

Support & Resource Guide for Our Community

**A Resource Guide
on Sexual Misconduct:**
Campus Policies, University Procedures,
and Support Services



Holy Family
UNIVERSITY

holyfamily.edu/title-ix

Holy Family University Policy

Members of the Holy Family University community have the right to be free from sexual misconduct, including sexual harassment, sexual violence, intimate partner violence and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Holy Family University believes in a zero-tolerance policy for sex- and gender-based misconduct.

Consistent with these values and applicable law, including Title IX Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act, and the Violence Against Women Reauthorization Act of 2013 (VAWA), Holy Family University maintains a comprehensive policy and program designed to protect members of the university community from sexual misconduct and to provide recourse for those individuals whose rights have been violated. This policy is also intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. This policy applies equally to all students, faculty and staff at Holy Family University.

Title IX

Title IX provides that: *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”* Title IX has been further interpreted through implementing regulations and subsequent guidance from the U.S. Department of Education.

Sexual Misconduct Violations

Sexual misconduct is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to: sexual harassment, sexual violence, intimate partner violence and stalking. It is a violation of University policy, as well as applicable law, to commit or to attempt to commit these acts.

Sexual Harassment

Sexual Harassment is:

- unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful living, learning, or working environment. Conduct is considered unwelcome if the person did not request or invite it and considered the conduct to be undesirable or offensive.
- whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual.

Hostile Environment

A hostile environment is created when harassment is:

- severe or pervasive or persistent and unreasonably interferes with a person's academic or work performance, or creates an intimidating, hostile or offensive work or educational environment.

Sexual Assault

Sexual assault is:

- actual or attempted sexual contact with another person without that person's consent.
- intentional touching of another person's intimate parts without that person's consent.
- coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
- rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

Intimate Partner Violence

Intimate Partner Violence includes:

- dating violence, domestic violence, and relationship violence.
- any threat or act of violence against a person who is or has been involved in a dating, domestic or intimate relationship with another person.
- one act or an ongoing behavior.

- behaviors such as, physical violence, sexual violence, emotional violence, threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.
- individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background.

Stalking

Stalking is:

- conduct directed at a specific person that would cause a reasonable person to feel fear.
- a pattern of actions composed of more than one act over a period of time.
- any behavior or activity occurring on more than one occasion that collectively instills fear in a victim and/or threatens a person's safety, mental health, or physical health.

Staying Safe

Consider Safety Planning: If you are being affected by sexual violence, current and long-term safety can be a concern. Safety planning is about brainstorming ways to stay safe, and thinking about ways to reduce the risk of future harm.

Social Media Safety: What you choose to share on social media is always your decision, but what others choose to do with your information is not always in your control. Take charge of your personal safety by: using privacy settings, considering what you post before you post, turning off your location settings, and using private internet connections only.

Using Technology to Hurt Others: Some people use technology, such as digital photos, videos, apps, and social media, to engage in harassing, unsolicited, or non-consensual sexual interactions.

Think about Prevention: The only person responsible for committing sexual assault is a perpetrator, but all of us have the ability to look out for each other's safety. Whether it's giving someone a safe ride home or directly confronting a person who is engaging in threatening behavior, anyone can help prevent sexual violence.

Visit <https://www.rainn.org/safety-prevention> for useful tools in staying safe and protecting others.

Consent Matters

Consent is about communication. It's important to clearly communicate what you are comfortable with, and the best way to ensure all parties respect each other's boundaries is to talk about it. Consent is an agreement between participants to engage in an intimate activity, and it should happen every time.

Consent

Consent is defined by the University as an action that is:

- clear, knowing and voluntary;
- active, not passive;
- words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent is:

- Explicitly communicated
- Reversible at any time
- Informed
- Voluntary
- Specific

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Consent cannot be given:

- While asleep
- When unconscious
- If physically or mentally helpless
- If disoriented or unable to understand what is happening for any reason, including due to alcohol or drug use
- If under the age of 16, the legal age of consent in PA.

Incapacitation

Incapacitation is a mental or physical state in which an individual is unable to make rational, reasonable decisions because they lack the ability to understand and comprehend potential consequences of their actions.

A person cannot give consent if they cannot understand what is happening. A person will be considered unable to give consent if they cannot understand the specifics of the sexual interaction, (i.e. who, what, when, where, and how). A person under the influence of alcohol or drugs is not relieved of their responsibility to appreciate another's inability to consent. Sexual activity as a result of coercion is non-consensual.



Tigers that ROAR: Reach Out and Recognize. Respond. Report.

At Holy Family University, our goal is simple – engage our entire campus community in the conversation around sexual violence. We want our students, faculty, and staff to have the knowledge to recognize instances of sexual violence. We want to empower our campus community to respond. We strive to encourage an active bystander approach to make sexual violence each person's responsibility. Through knowledge and education and a call to action, we look to foster a safe and supportive community in any effort or level of reporting on our campus.

