Student Sexual Misconduct Policy

Thomas Jefferson University

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I. Policy Statement
Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Thomas Jefferson University is committed to providing an environment free of discrimination on the basis of sex, including, but not limited to, sex-based disparate treatment, sexual misconduct and sexual harassment. TJU implements and maintains prevention and awareness programs designed to avoid sexual misconduct and sexual violence.

II. Scope
The University recognizes that anyone can be subjected to or contribute to Sexual Misconduct regardless of age, sex, race, religion, disability status, national origin, sexual orientation, gender identity or other protected characteristics. As such, this policy applies to all members of the University community, including students, employees, volunteers, visitors, and any individuals having any official capacity at the University. This policy applies to conduct occurring on University property or at University events or programs that take place off campus; any off-campus behaviors that have an adverse impact on the University or any member of the University community fall under this policy.

III. Consent
Consent to engage in sexual activity must be obtained from each partner and must exist from beginning to end of each instance of sexual activity. Consent must be informed, knowing, and voluntary. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in sexual activity. Note that, although consent may in some cases be demonstrated through nonverbal conduct alone, reliance on nonverbal conduct alone as an indication of consent could lead to misunderstandings. It is better to obtain a verbal indication of consent.

Consent is not effective if it results from the use of physical force, intimidation or coercion, or if the person is too incapacitated to provide informed, knowing and voluntary consent. If a partner becomes too incapacitated to consent during the course of sexual activity, there is no longer consent. Silence and/or a lack of resistance do not, by themselves, demonstrate consent. Use of alcohol or drugs shall not diminish one’s responsibility to obtain consent, but may diminish one’s ability to consent.

Consent to engage in sexual activity may be withdrawn by any party at any time. Withdrawal of consent must also be outwardly demonstrated by words and/or actions that clearly indicate a desire to end sexual activity. Note that, although withdrawal of consent may in some cases be demonstrated through nonverbal conduct alone, reliance on nonverbal conduct alone to withdraw consent could lead to misunderstandings. It is better to verbally withdraw consent by saying “no,” “stop” or some other similar verbal communication. Once withdrawal of consent has been clearly
expressed, sexual activity must cease. A previous sexual relationship and/or current relationship with a partner, do not, by themselves, imply consent.

IV. Prohibited Behaviors

Sexual Misconduct is the overarching term used by the University to describe behaviors or offenses of a sexual nature that are committed against individuals who do not consent to them. Sexual Misconduct is prohibited under this policy. Instances of Sexual Misconduct include, but are not necessarily limited to, unwanted sexual acts which are committed by coercion, force, intimidation, manipulation or otherwise without consent. The following are examples of behaviors or offenses that are considered acts of Sexual Misconduct. Please note that the specific definitions of certain behaviors or offenses under Pennsylvania law are included in Appendix A to this policy:

A. Sexual assault. Any non-consensual sexual act. It includes, but is not limited to, the following when consent is not present:

1. Sexual intercourse (anal or vaginal)
2. Oral sex
3. Penetration (anal, vaginal, oral) with an object or body part
4. Use of coercion, force or manipulation to make someone else engage in inappropriate touching of their or another’s genitals or “private parts” (breasts, buttocks, etc.)
5. Fondling, or touching the private body parts of another person for the purpose of sexual gratification, without consent. This includes where the other person is incapable of giving consent because of his/her age or temporary or permanent mental incapacity.
6. Sexual activity with another person who is not able to give consent due to intoxication, incapacitation, unconsciousness, helplessness, or other inability.

B. Rape. Non-consensual penetration, no matter how slight, of the vagina or anus with any body part or object, or non-consensual oral penetration by a sex organ of another person.

C. Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. See Appendix A for information on Pennsylvania’s age of consent.

