

Sexual Harassment & Sexual Misconduct Support & Resource Guide

THE UNIVERSITY OF SCRANTON

CARE

CAMPUS AWARENESS RESPONSE & EDUCATION

A reference for students and employees who may have witnessed, experienced or been involved in sexual harassment or sexual misconduct.

SEXUAL HARASSMENT & SEXUAL MISCONDUCT REPORTING INFORMATION, SUPPORT & RESOURCES

As a Catholic, Jesuit institution of higher learning, The University of Scranton is committed to providing care and support for individuals who have experienced sexual harassment or sexual misconduct while remaining mindful of the safety and well-being of the larger University community. Sexual misconduct includes sexual assault, sexual exploitation, hostile sexual environment, domestic, dating, intimate partner violence and stalking. Federal laws (i.e., Title IX of the Education Amendments of 1972) require the University to take immediate and appropriate steps upon becoming aware of reports of sexual harassment or sexual misconduct. The University will make every reasonable effort to preserve an individual's privacy in light of this responsibility.

Emergency Services & Immediate Care

The first priority for any individual is personal safety and well-being. In an emergency situation, the University encourages all individuals to seek immediate assistance from **University Police, 570.941.7777, 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).

- Refer to contact information for local hospitals in this brochure.
- 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.

Disclaimer: This brochure is for educational and informational purpose only. Members of The University of Scranton community are bound by the terms contained in University's Sexual Harassment and Sexual Misconduct Policy, which can be found at scranton.edu/equity-diversity/docs/sh-sm-policy.pdf.

MEDICAL SERVICES

Medical Services in cases of sexual assault or other misconduct are best handled by a hospital when the student seeks assistance as soon as possible and within 72 hours of the incident. Medical treatment and the ability to preserve evidence is available within blocks of the University campus.

For more information, contact the University Title IX Coordinator.

**Geisinger Community Medical
Center (GCMC)**

1800 Mulberry St.
Scranton, PA 18510
570.703.8000

*Sexual Assault Nurse Examiner
(SANE) available*

**The Regional Hospital
of Scranton**

746 Jefferson Ave.
Scranton, PA 18510
570.770.3000

If an individual visits the hospital for an exam, both the police and Women's Resource Center of Lackawanna County (WRC) may be notified by the hospital. The individual may choose whether or not to speak to the police and/or the WRC at the hospital. If the individual chooses to speak to the police, they still have the option of whether or not to file criminal charges. The WRC advocate is confidential and will be able to provide support and information throughout the process.

The University also provides support and assistance to students through **Student Health Services** during the academic year, **570.941.7667**. Student Health Services is located at the corner of North Webster Avenue and Mulberry Street in the Roche Wellness Center.

REPORTING AN INCIDENT

If you witness or experience sexual harassment or sexual misconduct, you have several reporting options. It is your decision to participate in a criminal process, the University process, both or neither.

REPORT TO THE POLICE

Sexual assault and other forms of sexual misconduct are not only University policy violations but may also be crimes. You are encouraged, but not required, to report these crimes to the police. If you choose, University officials will assist you in contacting the police.

The University of Scranton Police Department 570.941.7777

City of Scranton Police 570.348.4134 or 911 for an emergency

REPORT TO THE UNIVERSITY

Sexual harassment and sexual misconduct are prohibited by The University of Scranton and are violations of University policy. In an effort to support individuals as well as the campus community, the reporting options below will initiate a response process by the University. If you wish to speak with someone for confidential support, please see the confidential resources listed in this guide.

Title IX Coordinator

Elizabeth M. Garcia
570.941.6645
elizabeth.garcia2@scranton.edu
scranton.edu/equity-diversity

The University of Scranton Police Department

570.941.7777 or 570.941.7888
(emergency) (non-emergency)
scranton.edu/police

Deputy Title IX Coordinator

Diana Collins Gilmore
570.941.6645
diana.collinsgilmore@scranton.edu
scranton.edu/equity-diversity

Online Anonymous Reporting*

The University of Scranton Incident Reporting Form: scranton.i-sight.com/external-capture. The incident reporting form should not be used for emergency or crisis situations in an emergency.

Sexual harassment or sexual misconduct anonymously reported may limit the University's ability to initiate a response process.

