



# PACER PACT

Promoting Awareness of the College Transition



Marywood  
UNIVERSITY

*Developed and facilitated by the*  
**Jane Kopas Women's Center as part of the Division of Student Formation & Campus Life  
and the Counselor Training Center at The University of Scranton  
2021-2022**



# PACER PACT

## Program

The PACT (Promoting Awareness of the College Transition) Program was originally developed to assist students in the transition from high school to college. The transition can be both exciting and overwhelming as students meet new people, immerse themselves in a new environment, and begin a new phase of their academic career.

Pacer PACT serves as an opportunity for current Marywood students to speak with new first-year students about healthy relationships, communication, intimate partner violence, sexual assault, and resources. This brochure is intended to serve as an accompanying document to the conversations and contains important definitions, information, and resources.

The transition from high school to college is an exciting and meaningful time full of potential for learning and growth. Pacer PACT seeks to empower students with knowledge and skills to foster a campus community that is safe, healthy, and free from violence and threats. Therefore, consider this program both an educational and preventative endeavor.

This program strives to consider the physical and emotional wellness of the whole person by providing essential information that is instructive and relevant to young adults. Most importantly, this program aims to enhance the safety and well-being of our whole community. We hope that this brochure will inform you and that you are excited about the new challenges ahead.

# | Why Are We Here? |

## The Promoting Awareness of the College Transition (PACT) program

is vital in understanding more about the transition to university life. Inherently, such a transition requires meeting new people, developing new relationships, and getting used to a new routine. However, it is important to understand that developing safe and healthy relationships takes time and care. PACT facilitates conversations about this transitional period.

### This Program Will Help You Understand:

- ✓ challenges that can occur in the **transition to college**
- ✓ **meaningful communication** in relationships
- ✓ the difference between **healthy and unhealthy relationships**
- ✓ the importance of **care and caution** in relationship development
- ✓ the necessity and legality of **agreement and consent**
- ✓ **definitions** of sexual assault and misconduct
- ✓ implications of **alcohol and other drugs**
- ✓ Marywood University and community resources

Colleges and universities are exciting places of learning and growth as students pursue new ideas and opportunities. Yet this period of transition can also be a time of higher risk as students venture into unfamiliar environments and situations. To enhance the probability of safety and success, it is imperative that students use care and caution when navigating new relationships and environments. Awareness of “The Red Zone” can help students choose appropriate social activities and model safe behaviors.





## | The Red Zone |

The “Red Zone” is the period between first-year move-in and fall break. During this time, there is a higher occurrence of sexual assaults on college campuses. Specifically, first-year students are at a higher risk of experiencing a sexual assault. This occurs in part due to the following:

- **Navigating a New Environment:** Students may unknowingly make risky decisions such as attending parties or gatherings in unfamiliar or unsafe locations in order to create new relationships and establish a social network.
- **Independence:** This new-found freedom may lower inhibitions and allow students to test their limits in various situations. Therefore, students tend to take more risks.
- **Acceptance:** A desire for social acceptance may cause students to succumb to peer pressure while ignoring their own values and personal safety.
- **Stereotyping:** Society still encourages males to be competitive and aggressive, while teaching females to be more passive and non-confrontational.



More than  
**50%**  
of college sexual assaults  
occur between  
August & November

*Campus Sexual Assault Study, 2007 (2008)*

# | Healthy Relationships |

Relationships are central to peoples' lives across all personal, social, and professional contexts. We learn about other people in relationships, but we also learn a great deal about ourselves and our world as well. Healthy relationships are possible and can provide us with the gift of connection and growth. What does a healthy relationship look like? Here's what to look for:

## Respect

A healthy relationship means learning about the other person and valuing what is important to that person. In friendship, we seek people by whom we feel supported and with whom we enjoy spending time. Respect, in an intimate relationship, asks for each partner to feel valued enough to talk openly about their desires and fears. Each partner should have respect for one's own body, should feel comfortable choosing whether or not to be sexually active, and, if so, at what pace and level. When someone makes a choice to participate in an activity, that person is giving consent. This is a critical dimension of respect.

## Honesty

In the context of human communication, people are generally said to be honest when they tell the truth to the best of their knowledge and share what they know, think, or feel. Most people would agree that honesty is crucial to any healthy relationship. At the same time, honestly expressing our thoughts and feelings about what we want to happen in a relationship is

a challenge. Sometimes, people can neglect their own thoughts or beliefs for fear of disagreement or judgment. It is important to be true to yourself and clear with your partner at every step in a relationship.

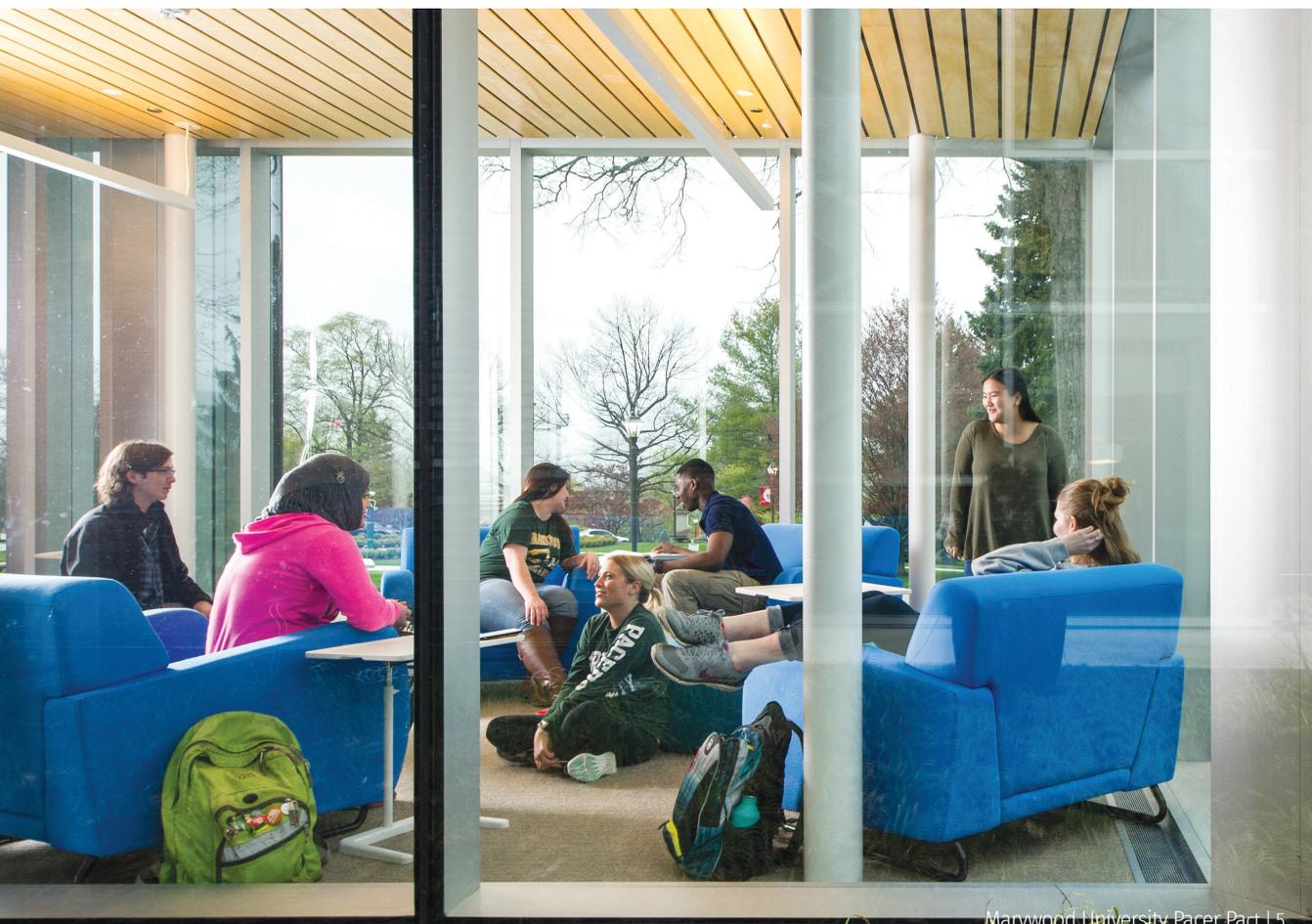
## Trust

Trust is fragile because it takes time to build up and little time to tear down. Healthy relationships are dependent on cooperation. This means you can count on each other and that the other person will be there for you. Trust doesn't come easy and, for most people, needs to be developed over time.

