus Security Services. Additional information on the PSARC is available at [http://www.phila.gov/districtattorney/faq\\_SexualAssault.html](http://www.phila.gov/districtattorney/faq_SexualAssault.html).

Victims should meet with the Title IX Coordinator or the Assistant Dean, Student Support Services, or his or her designee who will provide information on the availability of Counseling, Mental health and Related Services, Options for Reporting Sexual Violence, Interim Measures and Changes in Academic, Support Services, and Work-Study Arrangements. The College will notify a student who has been a victim of a sexual assault of the options to change his or her academic situations, and if those changes are requested by the victim and are reasonably available, the College will make such changes for the student. Such changes may include, but are not limited to arranging for excused absences, extended periods of time to make up examinations, tutoring or changes in class schedule. Because the College does not provide residential housing, the College does not have the ability to require either party to change their housing arrangements, but will assist a victim in identifying alternative off-campus housing arrangements if requested by the victim.

#### **OPTIONS FOR REPORTING SEXUAL VIOLENCE**

A victim of sexual violence has the right to notify the Philadelphia Police Department (or other local law enforcement office) and pursue criminal charges through the City of Philadelphia (or the local governance in which the incident occurred) and/or to pursue disciplinary action through the College's Student Disciplinary System.

A victim of sexual violence is encouraged to contact Security Services; Vice President, Human Resources/Chief Diversity & Inclusion Officer who also serves as the Title IX Coordinator; or the Assistant Dean, Student Support Services, who will provide information on reporting options. Security Services, the Title IX Coordinator, and/or the Assistant Dean, Student Support Services, or his or her designee, will assist a victim in notifying local police authorities, if the victim wishes to do so. However, a victim retains the right to decline to notify local law enforcement authorities.

#### **INTERIM MEASURES/CHANGES IN ACADEMIC, SUPPORT SERVICES, AND WORK-STUDY ARRANGEMENTS**

The College will provide written notification to a student who has been a victim of sexual violence of the options to change his or her academic, support services, and work-study situations if those changes are requested by the victim and are reasonably available. Such changes may include, but are not limited to arranging for excused absences, extended periods of time to make up examinations, tutoring or changes in class schedule. The College may at any point in the investigation process authorize interim measures to ensure the safety and well-being of the complainant and others while the investigation process is pending. These changes and measures will be made regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Because the College does not provide residential housing, the College does not have the ability to require either party to change their housing or transportation arrangements, but will assist a victim in identifying alternative off-campus housing or travel arrangements if requested by the victim.

The College will also take such other interim measures so as to protect the victim and the community, such as imposing no contact orders between the respondent and the victim.



## **CAMPUS DISCIPLINARY ACTION**

Allegations of sexual offenses, sexual violence, including but not limited to rape, acquaintance rape, stalking, dating violence, and domestic violence, are subject to disciplinary action under the Student Disciplinary System. The procedures of the Student Disciplinary System are more fully detailed under the *Code of Student Conduct and Student Responsibility* policies in the College Catalog.

In the case of claims involving sexual offenses, sexual violence, including but not limited to rape, acquaintance rape, stalking, dating violence, and domestic violence, both the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the disciplinary process. In addition, both the victim and the accused will be informed in writing of the outcome of the disciplinary proceedings, specifically, the College's final determination with respect to the alleged sex offense, and any sanctions imposed within 30 calendar days of the decision unless extenuating circumstances as well as the procedures for appeal of the determination.

The standard of proof utilized during an investigation of sexual violence, including but not limited to rape, acquaintance rape, stalking, dating violence, and domestic violence, and other sexual offenses proceeding shall be "preponderance of the evidence". The investigation shall proceed in a timely manner and every effort will be made to conclude the investigation within 60 days of the College's receipt of the complaint.

## **SANCTIONS**

A student found to have engaged in a sexual offense, sexual violence, including but not limited to rape, acquaintance rape, stalking, dating violence, and domestic violence, may be suspended and/or expelled for the first offense. The student may also be required to attend mandatory counseling or educational programs or such other penalties deemed appropriate by the College. In addition, students should be aware that independent of any action taken by the College, students may be subject to both civil and criminal authorities (including local police) and may be subject to both civil and criminal prosecution.

## **NO RETALIATION**

The College will neither engage in nor tolerate unlawful retaliation of any kind against any individual who makes a complaint of sexual violence or other sexual offenses, serves as a witness, or otherwise participates in the investigatory process.