Deputy Title IX Coordinator (Employees)

Patricia Tetreault
patricia.tetreault@scranton.edu
570.941.7767
scranton.edu/hr

**The on-line Incident Reporting form should not be used for emergency or crisis situations needing an immediate law enforcement or medical emergency response.*

Responsible Reporter Statement

University policy provides that every employee (except those specifically identified as a "confidential" resource) who receives information of sexual harassment or sexual misconduct, is required to share all relevant details (obtained directly or indirectly) with the Title IX Coordinator. Resident Assistants, Graduate Teaching Assistants, Work Study Students and Student Officers are also responsible 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 for consistent application of the Sexual Harassment and Sexual Misconduct Policy to all individuals and to allow the University to respond promptly and equitably to eliminate the prohibited conduct, prevent its recurrence and remedy its effects.

SEXUAL HARASSMENT & 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 University community. Many of these behaviors also constitute crimes. Please refer to the full definitions in the Sexual Harassment and Sexual Misconduct Policy.

1. Quid Pro Quo Sexual Harassment

Quid Pro Quo Sexual harassment is defined as any employee, agent, or other person authorized by the University that conditions the provision of an aid, benefit, or service of the University on a complainant's participation in unwelcome sexual conduct. Unwelcome sexual conduct includes, but is not limited to, any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise.

2. Hostile Environmental Harassment

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment).

This includes gender based harassment that is based on gender, sexual orientation, gender identity or gender expression, sex characteristic, sex stereotypes which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, or otherwise that is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment).

3. Sexual Assault

Sexual Assault is defined as any attempted or actual sexual act directed against another person, without consent of the complainant, including instances where the victim is incapable of giving consent. Sexual assault is the penetration, no matter how slight, of the vagina or anus, with a body part (e.g., finger, hand or penis), or object, or oral penetration by a sex organ of another person, without consent of the complainant. Sexual assault also includes sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, or sexual intercourse with a person who is under the statutory age of consent.

4. Sexual Exploitation

Sexual Exploitation is defined as conduct that exploits another person in a sexual and non-consensual way, including to but not limited to:

- a.** the touching of the private body parts (breasts, buttocks, groin, genitals, or other intimate part of a body) of another person for the purpose of sexual gratification without consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- b.** non-consensual fondling, or kissing,
- c.** causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity,
- d.** non-consensual voyeurism (e.g., watching private sexual activity without the knowledge of all of the participants, from a hidden location or through electronic means),
- e.** allowing others to view sexual activities without the consent of all of the participants,
- f.** non-consensual recording or photographing of private sexual activity and/or a person's intimate parts (audio or visual),
- g.** non-consensual dissemination or posting of images or recordings of private sexual activity and/or a person's intimate parts,
- h.** exposure of one's body in an indecent or lewd manner,
- i.** sexual activity in public or semi-public places,
- j.** prostituting another person, or
- k.** knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.

5. Dating Violence

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

6. Domestic Violence

Domestic violence is defined as violence, physical abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control, including verbal, psychological, economic or technological abuse¹,

- By a current or former spouse or intimate partner of the complainant
- By a person with whom the complainant shares a child
- By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner
- By a person similarly situated to a spouse of the complainant under the domestic violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.





7. Intimate Partner Violence is defined as any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual or other intimate relationship. Intimate Partner Violence includes threatening or causing physical harm or engaging in other conduct that endangers the health or safety of an intimate partner. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence can encompass a broad range of behavior, including, but not limited to, threats, assault, property damage, violence or threat of violence, to one's intimate partner or to the family members or friends of the partner.

8. Stalking

Stalking is defined as engaging in a course of conduct (more than once) on the basis of sex directed at a specific person that would cause a reasonable person to:

- Fear for that person's safety or the safety of others; or
- Suffer substantial emotional distress. For the purpose of this definition:
 - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - Reasonable person means a person under the similar circumstances and with similar identities as the complainant.
 - Substantial emotional distress means significant mental suffering or anguish that may not necessarily require medical or other professional treatment or counseling, intimate or sexual relationship or may involve persons not known to one another.

Stalking also includes the concept of cyber stalking in which electronic media is used to pursue, harass, or to make repeated unwanted contact with another person in an unsolicited fashion. It may involve persons who are known to one another or have an intimate or sexual relationship or may involve persons not known to one another.

SUPPORTIVE MEASURES

Supportive measures are designed to restore or preserve equal access to the University's programs or activities without unreasonably burdening the opposing party, and to deter sexual harassment. Supportive measures will be implemented at the discretion of and established by the Title IX Coordinator or Deputy Title IX Coordinator.