## Safety

Safety is an important aspect of relationships. Relational safety exists when people are free to express their feelings and beliefs without fear of consequences for being who they are. A safe relationship exists when:

- Each person's dignity is upheld.
- Both partners are free from fear, intimidation, or judgment.
- It is free from threat of danger, harm, or risk.



# | Expectations of Relationships |

It is important to think about what your expectations are in terms of the many relationships that you will develop during your college career. Think about the following questions:

- *What is the difference between acquaintances and established relationships?*
- *What do you want from these types of relationships?*
- *What are reasonable expectations in these different relationships?*
- *How much time will it take to properly develop these relationships?*
- *What factors keep you in a healthy relationship?*
- *What factors or events end a healthy relationship?*

## **Friendships:**

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## **Dating Partners:**

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## **Family:**

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## **Mentors/Advisors:**

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## **Professors:**

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It is important to realize that relationships take time to develop. There are many different types of relationships in college. These questions are important to consider throughout this transition. Making connections at Orientation or at your first residence hall or commuter meetings is wonderful, but it is important to realize that developing healthy relationships takes some time and effort. Not all of these people will automatically become your instant friends. This is okay! Take the time to meet new people and be thoughtful in developing relationships that are motivating and life-giving.



## | Communication |

Assertive communication is critical in developing and sustaining healthy relationships. Listening to others and really “hearing” their needs, likes, and dislikes is a sign of a strong relationship. In a relationship that may be intimate, communication cannot be compromised. Partners need to be able to talk about whether they are comfortable before engaging any sexual activity.

In order to engage in meaningful communication, it is important to understand the four types.

- » **Passive Communication** is a style in which individuals have developed a pattern of avoiding expressing their opinions or feelings. Thus, protecting their rights and identifying and meeting their needs is difficult. Passive communication is usually born of low self-esteem. These individuals often believe: “I’m not worth being cared for or loved.”
- » **Aggressive Communication** is a style in which individuals express their feelings and opinions and advocate for their needs in a way that violates the rights of others. Thus, aggressive communicators are often verbally and/or physically abusive. Aggressive communication is born of low self-esteem (often caused by past physical and/or emotional abuse), unhealed emotional wounds, and feelings of powerlessness. Retaliation, or hurting someone else because you have been hurt, is a form of aggressive behavior.
- » **Passive-Aggressive Communication** is a style in which individuals appear passive on the surface but are really acting out anger in a subtle, indirect, or behind-the-scenes way. Individuals often act in passive-aggressive ways to deal with an overwhelming lack of power. A passive-aggressive individual can frustrate the people around them and seem sincerely dismayed when confronted with their behavior.
- » **Assertive Communication** is a style in which individuals clearly state their opinions and feelings, and firmly advocate for their rights and needs without violating the rights of others. Assertive communication is born of high self-esteem. These individuals value themselves, their time, and their emotional, spiritual, and physical needs and are strong advocates for themselves while being very respectful of the rights of others.

*Assertive communication aids a person in developing clear expectations, needs, and desires. It is a balance between articulating directly and clearly one’s needs while respecting the needs of another. Think about some reasons why individuals might hesitate in asserting themselves in a relationship. **On the next page there are some thoughts that may be roadblocks in achieving effective and assertive communication.***

# | Roadblocks to Assertiveness |

Roadblock	Assertive Counterpart
If I assert myself in any relationship, others will get mad at me.	If I assert myself, the results may be positive, negative, or neutral. However, since assertion involves legitimate rights, the odds of having positive results are in my favor.
If I do assert myself and others do become angry with me, it will be awful; I will be devastated.	Even if others become angry, I am capable of handling it without falling apart. If I assert myself when it is appropriate, I don't have to feel responsible for others' feelings.
Although I prefer others to be straightforward with me, I am afraid that if I am open with them and say "No," I will hurt them	If I am assertive, others may or may not feel hurt. Others are not necessarily more fragile than I am. I prefer to be dealt with directly and quite likely others will too.
If my assertion hurts others, I am responsible for their feelings	Even if others are hurt by my assertive behavior, I can let them know I care for them while also being direct about what I want or need. Although at times, they will be taken aback by my assertive behavior, they are not so vulnerable and fragile that they will be shattered by it.
It is wrong to turn down legitimate requests. Others will think I am selfish and won't like me.	Even legitimate requests can be refused assertively. Sometimes, it is acceptable to consider my needs before others. I can't always please others.
I must avoid making statements or asking questions that might make me look ignorant or stupid.	It is okay to lack information or make a mistake; it just shows that I am human.
Assertive people are cold and uncaring. If I am assertive, I'll be so unpleasant that others won't like me.	Assertive people are direct and honest and behave appropriately. They show a genuine concern for other people's rights and feelings as well as their own. Their assertiveness enriches their relationships with others.





## | Consent |

**Consent is the active and positive exchange of words or actions that indicate a willingness to participate freely and voluntarily in mutually agreed upon sexual activity.** Consent can only be given when there is equal power between the involved parties. The use of force, threats of force, or coercion does not constitute consent. Neither the existence of a dating relationship between persons (including past sexual relations) nor silence indicate consent.

### **Consent CANNOT be given if a person is:**

1. **physically or mentally incapacitated by alcohol or other drugs**
2. **unconscious**
3. **asleep**
4. **under the age of consent (16 in Pennsylvania)**

Learning how to talk about consent, gain consent, or refuse consent can help each person's responsibility in minimizing the risk of unwanted sexual contact. There are several components of consent, all of which must be present before people can mutually and equally participate in a sexual relationship.

### **PERSONS MUST:**

- **clearly understand what they have agreed to participate in**
- **be aware of the consequences of and the alternatives to their choice and actions**
- **know that a decision not to participate will be respected as much as a decision to participate**
- **voluntarily agree**
- **recognize that consent is an ongoing process; It can be given or taken away at any time**

The only way to guarantee consent is to make sure it is offered verbally and at each step of sexual activity. Remember clear and meaningful communication is key for all parties involved.



# | Principles of Consent and Signs of Non-Consent |

When consent is not actively present, an unhealthy relationship exists.

## The Five Principles of Consent:

- 1) Privilege: Sexual activity is never a right; it is always a privilege.
- 2) Permission: Since sexual activity is a privilege, permission must be given each time.
- 3) Justification: There is never a good enough excuse to violate another's boundaries.
- 4) Intent: Do not intend to harm another person while engaging in sexual activity.
- 5) Responsibility: Act responsibly. Understand that persons who experience sexual assault or violence never bear any responsibility for the harm caused by another.

## Signs of Non-Consent

The following are some examples and signs of non-consent.

- Verbal Refusal: When someone says "no" or "don't do that" or "please stop" or "I don't want to do this."
- Implied Verbal Refusal: When someone says "I don't think I want to go this fast" or "I'm not sure I want to do this"
- Physical Resistance: Trying to get away, freezing up, trying to leave, rolling over or away, pushing away, moving someone's hands, trying to put clothes back on.

***If sexual activity continues after any of these indicators, misconduct has occurred.***

**When consent is not actively present, an unhealthy relationship exists.**



# | Sexual Harassment and Sexual Misconduct: What Are They? |

*Sexual harassment and sexual misconduct include a wide range of non-consensual behavior, none of which are tolerated in our Marywood community.*

Many of these behaviors also constitute crimes. Please refer to the full definitions in the Sexual Misconduct Policy.

- » **Sexual harassment** is unwelcome sexual or gender based behavior that creates an environment that would reasonably be perceived and is perceived by the complainant as hostile or abusive. Sexual assault is the most serious form of sexual harassment. Examples include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.
- » **Sexual misconduct** including, but not limited to sexual assault, sexual exploitation, intimate partner violence, and stalking is prohibited, as defined fully in the Sexual Misconduct Policy.
- » **Sexual assault** is any non-consensual attempted or completed sexual intercourse (oral, anal, or vaginal penetration, however slight) with a body part and/or object.
- » **Relationship Violence/Intimate Partner Violence (IPV)** is defined as any act of violence or threatened violence that occurs between individuals who are involved or have been involved in a sexual, domestic, dating, or other intimate relationship.
- » **Stalking** is defined as a course (more than once) of conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person, or to a third party, such as a roommate or friend. Examples of stalking include following someone or making repeated, unwanted communications (including over social media).