Tigers that ROAR: Reach Out and Recognize.

Bystanders play a critical role in the prevention of sexual violence. At Holy Family University, we encourage our campus community members to take responsible and comfortable actions to prevent or stop an act of sexual violence. The first step is to recognize the behavior. Preventing sexual harassment is every person's responsibility. An active bystander is someone who lives up to that responsibility by intervening before, during, or after a situation when they see or hear behaviors that threaten, harass, or otherwise encourage sexual violence.

Tigers that ROAR: Reach Out and Respond.

Taking action might look different to each person. Bystanders are encouraged to directly intervene, call Public Safety or law enforcement, or seek advice from a person of authority at the University. Community members who choose to exercise a moral obligation such as this will be supported by the University. It may not be safe or effective to directly confront the harasser in every case, but there are a range of ways bystanders can be involved before, during, or after a situation when they see or hear behaviors that promote sexual violence.

Bystander Intervention Strategies

- Directly approach the situation and attempt to prevent the situation from escalating further.
- Disrupt the situation through distraction of the harasser or insert yourself into their interaction to help the targeted person get out of the situation.
- Create a distraction and potentially prevent a situation from escalating.
- Don't act alone, and call upon others to help to assure your safety.
- Step up, set an expectation, and say something when you hear or see something by commenting that a behavior is unacceptable and show others it will not be tolerated.
- Use your privilege positions to create change. Your age, race, sex or gender may make it safer for you to speak up and be vocal about harassment – especially when you are not the target or representative of the target group.

Tigers that ROAR: Reach Out and Report.

Holy Family University is committed to supporting the rights of a person reporting an incident of sexual violence. We encourage your ability to make informed choices and decision by providing you with the resources and information to make such decisions. The Title IX Coordinator can help guide you through your options, resources, rights, and support services.

If You Have Experienced Sexual Violence

- Remain calm and alert.
- Find a safe location as soon as possible. Get to a place that you feel is with persons you trust: your home, a friend's home, a residence hall room.
- If you have been assaulted or raped, get medical attention as soon as possible. The Philadelphia Sexual Assault Response Center (PSARC) located at 300 E. Hunting Park Avenue in Philadelphia is a free medical resource. Contact PSARC at 215-425-1625.
- Preserve physical evidence. Collect tissue and fluid samples on towels, sheets, clothing, etc. Avoid showering or bathing until you have been examined. If you change your clothing, collect relevant evidence in a paper bag.
- Contact Public Safety at 267-341-3333 for 24/7 assistance.
- Call the local police to report an act of violence or assault.

- Contact the Title IX Coordinator at 267-341-3204 to report your incidence of sexual violence. Public Safety can contact the Title IX Coordinator at any time for 24/7 assistance.
- If you are seeking a Confidential Resource, visit the University Counseling Center, Health Services, or Campus Ministry for support.
- Students are urged to seek free, confidential counseling at the University Counseling Center by calling 267-341-3232 or visiting the Campus Center Room 204.

Helping Someone Who Has Experienced Sexual Violence

- Listen carefully.
- Provide a private and safe space.
- Let them know that what they have experienced is not their fault.
- Help connect them to campus resources.
- Support their choice in regard to their reporting options.
- Provide the information for the University Counseling Center.
- If you are a University faculty or staff member, share your requirement to report, and offer to guide the person to the appropriate University personnel. A person has the option not to report their instance of violence to law enforcement. While the Title IX Coordinator will help support a student in their reporting to local law enforcement, the University is not required to report to law enforcement on behalf of a student.

How to Report

Holy Family University encourages all members of the community to report any incident of sexual misconduct as promptly as possible so that the University can respond effectively. The University recognizes, however, that not every person will choose to make a formal report with the University or with local law enforcement.

Your reporting options:

- Title IX Coordinator, 267-341-3204, titleix@holyfamily.edu. Located at the Philadelphia Campus, Campus Center 2nd Floor.
- Public Safety, 267-341-3361. (*Dial 3333 from a campus phone.*)
- Local law enforcement, 911
- Resident Advisors/Residence Life Staff
- University online reporting form, www.holyfamily.edu/title-ix

When consulting campus resources, community members should be aware of confidentiality and mandatory reporting in order to make informed choices. On campus, some resources can offer confidentiality, sharing options and advice without any obligation to tell anyone. Other resources are expressly required to report incidents of sexual misconduct to the Title IX Coordinator.

Your confidential reporting options:

- Counseling Services, 267-341-3232. Located at the Philadelphia Campus, Campus Center Second Floor. Book an appointment online at <https://www.holyfamily.edu/counseling-center>.
- Campus Ministry, 267-341-3261 Located at the Philadelphia Campus, Campus Center Second Floor.
- Health Services, 267-341-3262. Located at the Stevenson Lane Residence Hall, Office 113D.