D. Sexual Harassment. Sexual Harassment is unwanted verbal, written, physical or other sex-related behavior directed toward another person or group because of that person’s or group’s sex, sexual orientation or gender identity. Sexual harassment may include a range of subtle and overt behaviors and may involve individuals of the same or different sex. Depending on the circumstances, these behaviors may include, but are not limited to:
unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Sexual harassment is a form of sex discrimination, and will not be tolerated. The following behaviors are prohibited, whether conducted by a man or a woman:

1. “Quid Pro Quo” is to threaten or insinuate, expressly or implicitly, that any student is required to submit to sexual advances or to provide sexual favors in order to participate in a University program or activity or to make any educational decision or take any action based on a student’s submission to or refusal to submit to sexual advance.

2. Hostile Environment is to engage in unwelcome sexually-oriented or otherwise hostile conduct which has the purpose or effect of interfering unreasonably with another person’s work or academic performance or of creating an intimidating, hostile, abusive or offensive environment. Such an environment can be created by a University employee, another student, or even someone visiting the University, such as a student or employee from another school.

E. Stalking is a type of Sexual Harassment in which a person directs a course of conduct at another specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Examples of stalking behavior include repeatedly calling, e-mailing or texting someone, especially after being asked to stop; physically following a person; threats, intimidation or intrusive behavior; always “showing up” or being visible where the other person is, etc.).

   1. Cyber-Stalking is a specific type of Stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcomed contact with another person in an unsolicited fashion. Some examples of Cyber-Stalking include, but are not limited to, unwelcomed/unsolicited emails, instant messages, and messages on on-line bulletin boards. It also includes, but is not limited to, unsolicited communications about a person, their family, friends, co-workers, or sending/posting unwelcomed and unsolicited messages with another username.

F. Sexual Exploitation is an act of Sexual Misconduct in which a person exploits or takes advantage of another person in a sexual manner without consent. Examples of Sexual Exploitation include, but are not limited to, the following:
1. Recording (audio or video) or photographing sexual activity without the knowledge and consent of all parties involved

2. Electronically transmitting (posting online, texting, emails, etc.) sounds or images of sexual activity without the knowledge or consent of all parties involved

3. Voyeurism (spying on others who are engaged in an intimate or sexual act)

4. Going beyond consent (having consensual sex but allowing other people to watch without the knowledge of the consenting party)

5. Prostituting another person

6. Public indecency (exposing yourself without consent)

7. Knowingly exposing an individual to a sexually transmittable infection or virus without his or her knowledge.

G. **Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party'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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

H. **Domestic violence.** A felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;

2. By a person with whom the victim shares a child in common;

3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

I. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

V. **Procedures**
A. **Reporting** - The University encourages those subjected to sexual misconduct and sexual violence to report what occurred so they can get the support they need and the university can respond appropriately. *It is important to note that different employees on campus have different levels of responsibility to maintain a person's confidentiality. The following are reporting options that carry different levels of confidentiality.*

Please note that, with the exception of entirely confidential reports to the Student Personal Counseling Center, University Health Services or the Pastoral Care Program, all of which are addressed below in subsection 2, “Confidential Reporting,” Jefferson will be required by law to include all reported sexual misconduct/violence crimes in its annual compilation of campus crime statistics. No personally identifying information of either the person subjected to sexual misconduct or the accused will be included. This statistical report will include only the fact that a crime was reported and its alleged location.

Additional important confidentiality information is included in the next section, entitled “Confidentiality.”

1. **Non-Confidential Reporting** - Some employees are non-confidential and are required to report information regarding an incident to Campus Security and the Title IX Coordinator. Reporting an incident to the following people generally obligates the university to investigate:

   a. Campus Security (811 or 215-955-8888)

   b. Title IX Coordinators:

      1. Sidney Kimmel Medical College: Dr. Charles Pohl, Sr. Associate Dean for Student Affairs (157 Jefferson Alumni Hall, 215-203-6988, charles.pohl@jefferson.edu)

      2. Graduate College of Biomedical Sciences: Dr. Gerald Grunwald, Dean (M63 Jefferson Alumni Hall, 215-503-4191, gerald.grunwald@jefferson.edu)