**Physical force is not necessary for an act to be sexual harassment or sexual misconduct;** it is the unwelcome nature and/or **absence of consent** that makes these acts violations of our Sexual Misconduct Policy.

**Sexual assault is never the fault of the person who was assaulted.** This is true even if the person who was assaulted was an acquaintance, very close friend, partner, neighbor, date, or previous intimate partner with the person who engaged in the assault. It is also true even if the person who was assaulted was consuming alcohol, flirting, wearing revealing clothes, froze, and did not or could not say “no,” originally said “yes” and then said “no,” or elected not to report the assault.

## | Drug-Facilitated Sexual Misconduct |

Drug-facilitated sexual misconduct involves administering an anesthesia-type drug to render a person physically incapacitated or helpless, and thus incapable of giving or withholding consent. A person who has been drugged may be unconscious or otherwise incapacitated during all or parts of the sexual misconduct and may be unable to recall events that occurred while under the influence of the drug. Alcohol is by far the most prevalent drug used to facilitate a sexual assault and is easy to use because it is legal and socially acceptable.

**REMEMBER: Alcohol is the primary drug used to facilitate a sexual misconduct, and is most likely to be the vehicle used to administer anesthesia-type drugs.** Other commonly used drugs to facilitate a sexual misconduct are listed below.

**Rohypnol** is a strong sleeping, anti-anxiety pill. Rohypnol is also known as *roofies*, *rophies*, *roche* and *forget-me pill*. The drug used to be a dime-sized pill with no taste or odor, but the manufacturer changed the makeup of the drug because it was being used to facilitate sexual assaults. The newer form dissolves more slowly and releases a blue dye. This can give color to light drinks and make darker drinks cloudy. The tablets can be taken whole or crushed, smoked, or injected as a liquid. It takes effect within 20 minutes and can last up to 12 hours.

**GHB** is a sedative also known as *G*, *liquid ecstasy*, *grievous bodily harm*, *scoop*, and *Georgia home boy*. GHB is a liquid with a salty taste that can be made into a powder and put into capsules. It takes effect in as little as 20 minutes and can last from two to six hours. **GHB can lower blood pressure, heart rate and breathing, reducing the amount of oxygen in your blood, leading to serious injury and/or death.**

**Ketamine** is a sedative and animal tranquilizer. Ketamine is also known as *K*, *special K*, *ket*, *vitamin K* and *cat valium*. It can be liquid, a powder, or a pill. It is sometimes laced into marijuana or cigarettes. It takes effect within four minutes when injected or ten minutes when swallowed and lasts up to five hours.

## | Alcohol-Facilitated Sexual Misconduct |

Alcohol often forms the basis for social interactions on campus. There is a correlation between the amount of alcohol consumed on a campus and the incidences of sexual misconduct; more alcohol means more cases of sexual misconduct.

**Alcohol does not cause sexual violence.** People are unlikely to perpetrate sexual violence while impaired by alcohol or other drugs if it is not something they think about while sober. Instead, alcohol acts more like a permission slip. By reducing inhibitions, alcohol often makes it more likely that someone will choose to perpetrate sexual violence. Sexual misconduct occurs despite alcohol use, not because of it. When someone is intoxicated, we call that person “impaired.” “Impaired” means that the person has more difficulty utilizing good judgment. People who are impaired by alcohol or other drugs have an increased likelihood of perpetrating sexual violence, and a decreased ability to withhold or give consent. Alcohol does not excuse responsibility and is never a defense for sexual assault or sexual misconduct.

About  
**85-90%**  
of sexual assaults  
reported by college  
students involve  
alcohol use by one or  
both parties and occur  
by someone who is  
**known to them.**

*National Institute of Justice, 2008.*

### » Consider This:

- Drinking is a socially acceptable activity used as an excuse for a socially unacceptable behavior
- Alcohol results in cognitive impairments and can halt utilizing good judgment.

### » The Effects: How Drugs Used to Facilitate Sexual Assault Make You Feel

- Relaxed with lower inhibitions and impaired judgment
- Blurred vision, seeing things that are not there
- Sudden, unexplained drowsiness, dizziness, or confusion
- Nauseous
- Numb and/or unable to speak or move; trouble with coordination
- Loss of consciousness and memory loss

### » How Do I Determine If a Sexual Misconduct May Have Been Facilitated by Drugs or Alcohol?

- You remember taking a drink but cannot recall what happened for a period of time after consuming the beverage.
- You feel a lot more intoxicated than usual to the amount of alcohol consumed, or you feel intoxicated after drinking a non-alcoholic beverage.
- You wake up in a strange or different location without knowing how you got there.
- You wake up feeling “hung over” or “fuzzy,” experience memory lapses, or are unable to account for a period of time.
- You feel as though you have had sexual intercourse but cannot recall any or all of the incident.
- Your clothes are absent, inside out, disheveled, or not yours.

### » What to Do If You Think You May Have Been Drugged

If you suspect that you have experienced drug- or alcohol-facilitated sexual misconduct, you have many options regarding the type of assistance you may want. It is important that you get to a place where you feel safe and can talk to a person about what happened. Consider telling more than one person who will help you explore your options and ensure safety.

**Please refer to the reporting section of this brochure for more detailed information on reporting options & resources.**

## | Intimate Partner Violence |

Intimate partner violence is defined as any act of violence or threatened act of violence that occurs between intimate partners.

- Intimate partner violence includes **threatening or causing physical harm** or engaging in other conduct that endangers the health or safety of the other partner.
- Violence is about **power and control**.
- Violence often develops as a pattern of **controlling behavior**.

Abusive behavior is any act carried out by one partner aimed at hurting or controlling the other. Intimate partner violence can occur in any relationship, regardless of gender, sexual orientation, length or status of the relationship. Verbal and emotional abuse can be equally as harmful as physical violence and can often be a warning sign of physical violence.

**If you witness or experience intimate partner violence, it is important to consider taking measures to protect yourself such as,**

- **Removing yourself from the situation immediately**
- **Telling someone that it is happening**
- **Notifying authorities if unwanted contact continues**



More than  
**696,000**  
students between the  
ages of **18** and **24** are  
assaulted by another  
student who has been  
drinking.

*Hingson, R.W., Zha, W. and Weitzman, E.R. (2009). Magnitude of and trends in alcohol-related mortality and morbidity among US college students ages 18-24, 1998-2005. Journal of Studies on Alcohol and Drugs, Supplement No. 16: 12-20, July.*

# | Indicators of Potential Relationship Violence |

If your partner displays a combination of these behaviors, he or she may be a person who could potentially commit partner violence including sexual assault.

In 2010, violent crimes (against both male and females) by intimate partners totaled **509,230** and accounted for **13.36 percent** of violent crimes.

*Truman, J.L. (2011). Criminal Victimization, 2010. U.S. Department of Justice - Bureau of Justice Statistics.*

» **Lack of respect**

Especially toward intimate partners and women

» **Abuses alcohol and drugs**

Abuses these substances and encourages others to do the same

» **Quick involvement**

Comes on strong; requests commitment right away

» **Jealousy**

Extremely possessive; calls/texts constantly or visits unexpectedly

» **Controlling behavior**

Always has to know who you talked to and where you were; makes you ask for permission to go anywhere

» **Unrealistic expectations**

Expects you to be perfect

» **Isolation**

Tries to cut you off from family and friends; takes away your phone or car; tries to keep you from attending class or being involved with campus activities

» **Blames others for problems**

It's always someone else's fault if anything goes wrong

» **Blames others for feelings**

Says "You're hurting me by not doing what I tell you"

» **Hypersensitivity**

Easily insulted

» **Cruelty to animals and children**

Treats animals poorly; may expect children to do things far beyond their ability or teases them until they cry

» **Makes comments about use of force during sex**

Claims the use of force (i.e., holding one down, restraining a person) is exciting to them during sexual activity

» **Verbal abuse**

Constantly criticizes you or says cruel things; puts you down, curses, calls you ugly names

» **Sudden mood swings**

Goes from sweet and loving to explosively violent in a few minutes

» **Past battering**

Admits hitting partners in the past but says the situation caused it

» **Threats of violence**

Makes statements such as "I'll break your neck," then says "I didn't mean it"; threatens self-harm or suicide if the relationship does not progress a certain way

# | Stalking |

Stalking is a serious form of sexual misconduct. Anyone can be stalked or engage in stalking behavior. Stalking is a crime that is often ignored and sometimes viewed more as a joke than a problem. Stalking is a problem that can often lead to threats – and even worse – violence.