- Instituting an Administrative Directive for No-Contact between involved parties.
- Limiting an individual's access to certain facilities or activities pending resolution.
- Providing referrals to counseling and health services.
- Referral to community-based service providers.
- Referring to the Employee Assistance Program.
- Providing education and advisories to the community.
- Altering the housing situation of the reporting or responding party.
- Offering adjustments to academic deadlines, course schedules, etc.
- Offering adjustments to extracurricular activities or other activities.
- Training and education programs.
- Offering students Financial Aid Counseling.
- Providing academic support services, such as tutoring.
- Altering work arrangements for employees.
- Instituting administrative leaves of absence for employees or students.
- Assisting with visa and immigration issues.
- Providing campus escorts.
- Providing transportation assistance to the hospital.
- Issuing emergency removals pending a formal process and appeal (see VIII (E))
- Increasing security and monitoring of certain areas of the campus.
- Providing any other measure which can be tailored to the involved parties to achieve the goals of the University's policy.

**These measures and other support and resources are available regardless of whether a reporting party seeks formal resolution and/or makes a crime report.*



SUPPORT SERVICES & RESOURCES

Various resources within the University and local community are available for individuals who have experienced sexual harassment or sexual misconduct of any kind. Regardless of which resource(s) an individual chooses to access, the situation will be handled with sensitivity and care to protect the privacy of the individual/s involved.

Confidential Resources

A person who desires confidentiality should make contact with one of the confidential resources/support services listed below. Information shared with a confidential resource is not reported to the University, Title IX Coordinator or law enforcement for investigation unless the person disclosing the confidential resources later chooses to engage those resources.

The University of Scranton Counseling Center, 570.941.7620, provides confidential counseling services to University students from Mon-Fri 8:30am-4:30pm during the academic year. The Counseling Center is located on the 6th floor O'Hara Hall, at the corner of Linden and Jefferson. Upon request, the Counseling Center will provide counseling as well as referrals to agencies off-campus.

Student Health Services, 570.941.7667, provides confidential medical support and assistance to University students from 8:30 a.m.-5:00 p.m. Monday through Thursday and Friday 8:30 a.m.-4:30 p.m. during the academic year. Student Health Services is located at the corner of North Webster Avenue and Mulberry Street in the Roche Wellness Center.

Women's Resource Center of Lackawanna County, 570.346.4671, 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.

National Sexual Assault Hotline, 800.656.HOPE, is a free, confidential national resource available 24 hours a day by calling or online.rainn.org

Employee Assistance Program, 1.800.327.2255, NexGenEAP, offers professional counselor services, including confidential counseling in-person or over the phone for a variety of stressful issues including sexual harassment and misconduct. Member and group numbers may be found by visiting scranton.edu/hr/benefits/employee-assistance-program.shtml

Additional Resources & Support Services – Private but Not Confidential

Regardless of which resource(s) an individual chooses to access, the situation will be handled with sensitivity and care to protect the privacy of the individual/s involved.

Campus Ministries, 570.941.7419, is located the DeNaples Center, Suite 200 and offers pastoral support. Students may stop by the office and ask to speak to a priest or campus minister or schedule an appointment. Although Campus Ministries staff are not confidential employees, ordained priests acting in their pastoral capacity are confidential and will not report to the Title IX Coordinator.

The Jane Kopas Women's Center, 570.941.6194, is located in the DeNaples Center, Suite 205. The Center is a safe and comfortable gathering place that also provides educational programming, leadership development, resources and referrals.

Scranton.edu/CARE is a website maintained by the University which provides information and resources for those in our campus community who have experienced or witnessed sexual harassment or sexual misconduct.

The Title IX Coordinator, Elizabeth Garcia, 570.941.6645, is in the Office of Equity and Diversity located in the Institute of Molecular Biology and Medicine, Suite 315. The Title IX Coordinator or Deputy Title IX Coordinator, Diana Collins Gilmore, are available to discuss any questions regarding the Sexual Harassment and Sexual Misconduct Policy, to assist an individual in accessing resources and support services, and to facilitate the investigation and resolution of reports of conduct that may violate the Sexual Harassment and Sexual Misconduct Policy.

University Police, 570.941.7777, located on level 2 of the Parking Pavilion, corner of Mulberry St. and Monroe Ave., are available to coordinate with various resources to provide for the safety and well-being of an individual who experienced sexual assault or sexual misconduct. This may include transporting 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 and the Victim/Witness Unit.

The Dean of Students, Lauren Rivera, 570.941.7680, located in the DeNaples Student Center, Suite 201, 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 information, resources and support provided by the Dean of Students is outlined in detail in the Sexual Harassment and Sexual Misconduct policy.

YOUR RIGHTS UNDER UNIVERSITY POLICY

The University of Scranton strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.