      3. Jefferson Colleges of Health Professions, Nursing, Pharmacy and Population Health: Jennifer Fogerty, Assistant Provost for Student Affairs (1123 Edison, 215-503-6335, jennifer.fogerty@jefferson.edu)

   c. College Deans or Associate Deans

   d. Housing and Residence Life staff (including RA’s)

   e. Full-time faculty
f. University Administrators with significant responsibility to student and campus activities

g. Human Resources (if involving a faculty or staff member)

2. **Confidential Reporting** – Some employees may talk to a student subjected to sexual misconduct in confidence, and only report that an incident occurred without revealing any personally identifying information. If a student wants to maintain confidentiality the University will be unable to conduct an investigation or pursue disciplinary action. Reporting to the following people will not trigger an investigation without consent:

a. Student Personal Counseling Center (215-503-2817)

b. Pastoral Care Program (215-955-6336)

c. University Health Services (215-955-6835)

3. **Anonymous Reporting** – Students also have the option of anonymous reporting. If an anonymous report is made the identity of the student will not be known, but the university’s ability to respond will be limited. The following are options for anonymous reporting:

a. Campus Security 24-hour recorded phone line (215-955-5678)

b. Human Resources ComplyLine (888) 5-COMPLY.

B. **Confidentiality** – The University has a strong desire to assist students subjected to Sexual Misconduct, and strongly encourages them to report any such incidents. The University will make every reasonable effort to preserve an individual’s privacy and protect the confidentiality of information it receives in connection with such a report. The information reported will be shared only with individuals who assist or are otherwise involved in the investigation and/or resolution of the complaint, or who otherwise have a need to know about the complaint and/or its resolution.

Students should know, however, that the University may have an obligation to investigate allegations of Sexual Misconduct. Allegations reported to Non-confidential employees will be reported to Campus Security and the appropriate Title IX coordinator, which will ordinarily lead to an investigation. If a student discloses an incident to a Non-confidential employee but wishes to maintain confidentiality or requests that no investigation or disciplinary action occur, the Title IX Coordinator must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment. The Title IX Coordinator will consider a range of factors, including:
1. The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct, such as
   a. Whether there have been other complaints against the same person
   b. Whether the accused has a known history of arrests or violence from a previous school
   c. Whether the accused threatened further sexual misconduct
   d. The sexual misconduct was committed by multiple perpetrators
   e. Whether the sexual misconduct/violence was perpetrated with a weapon
   f. Whether the victim is a minor
   g. Whether the University possesses means to obtain relevant evidence (for example security cameras or physical evidence)
   h. Whether the victim’s report reveals a pattern of perpetration at a given location or by a particular group.

If it determines that it can respect a student’s request for confidentiality, the University will consider non-specific remedial action, such as increasing monitoring, security and/or education and prevention efforts.

If it determines that it cannot maintain a student’s confidentiality, the University will so inform the student subjected to sexual misconduct prior to the start of an investigation. The University will provide security and support during the investigation, as described in V.G, Retaliation and V.I, Academic Accommodation and Interim Measures.

C. Options to Involve Campus Security and Law Enforcement – If you are subjected to Sexual Misconduct, you have the option to report the incident to and seek assistance from law enforcement authorities, including campus security and local police. If you would like to notify the police, campus security is available and willing to assist you in doing so. It is also your right and option, absent an ongoing danger to the university community, to decline to notify campus security or the police of the Sexual Misconduct (note, however, that the crime will likely need to be included, without any personally identifying information, in the University’s annual compilation of campus crime statistics).

D. Option to Seek Protection From Abuse Order – If you are subjected to Sexual Misconduct, you may have the option of seeking a Protection From Abuse Order (PFA) from the Philadelphia courts. A PFA may typically require that an abuser not abuse, threaten, harass or stalk the victim, stay away from the victim’s residence (even if it is also the abuser’s residence), stay away from the victim (including at school or work) and turn weapons over
to the police. PFAs may be available to anyone abused by a parent, child, current or former spouse, current or former sexual or intimate partner or others related by blood or marriage. Should an employee or student obtain and notify Jefferson of a PFA, “no-contact,” restraining or similar court order, Jefferson’s campus security will work with the student or employee to help ensure that the order is honored.