## What is Stalking?

Stalking is a complex form of interpersonal violence involving a pattern of behavior directed at or related to a specific person. According to Marywood’s Sexual Misconduct Policy, stalking is defined as engaging in a course of conduct or repeatedly committing acts towards another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place the other person in reasonable fear of bodily injury or to cause substantial emotional distress to the other person or engaging in a course of conduct or repeatedly communicating 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 the other person.

## How Do I Know If I’m Being Stalked

There are many behaviors associated with stalking. The following is a list of common behaviors of persons who engage in stalking.

- Persistent phone calls, emails, or other communications
- Direct verbal or physical threats
- Waiting or showing up uninvited at or near one’s residence, workplace, or classroom
- Gathering information about a person from friends, family, and/or co- workers
- Unwanted following or surveillance
- Manipulative behaviors such as threatening suicide
- Sending unwanted gifts, cards, or items
- Defamation – lying to others about a person

## Online-Stalking

Although there is no universally accepted definition of online stalking, the term is used to refer to the use of the Internet, e-mail or other electronic communications devices to stalk another person. In addition, cellular phone technology inclusive of GPS technology allows stalking to occur undetected.





### Online Safety Tips

- Select a gender-neutral username, e-mail address, etc.
- Protect your cell phone and distribute your number appropriately.
- Keep your primary e-mail address private and create a separate email account for chat rooms and social media.
- Don't give out information simply because it is requested.
- Make sure to establish privacy settings on all social networks.
- Note that even with privacy settings, nothing online is truly secure.
- Be aware that by using social networks like Four-Square, the GPS allows others to know where you are.
- When you change your username or password, really change it!
- Know what's in your signature file.
- Never give your password to anyone, even significant others, family or friends.
- Be cautious about putting any pictures of yourself, family and friends online anywhere.

### What to do if you are being stalked?

- Clearly state that you do not want any further contact (it is best to do so in writing where you can save a copy of your correspondence). After doing so, end all communication.
- Create a log and save all copies of communication including date, time, and location of the incidents. Immediately print hard copies of all electronic or written correspondences. Do not delete any emails, texts, or pictures you receive.
- Notify Marywood staff (i.e., Campus Safety, Residence Life) as soon as possible. Please refer to the reporting section of this brochure for more information.
- Re-analyze your social media, and ensure that your privacy settings are appropriately set. Block unwanted users and use filters when possible.
- Change your routine. Do not always go to the same places to hang out if you can.
- Don't answer the phone or door if you do not know who it is.
- Let others know you are being stalked/harassed.

**1 in 6 women** and **1 in 19 men**  
experienced stalking at some point during their lifetime.

*Findings from the CDC's National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report (2017).*

# | Sexual Harassment and Sexual Misconduct: Reporting Information, Support and Resources |

Marywood offers care and support for students who have experienced sexual harassment or sexual misconduct while remaining mindful of the safety and well-being of the larger university community. Federal laws (i.e., Title IX of the Education Amendments of 1972) require Marywood to take immediate and appropriate steps upon becoming aware of allegations of sexual harassment or sexual misconduct. Marywood will make every reasonable effort to preserve an individual's privacy in light of this responsibility.

*The following information does not take the place of the Sexual Misconduct Policy. Rather, it is provided to raise awareness of reporting options, support and resources.*

## Privacy and Confidentiality

Marywood encourages the reporting of all incidents of sexual harassment and sexual misconduct and is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under the Sexual Misconduct Policy. Marywood also is committed to providing assistance to help students make informed choices. With respect to any report under this Policy, Marywood will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

**Privacy:** Privacy means that information will be shared only with University employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. The University will keep private any accommodations or protective measures provided to the extent that maintaining such confidentiality would not impair the University's ability to provide the accommodations or protective measures.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, and ordained clergy, all of whom may engage in confidential communications under Pennsylvania law.

Marywood encourages students to report any situation in which they believe sexual assault or other sexual misconduct has occurred.

## Emergency Reporting and Immediate Care

The first priority for any individual is personal safety and well-being. Marywood encourages all individuals to seek immediate assistance from Campus Safety (570-348-6242), the City of Scranton Police Department at 911 and/or a medical facility. This is the best way to address immediate safety concerns while allowing for the preservation of evidence and an immediate investigative response. If you have experienced sexual misconduct, including sexual assault:

### **Preserve all evidence of the sexual assault or other form of sexual misconduct.**

- ✓ Do not bathe, change or dispose of clothing, use the restroom, wash hands, brush teeth, eat or smoke.
- ✓ If you are still at the location of the incident, do not clean anything.
- ✓ Write down all the details you can recall about the incident and the perpetrator including any information related to previous concerning behavior or history.

**In cases of sexual assault, seek medical care as soon as possible.** Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted infection (women may also be at risk for pregnancy).

- ✓ See page 20 for contact information for local hospitals.
- ✓ Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).
- ✓ If you suspect you were drugged, request collection of a urine or blood sample.

## On Campus Reporting Options

Students are encouraged to directly report information regarding any incident of sexual harassment or sexual misconduct to any of the following reporting options:

### **MARYWOOD TITLE IX COORDINATORS (TO REPORT AN INCIDENT):**

#### **Dr. Yerodin Lucas, Executive Director – Office of Institutional Equity and Inclusion**

Title IX Coordinator — Diversity Efforts

ylucas@marywood.edu

570-340-6042

Liberal Arts Center, Room 218

#### **Mr. Ross Novak, Dean of Students**

Deputy Title IX Coordinator – for complaints involving students

rnovak@marywood.edu

570-348-6236

Liberal Arts Center, Room 101

#### **Nicole Malloy, Assistant Director Athletics**

Deputy Title IX Coordinator – Athletic Complaints

malloy@marywood.edu

570-340-2489

Marywood Center for Athletics and Wellness, Room 207

#### **Molly Baron, Director of Human Resources**

Deputy Title IX Coordinator – Human Resources

mbaron@marywood.edu

570-340-6053

Liberal Arts Center, Room 86

## Campus Resources and Support Services:

Various resources within the University and local community are available for students who have experienced sexual harassment or sexual misconduct of any kind. In this regard, University policy and practices are designed to encourage students to seek support and receive assistance. Regardless of which resource(s) a student chooses to access, the situation will be handled with sensitivity and care designed to protect the privacy of the student/s involved.

#### **Marywood University Campus Safety Department**

campus-safety@marywood.edu

Nazareth Hall

2300 Adams Avenue Scranton, PA 18509

570-348-6242 IN EMERGENCY DIAL 911

#### **Student Health Services Office**

##### **Maura Smith, Director**

mksmith@marywood.edu

healthservice@maryu.marywood.edu

Loughran Hall Terrace Level

570-348-6249

marywood.edu/healthservices

#### **Counseling and Student Development Center**

##### **Dr. Robert Shaw, Director**

rsshaw@marywood.edu

csdc@marywood.edu

McGowan Center Room 1017

570-348-6245

marywood.edu/csdc

#### **Sr. Catherine Luxner IHM, Director**

luxner@marywood.edu

campusministry@marywood.edu

Swartz Center for Spiritual Life

570-961-4723

marywood.edu/campmin

#### **Office of Disabilities Services**

##### **Kaitlin Anderle, Director**

kaanderle@marywood.edu

disabilityservices@marywood.edu

Learning Commons 166

570-348-6211 x2335

marywood.edu/disabilities

Marywood University offers confidential reporting through the Sexual Harassment and Community Standards Sexual Misconduct Reporting Form, available online at [https://cm.maxient.com/reportingform.php?MarywoodUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?MarywoodUniv&layout_id=5), or through the **Whistleblower Hotline**, available online at <http://www.marywood.edu/hotline/index.html>.