REPORTING

- Reporting individuals have the right to notify law enforcement of incidents and to receive assistance from campus personnel.
- Reporting individuals may decline to report to law enforcement if they so wish.*
- Reporting individuals have the right to have their report investigated and resolved internally by the University



**In limited circumstances the University Police Department is notified where there may be an ongoing threat to the community (i.e., Clery reportable matters including those that may require activation of the Emergency Notification System)*

FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to the published University policy and procedures. See the Responsible Reporter Statement (pg 3).
- **Complainants** and **Respondents** have the right to have a support person of their choosing present throughout all resolution proceedings (including interviews, meetings, etc.). A support person can be a campus community member, family member, friend, attorney, etc., with certain exceptions.
 - **Complainant** refers to the individual(s) who may have experienced sexual harassment or sexual misconduct, regardless of whether that individual makes a report or seeks formal disciplinary action.
 - **Respondent** refers to the individual(s) who has been accused of sexual harassment or sexual misconduct.
- Complainants and Respondents are entitled to written notice of the outcome of a formal investigation.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., drug and alcohol violations that don't affect the safety of the greater campus community) that are secondary to incidents of sexual misconduct.
- All members of the campus community have the right to be free from retaliation for reporting sexual harassment or misconduct or participating in an investigation or resolution.

SUPPORT

- Individuals have a right to be notified of the availability of counseling and health services.
- Individuals have a right to be notified of resources available both on and off campus.
- All parties involved in sexual harassment or sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Parties have the right to seek restraining orders, or similar lawful orders issued by criminal or civil courts, and may seek the help of the Title IX Coordinators or University of Scranton Police.
- The Office of Equity and Diversity will coordinate residential, academic and other appropriate resources and interim measures to assist students who have experienced sexual harassment or sexual misconduct.



RISK REDUCTION FACTORS

Risk reduction factors are steps individuals can take to minimize the possibility of sexual misconduct and increase safety and a sense of empowerment for themselves or others. There is no guaranteed way to avoid sexual misconduct. These risk reduction factors and safety ideas are a choice, not a responsibility. Whether someone chooses to use these ideas, sexual misconduct is not the fault of the person who experiences it. Remember that sexual activity is a choice, and all people, at any time, are free to choose whether or not to be sexually active.

- 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 and communicate those limits firmly and directly.
- Avoid mixing sexual decisions with drugs and alcohol.
- Be aware of predatory drugs.

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

WHAT CAN I DO TO HELP END SEXUAL HARASSMENT & SEXUAL MISCONDUCT?

Be 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.

If a Situation Presents, Intervene Safely:

- Bring in others to help when the situation may be potentially dangerous.
- Ask the individual you are concerned about if they are ok.
- Provide support and information available at scranton.edu/care.
- Distract or redirect individuals in unsafe situations.
- Ask the individual if they want to leave.
- Call University Police 570.941.7777 or Scranton Police 911.

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 person coming on too strong to someone who may be too drunk 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®).

Visit scranton.edu/CARE for more information on how to prevent and support survivors of gender based harassment and violence.

The United States Department of Education’s Office for Civil Rights (OCR) enforces Title IX. Information regarding OCR may be found at:
www2.ed.gov/about/offices/list/ocr/index.html

Title IX Coordinator

Elizabeth M. Garcia, *Executive Director*

Office of Equity & Diversity

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Deputy Title IX Coordinator

Diana Collins Gilmore, *Deputy TIX Coordinator and EEO Investigator*

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Deputy Title IX Coordinator — Employees

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The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX. Information regarding OCR may be found at ed.gov/about/offices/list/ocr/index.html

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scranton.edu/care

Non-Discrimination Statement

The University is committed to providing an educational, residential, and working environment that is free from harassment and discrimination. Members of the University community, applicants for employment or admissions, guests and visitors have the right to be free from harassment or discrimination based on race, color, creed, religion, ancestry, gender, sex, pregnancy and related conditions, sexual orientation, gender identity or expression, sex characteristics, sex stereotypes, age, disability, genetic information, national origin, ethnicity, family responsibilities, marital status, veteran or military status, citizenship status, or any other status protected by applicable law.

View the full statement at scranton.edu/equity-diversity.

Anyone who believes they have been subject to harassment or discrimination based on any of the above class of characteristics, or experiences sexual harassment, sexual misconduct or gender discrimination should contact Elizabeth M. Garcia, Title IX Coordinator, IMBM Suite 315, 570.941.6645, elizabeth.garcia2@scranton.edu.