E. Preservation of Evidence – Individuals subjected to sex-related crimes should understand that it is important to preserve any physical or other evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Without preservation of such evidence, it may be difficult or impractical to prosecute the perpetrator or obtain a protection order. The Philadelphia Police Department should be contacted, with the victim’s consent, when physical evidence should be preserved, as the Philadelphia Police are best suited to ensure the proper preservation of evidence.

F. Amnesty – The University recognizes that a student subjected to Sexual Misconduct who has been drinking or using drugs at the time of the incident may be hesitant to report it due to a fear of discipline for his/her own conduct. Consistent with the University’s desire to assist those subjected to Sexual Misconduct and to encourage students to report incidents of Sexual Misconduct, an individual who in good faith reports Sexual Misconduct under this policy will not be subject to disciplinary action by the University for his/her own consumption of alcohol or drugs at the time of the incident, provided that the individual’s conduct did not and does not place the health or safety of any other person at risk.

G. Retaliation or Intimidation is when someone engages in action(s) or omission(s) intended to punish, seek retribution against or otherwise adversely affect a person who, in good faith, makes an allegation or report of Sexual Misconduct, participates or cooperates in an investigation into an allegation of Sexual Misconduct or participates or cooperates in the University’s process for addressing allegations and/or incidents of Sexual Misconduct, including participation in any mediation or hearing related to allegations of Sexual Misconduct. Retaliation and intimidation is prohibited. It constitutes a serious violation of this policy and, like Sexual Misconduct itself, will be subject to disciplinary action, up to and including dismissal.

H. Sexual Assault Response – A student who is a victim of sexual assault should call 811 (Campus Security) or 911 (Philadelphia Police Department). When a report of a sexual assault is made to University personnel on an emergency basis, Campus Security or other University personnel will escort the victim to a place of safety and will identify, secure and maintain the scene of the alleged assault or offense, as appropriate. If there is a need to preserve evidence the Philadelphia Police Department will be contacted. Evidence of a sexual assault should be preserved as soon as possible, even if the reporting student is unsure about reporting or filing criminal charges.
If a sexual assault has occurred it is important for the victim to seek medical attention as soon as possible to check for internal injuries, receive preventative treatment, and gather forensic evidence. The victim will be informed of the availability of immediate medical and/or psychological assistance available, including treatment for emergent injuries at the Thomas Jefferson University Hospital (TJUH) Emergency Department. Forensic medical examinations are not administered at TJUH. However, TJUH will arrange transport to the Philadelphia Sexual Assault Response Center (PSARC), where a Sexual Assault Nurse Examiner will conduct an exam. If not an emergent situation requiring the close proximity of the TJUH Emergency Room, victims have the option of going directly to PSARC at 300 E. Hunting Park Avenue, Philadelphia, PA 19124, 215-425-1625. PSARC provides forensic medical evaluation, injury documentation, forensic photography, pregnancy prevention, sexually transmitted infection prevention, HIV prevention, follow-up care, and court testimony. Victim advocacy and counseling is available through Woman Organized Against Rape (WOAR). WOAR has a 24-hour hotline (215-985-3333) and will arrange for a counselor to meet with you before, during, or after any forensic medical examination. For more information on assistance available, see Section VI.A – Campus/Community Services.

In all circumstances, the victim shall be informed of the procedures for filing criminal charges via the Philadelphia Police Department. If the victim chooses to have police notified, security will immediately notify the Philadelphia Police and assist the victim in the filing of the charges if requested. The Title IX Coordinator (detailed in V.A, Reporting) will be notified in order to maintain coordination of a University investigation and campus services.