## Reporter Statement

Marywood policy provides that every employee (except those specifically identified as “confidential” resources) who receives a report of sexual harassment or sexual misconduct is required to share the report with the Title IX Coordinator. **Resident Assistants, Graduate Assistants, and Student Officers are also required reporters.** While students are encouraged to directly report information to the designated reporting options listed above, the University recognizes that a student may choose to share information regarding sexual harassment and sexual misconduct with other employees of the University (e.g. a Resident Assistant, faculty member, or coach). The University is committed to ensuring that all reports are shared with the Title IX Coordinator/Deputy Title IX Coordinator for consistent application of the Sexual Misconduct Policy to all individuals and to allow Marywood to respond promptly and equitably to eliminate the prohibited conduct, prevent its recurrence and address its effects.

## Confidential Support Services

If students desire confidentiality, they should make contact with one of the confidential resources/ support services listed below.

**Counseling Services** are provided by Marywood’s Counseling/Student Development Center located in McGowan Room 1017. They can be reached by calling (570) 348-6245. The Counseling Center will provide counseling as well as referrals to agencies off-campus, if requested. Counseling Services are available Monday through Friday 8:30 a.m.-4:30 p.m. or after business hours for crisis consultation by calling the number above.

**Student Health Services & University Chaplin Professional staff** in the Student Health Services, (570) 348-6249, and the University Chaplain, (570) 961-4723, *have an obligation to report, but may withhold personally identifiable information upon request.*

**Women’s Resource Center of Lackawanna County** is a confidential, community-based agency serving those who have experienced sexual assault or other sexual misconduct. A counselor/advocate can be reached 24 hours a day by calling (570) 346-4671.

**National Sexual Assault Hotline** is a free, confidential national resource available 24 hours a day at (800) 656.HOPE or [online.rainn.org](http://online.rainn.org)).

## Medical Support Services

Medical Services in cases of sexual assault or other misconduct are best handled by a hospital when the student seeks assistance within 72 hours of the incident. In addition to Student Health Services which provides medical support and assistance to Marywood students, medical treatment and collection of evidence are available locally at:

### Geisinger Community Medical Center

1800 Mulberry St.  
Scranton, PA 18510  
(570) 969-8000

### The Regional Hospital of Scranton

746 Jefferson Ave.  
Scranton, PA 18510  
(570) 348-7951

### Moses Taylor Hospital

700 Quincy Ave.  
Scranton, PA 18510  
(570) 340-2900

If the student visits a hospital for an exam, both the police and Women’s Resource Center of Lackawanna County (WRC) should be notified by the hospital. The student may choose whether or not to speak to the police and/or the WRC. If the student chooses to speak to the police, the student still has the option of whether or not to file criminal charges against the person accused. The WRC Advocate will be able to provide support and information through the process.

## Additional Resources and Support Services

Various resources within the University and local community are available for students who have experienced sexual harassment or sexual misconduct of any kind. In this regard, University policy and practices are designed to encourage students to seek support and receive assistance. Regardless of which resource(s) a student chooses to access, the situation will be handled with sensitivity and care designed to protect the privacy of the student/s involved.

**Campus Ministry (570-961-4723)** is located the Swartz Center for Spiritual Life and offers pastoral support. Students may stop by the office and ask to speak to a priest or campus minister or schedule an appointment. *The University chaplain has an obligation to report, but may withhold personally identifiable information upon request.*

**The Title IX Coordinator/Deputy Title IX Coordinators** are available to discuss any questions regarding the Sexual Misconduct Policy, to assist a student in accessing resources and support services, and to facilitate the investigation and resolution of reports of conduct that may violate the Sexual Misconduct Policy.

**Campus Safety (570-348-6242)** are available to coordinate with various resources to provide for the safety and well-being of the person who experienced sexual assault or another form of sexual misconduct. This may include arranging transport of a student to a hospital for medical care, assisting in obtaining a Protection from Abuse Order from the local court, and/or coordinating with appropriate legal authorities including the Lackawanna County District Attorney's Office.

**The Dean of Students/Deputy Title IX Coordinator Mr. Ross Novak, is located in the Liberal Arts Center, Room 101 (570-348-6246).** The Dean of Students (or designee) meets with students to offer support and resource information, safeguard the larger University community, discuss formal reporting options, and review the Title IX investigation process. The following is an outline of the information, resources and support provided by the Dean of Students or designee ("Dean").

- Assess student welfare, determining if immediate medical attention is necessary and/or desired.
- Triage the need for and provide information about support services and/or resources (either on or off campus). If the student chooses not to speak with Campus Safety or local police, this request will be honored. If the Dean believes there is an imminent danger to the student or to the larger University community, the Dean will contact Campus Safety.
- Discuss other formal reporting options by reviewing Marywood's Sexual Misconduct Policy.
- Provide information about and assistance in obtaining interim measures, including, but not limited to, no contact directives, academic support, and changes to living situations.

## Possible Responses to Sexual Misconduct

Sexual assault is often traumatic, and we handle trauma in different ways. Though each person and situation is unique, the following summarizes the possible reactions someone may experience following a sexual assault.

- Persons may experience **emotional shock** and wonder why they are feeling **numb, calm or are unable to cry**. Persons may experience **disbelief** and wonder if the event really happened. *One may think: Why me? Maybe I just made it up.*
- Persons may feel **embarrassment**. Someone may be **concerned about what others will think** and feel unable to tell family or friends.
- Persons may feel **shame or feel dirty**, like something is inherently wrong with them. One may feel a **strong desire to wash or shower all the time**.
- **Guilt** may cause persons to feel as if the event was their fault, or that **they did something to make it happen**.
- **Depression** may impact your daily functioning at school or work. They may feel tired and/or helpless.
- Persons may experience **powerlessness** and wonder if they will ever feel in control again.
- **Disorientation** can impact your ability to remember routine things. One **may not remember** what day it is, where to be, or appointments that were scheduled.
- Persons may **experience triggers** that lead to **flashbacks**, causing them to relive the event over and over.
- **Denial** may cause someone to believe that it wasn't really "rape" or "sexual assault"
- Persons may **fear people, places and things**. One may wonder: *What if I'm pregnant? Could I get an STD? How can I ever feel safe again? Do people realize there's anything wrong? I can't sleep because I know I'll have nightmares. I'm afraid I'm going crazy. I'm afraid to go outside. I'm afraid to be alone.*
- **Anxiety** can cause panic attacks and a feeling of being over-whelmed. Persons may **struggle to focus** or participate in some events that were previously enjoyable or routine.

## Risk Reduction Factors

Risk reduction factors are steps people can take to minimize the possibility of sexual misconduct and increase their safety and their sense of empowerment. These risk reduction factors and safety ideas are a choice, not a responsibility. Whether or not someone chooses to use these ideas, sexual misconduct is never the fault of the person who experiences it. We have a right to be in the world without having people hurt us. Remember that sexual activity is a choice, and all people, at any time, are free to choose whether or not to engage.

- Trust your gut and intuition. If you feel threatened, yell or leave the situation if you can do so safely.
- Avoid people who don't listen to you, ignore personal space boundaries, etc.
- Only attend gatherings with friends you trust.
- Know your sexual intentions and limits. Communicate those limits firmly and directly.
- Avoid making sexual decisions when alcohol and/or other drugs are involved.
- Be aware of predatory drugs.

**REMEMBER: Sexual misconduct can occur despite all precautions. If you experience any sexual misconduct or harassment, it is NOT your fault. The only person responsible for sexual misconduct is the person who committed it.**

## What You Can Do!

### Take Simple Steps to Become an Active Bystander:

- Notice the situation and be aware of your surroundings.
- Interpret it as a problem. Ask yourself, "Do I believe someone needs help?"
- Feel responsible to act. Educate yourself on what to do.
- Intervene safely. Keeping yourself safe while taking action is key.

### Encourage Safety for Yourself and Others

- Have a plan. Talk to your friends about your plans and intentions before you socialize.
- Watch out for others. If you are concerned about someone, offer your support.
- Diffuse situations. If you see a friend coming on too strong to someone who may be incapacitated or unable to make a consensual decision, interrupt, distract, or redirect the situation. If you do not feel comfortable doing so, get someone else to step in.
- Trust your instincts. If a situation does not feel right to you, trust your instinct. If possible, remove yourself and others from the situation.

