

TITLE IX: Sexual Harassment Brochure

FOR REPORTING AND RESOURCES



TITLE IX COORDINATOR

Amy Salsgiver

EXECUTIVE DIRECTOR OF EQUITY AND TITLE IX

814-393-2109



What is Sexual Misconduct?

SEXUAL MISCONDUCT DEFINITIONS

1. **Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person:
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) the length of the relationship;
 - (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. 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.
2. **Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, 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 Pennsylvania’s domestic or family violence laws or 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 Pennsylvania.
3. **Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.
4. **Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:
 - A. Sexual Penetration Without Consent
Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.

B. Sexual Contact Without Consent

Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.

C. Statutory Sexual Assault

The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute^[1].

5. **Sexual Exploitation**

Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
- B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
- D. Prostituting another individual; or
- E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

6. **Sexual Harassment**

For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo or Hostile Environment Sexual Harassment, Dating or Domestic Violence, Sexual Assault and Stalking.

7. **Regulatory Quid Pro Quo Sexual Harassment**

An Employee conditioning the provision of aid, benefit or service of the university on an individual's participation in unwelcome sexual conduct.

8. **Non-Regulatory Quid Pro Quo Sexual Harassment**

An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the university on the individual's participation in unwelcome sexual conduct.

9. **Regulatory Hostile Environment Sexual Harassment**

Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's Education Program or Activity.

10. **Non-Regulatory Hostile Environment Sexual Harassment**

Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from any educational, employment, social or residential program in offered connection with the university.

11. **Stalking** (as defined in the VAWA amendments to the Clery Act)

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. fear for their safety or the safety of others; or
- B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the internet, social networks, blogs, cellphones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

12. **Consent**

A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. In order to be valid, Consent must be knowing, voluntary, active, present and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the university will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

^[1] The text of Chapter 31 of the Pennsylvania Crimes Code is available at <https://bit.ly/305G9pu>

If You Have Experienced Sexual Violence, Interpersonal Violence or Stalking

IMMEDIATE STEPS

Contact the police, who can put you in touch with resources, coordinate medical attention if necessary, and collect physical evidence of the crime for possible criminal prosecution if you choose to pursue criminal charges (even if this is determined later, the collection of evidence is important for presentation of the case).



Get more info

If you do not wish to contact the police immediately, it is suggested that you do the following:

- Go to a safe place. Your community assistant's room, a friend's room, or any open offices on campus.
- Seek medical attention, if needed.
- Call someone you trust. A friend, family member, or advocate are good resources. You do not have to go through this alone.
- Preserve evidence. After sexual violence, do not shower until you have considered whether to have a no-cost forensic sexual assault examination at the hospital and save the clothes you were wearing (unwashed) in a paper or cloth bag. After sexual violence, interpersonal violence or stalking, take photos of any damage or injury and keep communication records.

WITHIN 24 HOURS

- Seek out confidential support. You may want to turn to a confidential advocate or counselor for support and advice. They will talk with you about your options for additional support services and reporting.
- After unwanted physical contact, get medical attention. A medical provider can check for and treat physical injury, sexually transmitted infections, and pregnancy. You do not need to make a formal report or press charges to receive medical care.

AT ANY TIME

- Consider making a formal report. You are encouraged to report what happened to both the police and the Title IX Coordinator, Amy Salsgiver. You can decide how much you would like to participate in any investigation process.
- PennWest California can help. Campus-based resources can help you with supportive measures such as changes to your housing, classes, work and more. You do not need to make a formal report or press charges to receive help from PennWest California.

PennWest California's Commitment to a Safe and Supportive Community

PennWest California is committed to creating and maintaining a campus environment free from all forms of sexual violence, relationship violence and stalking. All reports are taken with the utmost seriousness.

You are not alone. You do not have to make a formal report or press criminal charges to receive medical and academic support. The resources listed in this brochure, for both on and off campus, can help.

EMPLOYEE REPORTING

Under our Sexual Misconduct Policy and Complaint Procedure, most employees who witness or receive a report of sexual violence, interpersonal violence, or stalking must report the incident to the Title IX Coordinator. Exceptions include employees in the Health and Wellness Center and faculty members as outlined in the syllabus for the class.

Under the Clery Act, many employees also have a duty under federal law to report crimes to Pennsylvania Western University Police. The report includes the date, time and place of the incident; the report does not require the identity of the reporting party should they wish to remain anonymous.

Reporting and Investigating

Individuals reporting sexual violence are strongly encouraged to make a report to both the Police and the Title IX Coordinator for assistance and investigation. Reporting can help to ensure the safety of the reporting party and the campus community. Reporting parties may choose not to participate further in any internal university investigation. Reports to University Police are investigated and the survivor has the option for the police to stop the criminal investigation of the accused at any time.