I. Academic Accommodations and Interim Measures – When a report of sexual misconduct is made academic accommodations and interim measures of protection for the parties involved will be provided, if necessary. Interim measures of protection may be available with respect to academic, living, transportation and working situations. Examples include separating the parties, placing limitations on contact between the parties, housing reassignment, or interim suspension of an accused. Students will also have access to academic support services and may be given the option to withdraw from a class or take a leave of absence.

Jefferson will make accommodations or provide protective measures if the student requests them and if they are reasonably available, regardless of whether the student chooses to report the crime to campus police or local law enforcement. Jefferson will keep confidential information regarding the accommodations or protective measures, to the extent it can do so without impairing its ability to provide them. This information will be shared only with institutional personnel whom Jefferson determines have a need to know the information in the course of carrying out their job duties or providing the accommodations or protective measures.
Any student requiring assistance in seeking or obtaining the types of accommodations or interim measures referenced in this section should contact the Title IX coordinator responsible for his/her College, who will provide assistance.

J. Investigation and Disciplinary Proceedings - The University has a responsibility to investigate allegations of Sexual Misconduct independently of any criminal justice proceedings that may take place. Investigations may lead to disciplinary proceedings as described below. Both the investigation and any resulting disciplinary proceedings will take place promptly and will be conducted in a fair and impartial manner from the initial investigation to the final result. The investigation and any disciplinary proceedings will be conducted by one or more University officials who do not have a conflict of interest or bias for or against the accuser or the accused. These officials will receive annual training on Sexual Misconduct issues, including issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The first step of an investigation will usually be a preliminary interview of the person reporting the crime (accuser); the University will use the information gathered to evaluate the next steps that need to occur and, if necessary, provide for the safety of the University campus community. The investigation may include such things as interviews of the parties allegedly involved (including any witnesses) and gathering of any physical evidence and other relevant information. The accuser and the alleged offender (accused) will be given equitable rights during the investigative process.

The results of the investigation and any related proceedings, including any changes to the results, shall be provided simultaneously, in writing, to both the accuser and the accused. This notification shall include written procedures for either the accused or the accuser to appeal the result of the proceedings and when, absent appeal, the results of the proceedings become final.

1. Resolution of allegations that a student committed Sexual Misconduct will vary according to the findings of the investigation, and may include No Further Action, Formal Meeting, or a Judicial Board Hearing. The accuser, accused and appropriate University officials will be afforded timely and equal access to any information that will be used during any disciplinary meeting or hearing that takes place, and will be afforded timely notice of and may appear at any hearing that takes place. Regardless of the type of resolution, TJU will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.

   a. **No Further Action.** If, upon investigation, it is determined that the allegations are unfounded, the University will so inform the accuser and accused in
writing. If either party is unsatisfied with the decision to take no further action, he/she may file a written notice of appeal within three days of receiving the decision. Students can file an appeal with the Provost of Thomas Jefferson University; the Provost, or a designee appointed by the Provost, shall meet with the individual appealing the decision to attempt to resolve the situation. The Provost or designee shall provide a written decision, which shall be sent to both parties within five business days of the meeting. The decision of the Provost or designee is final and binding.

b. **Formal Meeting.** If, upon investigation, it is determined that a policy violation has occurred that does not require a Judicial Board Hearing to resolve, the University will hold a meeting with the offender to formally advise him/her that his/her behavior constitutes a violation of University policy and must stop immediately. A formal meeting may involve sanctions including, but not limited to, a verbal or written reprimand. The sanctions of disciplinary probation, suspension and dismissal cannot be issued in a formal meeting. Both the accuser and accused will be notified, in writing, of the outcome of a formal meeting. If either party is unsatisfied with the result of a formal meeting, he/she may file a written notice of appeal within three days of receiving the decision. Students can file an appeal with the Provost of Thomas Jefferson University; the Provost, or a designee appointed by the Provost, shall meet with the individual appealing the decision to attempt to resolve the situation. The Provost or designee shall provide a written decision, which shall be sent to both parties within five business days of the meeting. The decision of the Provost or designee is final and binding.

c. **Judicial Board Hearing.** For allegations of student Sexual Misconduct for which No Further Action or a Formal Meeting are not, in the University’s discretion, appropriate responses, the judicial system, to include a Judicial Board Hearing, will be utilized. The judicial system is described in Section XIII of the Code of Conduct found in the university student handbook.