*Information is based on Bystander Intervention research being completed at the University of New Hampshire (Bringing in the Bystander®).*

### How to engage safely:

- **"I" Statements**- Three parts: 1. State your feelings, 2. Name the behavior, 3. State how you want the person to respond. This focuses on your feelings rather than criticizing the other person. Example: "I feel \_\_\_\_ when you \_\_\_\_\_. Please don't do that anymore."
- **Silent Stare**- Remember, you don't have to speak to communicate. Sometimes a disapproving look can be far more powerful than words.
- **Humor**- Reduces the tension of an intervention and makes it easier for the person to hear you. Do not undermine what you say with too much humor. Funny doesn't mean unimportant.
- **Group Intervention**- There is safety and power in numbers. Best used with someone who has a clear pattern of inappropriate behavior where many examples can be presented as evidence of their problem.
- **Bring it Home**- Prevents someone from distancing themselves from the impact of their actions. Ex: "I hope no one ever talks to you like that." Prevents someone from dehumanizing their targets. Ex: "What if someone said your partner deserved to be raped or called your parent a whore?"
- **We're friends, right?** - Reframes the intervention as caring and non-critical. Example: "Hey Sam, as your friend I've got to tell you that getting a girl drunk to have sex with her isn't cool, and you could get in a lot of trouble. Don't do it."
- **Distraction**- Snaps someone out of their "sexist comfort zone." Example: Ask a harasser on the street for directions or the time". Allows a potential target to move away and/or to have other friends intervene. Example: Spill your drink on the person or interrupt and start a conversation with the person.
- **Call the Police.** Campus Safety: 570-348-6242 City of Scranton Police: 911

If you feel you are unable to safely engage before or during an incident, you can still **take action afterwards** by checking in on the person to see if assistance is needed. A supportive response can make a positive impact. Asking questions about the person's well-being, acknowledging the experience, offering resources and options, and encouraging self-care is appropriate. It is important to respect the person's choices and course of action. It is also important to remember that there is more than one way to respond as a bystander and resources are available to help you through this experience as well.

# | APPENDIX |

## **Sexual Misconduct and Complaint Procedures Policy**

### *Policy Statement*

Marywood University (the “University”) “honors the uniqueness and dignity of each human person” (Core Values of Marywood University, Respect). The University declares and affirms a commitment to maintaining a comfortable, healthy, and safe learning, living, and working environment for all members of the Marywood community. Marywood does not condone and will not tolerate sexual discrimination or sexual violence of any kind, including, but not limited to, rape, domestic violence, dating violence, sexual assault, stalking, sexual exploitation, harassment based on sex, sexual activity for which there is no consent, or any other misconduct that may violate this Sexual Misconduct and Complaint Procedures Policy if it is sex/gender-based, including hazing, bullying, and cyberbullying.

Marywood University does not discriminate on the basis of sex in its educational programs and in other activities operated by the University and is required by Title IX, and specifically 34 C.F.R. Part 106.9, not to discriminate in such a manner. This extends to employees of and applicants for admission to Marywood University. Inquiries concerning the application of Title IX may be directed to the Title IX Coordinator or a Deputy Title IX Coordinator for the University, or to the Assistant Secretary for the Office of Civil Rights of the United States Department of Education, Philadelphia, PA (see below for contact information).

Marywood University is committed to taking all necessary steps to comply with any obligations it may have under Title IX of the Civil Rights Act of 1964, as amended, Title VII of the Civil Rights Act of 1964, as amended, and the Campus Sexual Violence Elimination (Campus SaVE) Act of 2013. These are explicit civil and legal applications of the formulation of beliefs already cherished in Marywood’s religious commitment, objectives, and practices.

The Marywood University Sexual Misconduct and Complaint Procedures Policy (“the Policy”) applies to all faculty, staff, administration, employees, students, volunteers, and visitors on campus property. Additionally, the Policy applies to the conduct of all faculty, staff, administration, employees, students, volunteers, and visitors at off-campus University-sponsored events, including, but not limited to, academic and educational programming, internships, study abroad programs, athletic events, and all other University programming, as well as to the conduct of all faculty, staff, administration, employees, students, volunteers, and visitors occurring off-campus but having an effect on the University’s educational environment.

Marywood will process all complaints reported under this Policy regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or has continuing effects on campus or in an off-campus program or activity.

Anyone believing s/he has been the victim of, or a witness to, or otherwise has reason to believe or become aware of conduct that may be in violation of this Policy by, or involving, any member of the University community, guests, or visitors on University property, any property controlled by the University, including off-campus University sponsored events, or off-campus should report the incident as soon as possible to the Title IX Coordinator or one of the Deputy Title IX Coordinators.

Marywood University will take the steps to stop any and all misconduct, prevent its recurrence, and correct its discriminatory effects on the complainant and others.

### **Preservation of Evidence**

The preservation of evidence in incidents of sexual violence is critical and particularly time-sensitive. The University administrator, faculty, or staff member who first hears such an incident from a complainant will inform the complainant of the importance of preserving evidence by taking the following actions:

1. Seek medical assistance at the hospital, ideally within 72 hours of the incident.
2. Do not shower, bathe, wash hands or face, or douche.
3. Try not to urinate.
4. If oral contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).

During the initial meeting between the complainant and the University Title IX Coordinator or Deputy Title IX Coordinator, the importance of taking those actions will be reiterated.



## Contact Information

Individuals reporting an incident under this Policy should contact one of the individuals below:

### **Executive Director – Office of Institutional Equity and Inclusion.**

Title IX Coordinator — Diversity Efforts  
ylucas@marywood.edu  
570-340-6042  
Liberal Arts Center, Room 218

### **Mr. Ross Novak, Dean of Students**

Deputy Title IX Coordinator  
rnovak@marywood.edu  
(570) 348-6246  
101 Liberal Arts Center

Marywood University offers confidential reporting through the Sexual Harassment and Community Standards Sexual Misconduct Reporting Form, available online at [https://cm.maxient.com/reportingform.php?MarywoodUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?MarywoodUniv&layout_id=5), or through the **Whistleblower Hotline**, available online at <http://www.marywood.edu/hotline/index.html>.

Individuals may also direct inquiries or file complaints with:

Assistant Secretary  
Office for Civil Rights, Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323

Telephone: (215) 656-8541  
Facsimile: (215) 656-8605  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

## Responsible Employees and Confidential Reports

The University encourages the reporting of incidents that may be in violation of this Policy. Furthermore, all employees of Marywood University (i.e., staff, administrators, and faculty) have an obligation to report all incidents that may be in violation of this Policy. The University understands many people who are the recipient of conduct that may be in violation of this Policy may wish to keep the incident confidential. As such, it is important that complainants, and potential complainants, be aware of confidentiality and mandatory reporting requirements in order to make an informed decision regarding reporting the incident.

**Complainants who wish to make a report but do not want the University to take any action are encouraged to consult with a professional counselor, medical professional, or ordained member of the clergy. In general, this includes the following individuals on the Marywood campus - licensed counselors in the Counseling/Student Development Center, Student Health Services, and Campus Ministry**

**Professional staff in the Student Health Services Center and the University chaplain have an obligation to report, but may withhold personally identifiable information upon request.**

As stated above, all Marywood University employees are obligated to report to the Title IX Coordinator or one of the Deputy Title IX Coordinators any information that they receive relating to incidents that may be in violation of this Policy. Therefore, if a complainant does not want the University to take any action, the complainant should consider reporting to one of the truly confidential resources outlined above, as opposed to another employee of the University.

University faculty, staff, and administrators who know, or in the exercise of reasonable care should have known, of conduct that may be in violation of this Policy and who fail to appropriately handle the report of the incident may be subject to disciplinary action.

Marywood University will fully investigate every report. The University will not allow any form of retaliation against individuals who report an incident or who cooperate in the investigation of such reports in accordance with this Policy. Individuals who knowingly make false reports may be subject to sanctions depending on the facts and circumstances of the particular incident.

Cases involving alleged conduct that may violate this Policy demand special attention to issues of privacy. Dissemination of information relating to these cases is limited so as to ensure, as fully as possible, the privacy of the individuals involved, in accordance with applicable law.