PENNWEST CALIFORNIA POLICE

Available 24 hours a day, 7 days a week

Building B, 420 Hickory St.

724-938-4299 or 911

- PennWest California Police are responsible for all criminal investigations for on-campus crimes.
- State or local police are responsible for investigations for off-campus crimes.
- If you are unsure where to call, start with PennWest California Police.

TITLE IX

Title IX Intake
426 Dixon Hall (California Campus) 724-938-5758

Title IX Coordinator
423 Becht Hall (Clarion Campus) 814-393-2109

- Investigates Student Code of Conduct violations through the Dean of Students Office when the responding party is a PennWest student.
- Investigates incidents that occur on campus (California, Clarion, Edinboro) which fit the regulatory definition for a Title IX formal complaint.
- All other reports involving unwanted or unwelcomed acts of a sexual nature falling outside the purview of the Title IX process, and involving students, will be referred to the student conduct process to be investigated and addressed under the Student Code of Conduct.
- Students and employees who violate university policies and conduct codes may be subject to discipline as outlined in the *Student Code of Conduct* or applicable university policies and procedures.

CONFIDENTIAL RESOURCES (ON CAMPUS)

HEALTH & WELLNESS CENTER

Student Health Services
G53 Carter Hall 724-938-4232

Counseling Center
G53 Carter Hall 724-938-4056

Provides medical care for reporting parties as well as counseling services. Health and Wellness Center may also be able to assist connecting a student with off-campus resources.

While reporting party's conversation with any university employee will be kept private (not shared unnecessarily with others), only a conversation with a confidential resource can be kept confidential (will not be shared with anyone without express consent of the reporting party).

CAMPUS MINISTRY

123 Natali Student Center 724-938-4573

CONFIDENTIAL RESOURCES (OFF CAMPUS)

THE C.A.R.E. CENTER/S TTARS PROGRAM

75 E. Maiden St., Washington, PA 15301
724-229-5007

Hotline: 1-888-480-7283

DOMESTIC VIOLENCE SERVICES OF SOUTHWESTERN PA

371 Low Hill Road, Brownsville, PA 15417

724-223-9190 (Washington Co.)

Hotline: 1-800-791-4000

724-852-2463 (Greene Co.)

724-439-9500 (Fayette Co.)

PAAR-PITTSBURGH ACTION AGAINST RAPE

81 S. 19th St., Pittsburgh, PA 15203

412-431-5665

Hotline: 1-866-363-7273

Respond, educate and advocate to end sexual violence. Provides confidential assistance, advocacy and support in local emergency rooms, legal advocacy, counseling, prevention, outreach and training.

WOMEN'S CENTER & SHELTER OF GREATER PITTSBURGH

412-687-8005

Hotline: 877-338-8255

Services related to intimate partner violence in the greater Pittsburgh area.

NON-CONFIDENTIAL RESOURCES (ON CAMPUS)

PENNWEST CALIFORNIA POLICE

Building B, 420 Hickory St.

724-938-4299 or 911

TITLE IX COORDINATOR

Amy Salsgiver

423 Becht Hall, Clarion Campus

814-393-2109

OFFICE OF SOCIAL EQUITY

423 Becht Hall

814-393-2109

ASSOCIATE/DEAN OF STUDENTS

311 Natali Student Center

724-938-4439

RESOURCES

Emergency 911

CAMPUS RESOURCES

PennWest California Police..... 724-938-4299

Counseling Services..... 724-938-4056

Amy Salsgiver
(Title IX Coordinator) 814-393-2109

Health Center724-938-4232

International Programs.....724-938-4404

Associate Dean
of Students.....724-938-4439

Student Accounts.....724-938-4431

Behavioral Intervention
Team cal.edu/bit

To learn about sexual misconduct
violations and your rights as a student,
visit the Dean of Students website at
pennwest.edu/equity-title-ix.

MEDICAL & PSYCHOLOGICAL ASSISTANCE

Mon Valley Hospital..... 724-258-1000

Adagio Health,
Uniontown 724-437-1582

Mon Valley Crisis Hotline 724-225-3584

Southwestern PA Human Services
Crisis Hotline 1-877-225-3567

LEGAL ADVOCACY

Legal Aid..... 724-225-6170

Protection from Abuse Assistance
Washington724-223-8349

OFFENDER RESOURCES

FAACT, Inc. 814-922-4858

Forensic Counseling Services
Washington 724-309-8083

LAW ENFORCEMENT

California Borough
Police..... 724-938-3233 or 911

PennWest California
Police 724-938-4299 or 911

Pennsylvania State Police
(Belle Vernon)..... 724-929-6262



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