The University provides confidential professional and pastoral counseling. These resources may be utilized to talk to someone about an incident of sexual misconduct in a confidential manner whether or not you decide to make an official report, or to participate in the University resolution process. Conferring with confidential resources will not trigger an investigation by the University or local law enforcement.

Confidential professional and pastoral counselors can:

- Explain the reporting and resolution process.
- Provide support while the University or criminal processes are ongoing and/or pending.
- Explain options for obtaining additional support from the University and off-campus resources.
- Arrange for medical care or arrange for someone to accompany to seek such care.

Understanding Your Rights

Holy Family University strives to provide members of the campus community with fair and equitable resolution processes. You will be treated with care and support, and will be encouraged to speak with the University Counseling Center in an effort to help you navigate the process. The University has a list of available off-campus support services and resource agencies that will be provided to you.

The University will do everything it can to provide transparency to you through the process, and will consult with you before moving on

to a formal investigation. The University will do its best to support your decision, if you choose to request to report anonymously. University officials must evaluate requests for confidentiality with our obligation to provide a safe environment for all community members, including yourself.

The University is committed to remedying any situation brought to its attention, ending discriminatory behaviors, and in limiting impact to our campus community.

Understanding Your Rights If You are Accused

The University strives to be fair in the handling of allegations of sexual misconduct. You have the right to due process, meaning you have the right to be notified of the allegations and an opportunity to respond to them. You also have the right to understand the university's investigation and adjudication process. Questions concerning these procedures can be addressed to the Title IX Coordinator.

Procedures

A full list of policies and procedures related to sexual misconduct can be found in the University Student Handbook at <https://www.holyfamily.edu/current-students/student-resources/student-handbook> and at www.holyfamily.edu/title-ix.

Complainant/Reporting Party

Individual reporting incident of sexual misconduct

Respondent/Responding Party

Individual responding to incident and allegation

Making a Report

The Title IX Coordinator will speak directly to the complainant, take any statements wishing to be made, and will provide access to wellness resources. All choices regarding rights and reporting options will be reviewed. Should the reporting party wish to move forward with a formal report, the Title IX Coordinator will review next steps in the process.

Interim Measures and Accommodations

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. The University Title IX Coordinator and the Dean of Students have the ability to offer protective

measures that may be put in place. These measures and access to accommodations are available regardless of whether a reporting party wishes to move forward with formal reporting and resolution services.

Meeting of Rights

The Title IX Coordinator will meet with all parties involved, and make a determination regarding the allegations and whether to move forward to a formal investigation. Parties will be provided an opportunity to review all rights afforded to them. The Complainant and Respondent are entitled to the same opportunities, to present relevant statements and witnesses during all procedures, and may have an advisor of their choice present for any proceeding.

Investigations

Trained investigators will provide an investigation that is committed to being prompt, thorough, reliable, equitable, fair and impartial. Investigators will interview the reporting and responding parties, necessary witnesses, and any individuals identified as necessary through the investigation process. Investigators will provide the Title IX Coordinator with a complete report of findings.

Determination of Actions

The written report will be reviewed, and the Title IX Coordinator will make a determination of whether or not to refer the actions to a Sexual Misconduct Hearing Board for review and determination.

Sexual Misconduct Hearing Board

A Board of three trained professionals will review the allegations, related investigation report, and recommendations as issued by the Investigators. Both the reporting and responding parties will be requested to meet with the Board. The Board will make a final determination of responsible or not responsible related to alleged violations. Should a student be found responsible for violating University policy or Code of Conduct, sanctions will be imposed and may include suspension or expulsion. Both the Complainant and Respondent will be informed in writing of the final determination.