Additionally, if the complainant wishes to remain anonymous, does not wish for an investigation to take place, or does not wish to pursue a formal complaint, the complainant may make such a request to the Title IX Coordinator or Deputy Coordinator. However, the complainant should be advised that the University's response may be limited, including pursuing discipline. Furthermore, because of the University's obligation to maintain a safe environment for all members of the University community, the University may not be able to fully honor a complainant's request and may have an obligation to pursue an investigation without the complainant's cooperation. When evaluating a request, the Title IX Coordinator will examine certain factors, including whether violence, weapons or alcohol were involved; one of the parties is a minor; there is a pattern; or a continuing threat to the community exists. In all cases, the University will take preventative measures to preserve confidentiality and privacy to the extent permissible by applicable law.





## Interim Accommodations

Complainants have the right to review options and available assistance for interim changes to academic, living, transportation, and working conditions. If the complainant requests such an accommodation, and the accommodation is reasonably available, the University will take prompt action to implement the requested accommodation. The University will endeavor to not inconvenience the complainant in taking interim remedial measures.

Examples of interim accommodations include, but are not limited to, no contact orders, changes in academic or living situations as appropriate with minimum burden on the complainant, counseling, escort services, academic support, as well as the option to retake a course or withdraw from a course without penalty.

## Drug and Alcohol Amnesty

The University encourages reporting and seeks to eliminate any potential barriers to reporting. The University also understands that an individual who was under the influence of drugs or alcohol at the time that an incident took place may be hesitant to report for fear that he/she will be subject to a violation of the University alcohol and other controlled substances regulations, including the Drug-Free Workplace Policy, the Code of Conduct Policy, and the Alcohol and Controlled Substances Policy for Students. An individual who reports an incident that may be in violation of this Policy, either as a complainant or a third-party, may be penalized for violating the University's alcohol and other controlled substances policies for his/her own consumption of alcohol or drugs at or near the time of the incident, provided that such violation did not and does not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion regarding the drug and/or alcohol use.

## External Resources

Marywood University encourages complainants to pursue criminal charges against the person(s) believed to have committed the act in violation of this Policy. The University has personnel on staff who can explain criminal complaint procedures and assist complainants in beginning the process of filing a criminal complaint. Additionally, if necessary, University administrators will notify the appropriate law enforcement officials in accordance with any obligations under federal, state, and local laws. Police investigation and legal prosecution are conducted outside of and in addition to University procedures. Criminal charges and a disciplinary charge may be pursued at the same time. However, the complainant need not pursue criminal charges in order to file a complaint with the University. Should the complainant elect to proceed with both, however, the University will comply with and help to enforce any applicable judicial no-contact, restraining, and protective order.

Marywood will cooperate with law enforcement agencies, including any request that the University temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. This suspension is generally 10 days in length; however, specific circumstances may dictate a longer delay. During this time, the University will continue to implement interim accommodations and update the parties about the status of the investigation. The University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process and will notify the parties that the investigation is being resumed.

Complainants are encouraged to seek assistance both on-and off-campus, as needed, to address issues stemming from the incident.



Photo by Jesse Carey

## Definitions

### Consent

Consent means an informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

### Dating Violence

Dating violence is defined as physical, sexual, or psychological/emotional violence within a dating relationship.

### Domestic Violence

Domestic violence is defined as sexual or intimate partners engaging in one or more of the following acts:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, or indecent assault with or without a deadly weapon;
2. Placing another in reasonable fear of imminent serious bodily injury;
3. Inflicting false imprisonment;
4. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

### Off-campus property

Off-campus property includes, but is not limited to, University programming, internships, study abroad programs and sporting events.



## **Rape**

Rape is defined as an individual engaging in sexual intercourse with another individual:

1. by forcible compulsion;
2. by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. when the other individual is unconscious or is unaware that the sexual intercourse is occurring;
4. where the individual has substantially impaired the other individual'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; or
5. where the other individual suffers from a mental disability which renders the complainant incapable of consent.

## **Sexual Assault**

Sexual assault is defined as threats of, or deliberate physical contact of a sexual nature that is against another person's will or without consent. Examples of such behavior include, but are not limited to the following:

1. deliberate physical contact of a lewd type, including brushing, touching, grabbing, pinching, patting, hugging and kissing;
2. deliberate or reckless threats, actual or implied, of physical contact of a sexual nature that results in reasonable fear of sexual assault or physical harm;
3. coerced sexual activities, including rape. Rape, the most severe type of sexual assault, is legally defined in Pennsylvania as sexual intercourse that is coerced through force or threats of force, or with someone who is unconscious or with someone who is so mentally deranged or deficient as to be incapable of consent.

## **Sexual Harassment**

Sexual Harassment is defined as conduct that is sexual in nature, unwelcome, and denies or limits a person's ability to participate in or benefit from a school's educational program. Sexual violence is a severe form of sexual harassment.

There are three forms of sexual harassment: quid pro quo, hostile environment, and retaliation.



Quid pro quo harassment can only be carried out by a faculty member, an administrator, or another employee. It consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and submission to, or rejection of such conduct results in adverse educational or employment action. Some examples include:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
2. submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting such individual.

Hostile environment can occur on or off campus and can be carried out by faculty, administrators, another employee, students, and third parties visiting the educational institution. It occurs when harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by an educational institution.

Retaliatory harassment occurs when an adverse educational action is taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of sexual harassment also include: obscene gestures, visual harassment such as derogatory cartoons, posters and drawings, sexually explicit e-mail, texting, or voice mail and other verbal or physical conduct of a sexual nature such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, prohibited conduct can also include sexual joking, vulgar or offensive conversation or jokes, commenting about an individual's physical appearance, conversation about an individual's own or someone else's sex life, teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create a hostile working environment. It may range from inappropriate sexual suggestions to coerced sexual relations.

### **Stalking**

Stalking is defined as engaging in a course of conduct or repeatedly committing acts towards another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place the other person in reasonable fear of bodily injury or to cause substantial emotional distress to the other person or engaging in a course of conduct or repeatedly communicating 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 the other person.

### **Sexual Exploitation**

Sexual Exploitation includes, but is not limited to,



prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos, images or information of an individual's sexual activity or intimate body parts, non-consensual voyeurism, coercing someone against their will to engage in sexual activity, or knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.

## Procedures

### Complaint Procedures

Individuals are encouraged to file complaints with the Title IX Coordinator or the appropriate Deputy Title IX Coordinator. Once a report of an incident is made to the Title IX Coordinator or a Deputy Title IX Coordinator by a witness to an incident or an individual comes forward to report an incident, the Title IX Coordinator or a Deputy Title IX Coordinator will meet with the alleged victim to discuss the importance of preserving evidence, the right to file a criminal complaint, interim accommodations, and the right to file a complaint with the University.

If the complainant chooses to file a complaint with the University, the individual may proceed formally or informally. The Title IX Coordinator or a Deputy Title IX Coordinator will acknowledge receipt of the complaint to the complainant and simultaneously notify the alleged offender of the complaint, in writing. Both notices will include the specific alleged offenses, the name of the investigator assigned to the complaint, and a copy of the Policy (or link). Generally, the University will notify the respondent/alleged offender of the name of the complainant.

Although neither party can be required to participate in the process, all parties are encouraged to participate to ensure an accurate and objective process and outcome. If a respondent/alleged offender chooses not to participate, the University will proceed with the complaint without the respondent/alleged offender's participation.

In situations when the complainant elects to proceed informally, in which case the parties do not proceed through the University's formal resolution process, the Title IX Coordinator or Deputy Title IX Coordinator will determine the steps to take to resolve the issue. The parties may elect to resolve the matter through mediation UNLESS the situation involves sexual assault and/or sexual violence. Should the complainant elect to proceed informally, s/he may elect to stop the informal process at any time and proceed through the formal process.

If the complainant decides to proceed formally, either initially or after opting out of the informal process, the complainant should submit within ten (10) working days a formal complaint, preferably in writing, to the Title IX Coordinator or Deputy Title IX Coordinator who originally fielded the complaint. The complaint must include detailed factual information concerning the incident(s) and should include what the complainant feels will correct the situation. The Title IX Coordinator or Deputy Title IX Coordinator will appoint an investigator from a pool of trained faculty, administrators and professional staff. All Marywood investigators are trained on the handling of complaints of sexual harassment, the University's Sexual Misconduct and Complaint Procedures Policy, and applicable confidentiality requirements.