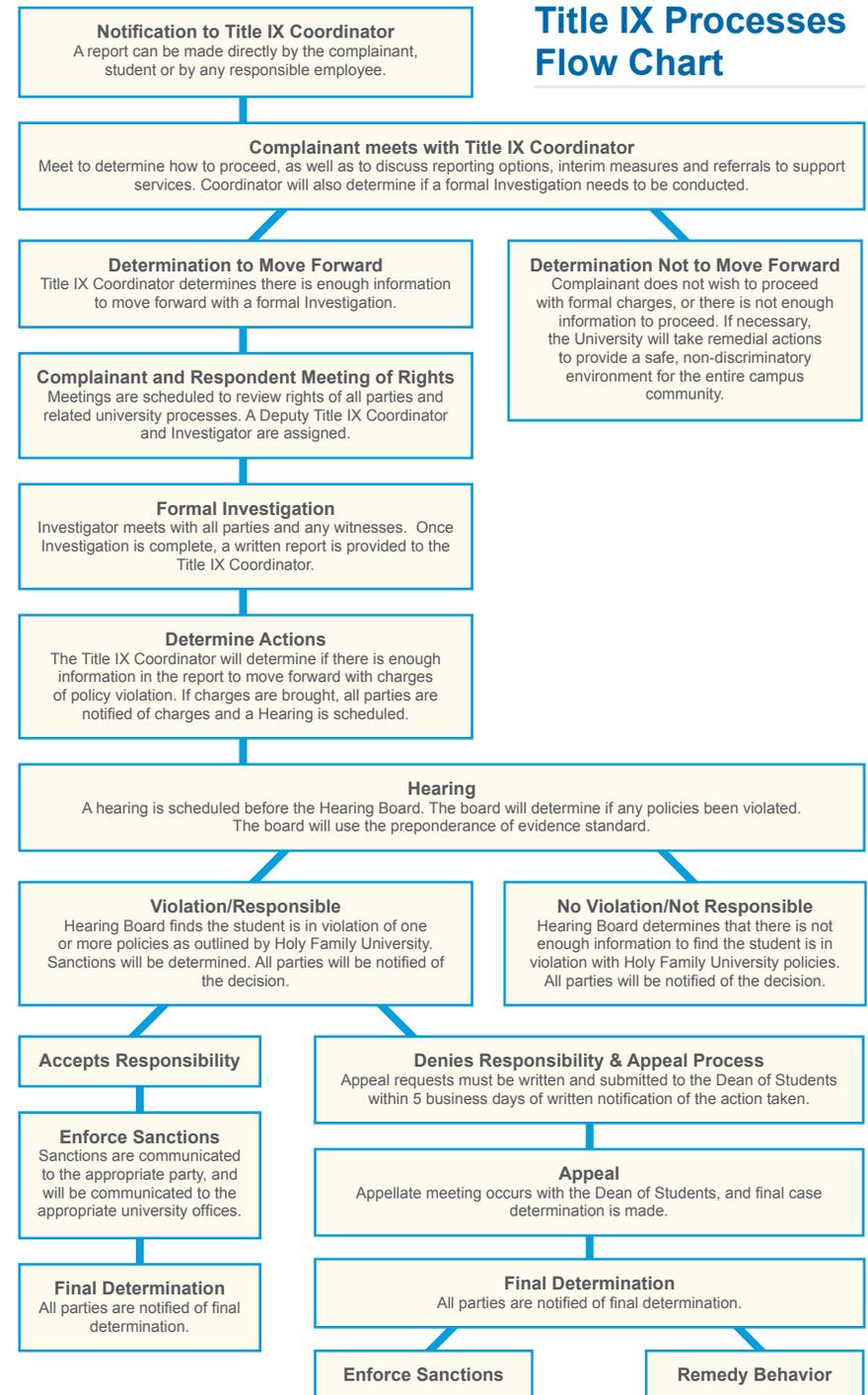
Standard of Evidence

The University uses a preponderance of evidence standard. Using this standard, decision makers consider if, using the information and evidence given, it is more likely than not that a violation has occurred.

Appeals

All parties involved in these proceedings have access to appeal, may request a reconsideration, and will have equal rights to participation.

Title IX Processes Flow Chart



Resources

Assistance Following an Incident of Sexual Misconduct

Holy Family University offers on-campus support services even if an individual chooses not to report the incident. The Counseling Center provides services and advocates, and provides information for victims in a safe, supportive and confidential setting. Contact the Holy Family University Counseling Center at 267-341-3232.

On-Campus Resources

- Campus Ministry: 267-341-3261, Campus Center Second Floor
- Counseling Center: 267-341-3232, Campus Center Second Floor
- Dean of Students: 267-341-3223, Campus Center Second Floor
- Health Services: 267-341-3262, Stevenson Lane Residence
- Public Safety
 - Philadelphia: 267-341-3361, University Campus Center
 - Newtown: 267-341-4011
- Title IX: 267-341-3204, Campus Center Second Floor

Support Services

- The Anti-Violence Project: 212-714-1124
- Aria Hospital Crisis Center: 215-949-5252
- GLBTQ Domestic Violence Project Hotline: 800-832-1901
- GLBT National Help Center: 800-246-7743
- Love is Respect: 1-866-331-9474
- National Sexual Assault Hotline: 800-656-4673
- Women's Law Project: 215-928-9801
- Philadelphia Center Against Sexual Violence (WOAR): 215-985-3333

Philadelphia

- Philadelphia Commission on Human Relations: 215-686-4692
- Philadelphia Domestic Violence Hotline: 866-723-3041
- Philadelphia Sexual Assault Response Center (PSARC),
300 E. Hunting Park Avenue, Philadelphia, Hotline: 215-425-1625
- Philadelphia Special Victims Unit: 215-685-3251

U.S. Department of Education

- Title IX and Sex Discrimination: www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html



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TITLE IX OFFICE

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