Marywood is committed to ensuring that real or perceived conflicts of interest by those handling the investigation are eliminated. For example, co-workers in the same department, advisors to students, and club advisors will not be used in investigations involving their areas. Individuals who believe that bias or a conflict of interest has occurred should contact the Title IX Coordinator or a Deputy Title IX Coordinator, who will address the concern.

The Associate Vice President for Human Resources, Title IX Coordinator, in consultation with the President, will decide the appropriate course of action in cases where a conflict of interest is evident or possible. Within five (5) working days after receipt of a formal complaint, the investigator will commence a thorough investigation. Investigations will be conducted as expeditiously as possible. The entire process, as outlined below, should be completed within sixty (60) calendar days after the complaint, either formal or informal, is filed. This timeframe may vary, however, depending on confidentiality requests, availability of witnesses, the scope of the investigation, and any unforeseen circumstances.

Generally, within ten (10) working days after the initiation of the investigation, and every ten (10) working days thereafter until receipt of the final outcome, the investigator must provide, simultaneously, a written summary of the complaint and the proceedings to date to both the complainant and the alleged offender.

The investigation will include, where possible, interviews with the complainant, the alleged offender, and witnesses identified by either party or during the course of the investigation. The investigator will send a copy of the interview notes to each interviewee with a request to review for accuracy and confirm in writing. The investigation will also include the examination of documentation, both submitted by the parties and uncovered during the course of the investigation. Both parties are encouraged to present potential witnesses and relevant documentation.

Requests to review documentation should be addressed to the Title IX Coordinator. Individuals may request to review documents included within the investigatory file. Due to privacy issues, some of the documentation may be redacted prior to the request being honored.

Also during the course of the investigation, the prior conduct of the complainant and the accused may be reviewed, but the prior relationships of the complainant with anyone other than the alleged offender may not be relevant and, therefore, generally will not be reviewed.

Should the investigation include meetings with the complainant and/or the alleged offender, the complainant and the alleged offender are permitted to be accompanied by the advisor of their choice, including an attorney. Advisors may attend proceedings with their advisee, but may only speak to their advisee. Advisors may not interrupt or otherwise disrupt proceedings. All communication throughout the entire investigatory process will be directed to the advisee. The University cannot guarantee equal advisors. The University has counselors and other employees who may be able to assist in the proceedings, and upon request, the University will provide such assistance to either party. The University is not responsible for paying any attorney or other outside advisor.

Both parties are allowed to discuss and share information relating to their complaint with others that may support or assist them in presenting their case. It is expected that advisors will keep all information shared private.

Upon conclusion of the investigation, the investigator will provide a written document that includes the facts uncovered during the investigation and all witness statements (with redactions as noted above) to the Title IX Coordinator (in conjunction with the Deputy Title IX Coordinator for cases involving student complaints against students). The Title IX Coordinator or the Deputy Title IX Coordinator will provide, simultaneously, a copy of this investigator's report to both the complainant and the alleged offender. The complainant and alleged offender will have 5 working days to review and provide feedback to address any perceived inaccuracies in the report.

The investigator will provide, separately, an addendum to the investigator's report that will include his or her findings, based on a preponderance of the evidence, along with recommendations, to the Title IX Coordinator (in conjunction with the Deputy Title IX Coordinator for cases involving student complaints against students).

If the alleged offender admits to the charges, or in instances where it is obviously clear that no violation of the Policy occurred, the investigator and the Title IX Coordinator or the Deputy Title IX Coordinator will determine sanctions and other recommendations, and conclude the investigation.

In all other cases the Title IX Coordinator or the Deputy Title IX Coordinator will then appoint a review panel composed ideally of three (3) members, at a minimum two (2) members, from the pool of trained investigators.

The review panel will meet with the investigator, who will present his/her findings to the review panel in person. The review panel may interview witnesses, including the complainant and/or alleged offender, or alternately may direct the initial investigator to interview additional persons. Both the complainant and the alleged offender may submit questions to the review panel for the review panel to ask of the other side.

The review panel will determine, based on a preponderance of the evidence, whether the alleged offender violated the Policy. The review panel will then provide conclusions and disciplinary recommendations to the Title IX Coordinator (and the Deputy Title IX Coordinator as appropriate). After a decision is made concerning resolution of the complaint and any disciplinary actions to be imposed, the Title IX Coordinator (or the Deputy Title IX Coordinator as appropriate) will notify simultaneously the complainant and the alleged offender in writing of the outcome of the investigation. Such notification will include the allegations, findings based on a preponderance of the evidence, rationale, and sanctions in accordance with policy and applicable laws. The Title IX Coordinator or the Deputy Title IX Coordinator will notify any other parties of any recommendations assigned to them.

## **Sanctions**

If the alleged offender is found to have violated the Policy, action will be taken to eliminate the discriminatory or harassing conduct, including, but not limited to, extending the interim remedial actions, as well as issuing a warning, no contact order, suspension, transfer, discharge, or dismissal of the offender or anyone making a knowingly false complaint. In situations where the alleged offender is found to have violated the Policy by committing stalking, the recommended sanctions include no contact order, suspension, transfer, and, in extreme situations and at the University's discretion, discharge or dismissal from the University. In situations where the alleged offender is found to have violated the Policy by committing sexual assault, rape, sexual exploitation, domestic violence, or dating violence, the recommended sanction will be suspension or dismissal from the University. The University reserves the right to modify sanctions depending on the facts and circumstances of the particular incident.

Employees involved in such incidents may be subject to other existing University policies for repeated patterns of similar incidents, failure to cooperate, or additional or egregious policy violations.

## Appeal

Either party, if not satisfied with the final outcome of the hearing panel and the Title IX Coordinator/Deputy Title IX Coordinator, will have ten (10) working days after receipt of the outcome letter to file an appeal for one of the following reasons:

1. The presentation of new evidence;
2. Allegation that relevant evidence was not considered;
3. Allegation of procedural error;
4. Disproportionate sanctions.

Appeals must be in writing and submitted to the Associate Vice President for Human Resources, Title IX Coordinator, who will determine, within 3 days, whether the appeal has merit based on one of the above-stated reasons. If the appeal falls within one of the four above-listed criteria, the Associate Vice President for Human Resources, Title IX Coordinator will forward the written appeal to the President of the University. Within five (5) working days the President will direct the appeal to the appropriate University body, described below. The appeals committee will have thirty (30) working days to review and make a recommendation to the President of the University. The appeals committee may review the initial investigation as well as independently investigate the claim. Within ten (10) working days after receipt of the recommendation from the appeals committee the President of the University will provide a written response to both parties in the original complaint. The decision of the President of the University is final and binding.

Claims against Faculty Members including Librarians, Administrators, Professional Staff, and Support Staff  
The President of the University will appoint and convene a committee of five (5) employees comprised of professional staff, administrators, and/or faculty who are independent of the claim.

Claims against Students

The President of the University will refer the appeal to the Vice President for Enrollment Services and Student Success who will convene an Appeal Board. The Appeal Board will review the complaint and make a recommendation to the Vice President for Enrollment Services and Student Success who will notify the President of the recommendation.

## Retaliation

Retaliation of any kind is prohibited. Anyone who reports an actual or suspected incident, or who participates in an investigation of an incident under this Policy, will not be subjected to retaliation. If a complainant or witness believes s/he has been subjected to retaliation, s/he should contact the Associate Vice President for Human Resources, Title IX Coordinator or the Senior Director of Student Conduct and Residence Life, Deputy Title IX Coordinator. Anyone found to be in violation of this retaliation provision may be subject to disciplinary action.





**M** Marywood  
UNIVERSITY

**SUPPORTED BY THE GOVERNOR'S IT'S ON US PA GRANT PROGRAM**

*It's On US is a national campaign launched by the Department of Education and the White House Task Force to Protect Students from Sexual Assault. The focus of this effort is to educate and raise awareness of the impact that bystander engagement can have in preventing incidents of sexual misconduct. Each one of us has the ability to make a positive difference in the environment where we live, learn and work.*