The accuser and the accused will be afforded an equal opportunity to have witnesses testify on their behalf, subject to the discretion of the hearing officials to exclude irrelevant, cumulative, overly prejudicial or other unnecessary evidence. Both the accuser and the accused will have the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Such individuals shall be permitted to attend such meetings or proceedings solely as an advisor and may not participate in the meeting, hearing or proceedings.
Please note that the standard of evidence in a Judicial Board Hearing for Sexual Misconduct is a preponderance of evidence. As detailed in Section XII of the Code of Conduct, possible sanctions include, but are not limited to: reprimand, disciplinary probation, suspension and dismissal. The University will inform, in writing, the accuser and the accused of the outcomes of a Judicial Board Hearing. The accuser and the accused may appeal the outcome of his or her case as described in Section XIII.E of the Code of Conduct.

K. **Non-Student Violations** - Any TJU employee or agent who is found to have violated this policy will be subject to appropriate disciplinary and/or corrective action under applicable policies, up to and including termination of his or her employment or other relationship with Jefferson.

L. **Timeframe** - Once a report of sexual misconduct is made, an investigation of the report shall be initiated within seven calendar days. The investigation shall be concluded as quickly as possible, typically within fifteen calendar days or a reasonable amount of time required to complete a thorough investigation. If the matter is forwarded to a judicial board hearing, the timelines outlined in Section XIII of the Code of Conduct apply. The timeframe from initial report to finding should not exceed sixty calendar days. These timeframes may be extended for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

**VI. Jefferson’s Prevention and Awareness Programs**

As part of its effort to protect students and employees from sexual misconduct and sexual violence, Jefferson provides prevention and awareness training to all incoming students and employees on issues related to these offenses.

The first training occurs during orientation and then ongoing programming is provided both in-person and online. An online training providing an overview of the Sexual Misconduct policy is available at www.jefferson.edu/titleix. On-campus programming is provided in bystander intervention, domestic violence, self-defense, and through speakers related to sexual misconduct. All programming is advertised widely on campus and designed to promote awareness of and prevent Sexual Misconduct.

A. **Bystander Intervention.** Research on the causes of sexual violence and evaluation of prevention efforts indicates that bystanders (also referred to as witnesses, defenders, or upstanders) are a key piece of prevention work. “Bystander Intervention” refers to safe and positive options that may be carried out by an individual or group of individuals to
prevent harm or intervene when there is a risk that sexual misconduct/violence may occur. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate sexual misconduct or violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystander intervention does not only refer to stopping sexual misconduct/violence in progress. It can also mean intervening early – at the first signs that there may be a problem. This may include recognizing and assisting someone who may be targeted for sexual assault or who may appear not to be thinking clearly.

Safety is the paramount concern for all involved in bystander intervention. This means ensuring your own safety as an intervener as well as attempting to maintain the safety of the person and other third parties. Safety is increased when intervention is attempted with a group rather than by an individual, especially if the intervention will involve discussion directly with the offender.

In some cases, it may be possible to intervene without communicating directly with the offender. The following are examples of ways in which a situation may be avoided without direct confrontation:

- Talk to a person to ensure he/she is okay
- Make up an excuse to assist in getting the person away from the potential offender
- Contact the police and seek assistance
- Recommend to a bartender or party host that a person has had too much to drink or is acting inappropriately
- Escorting a friend away from a risky situation

If you feel that it is necessary to communicate directly with the offender, it is very important that you do so only if you believe it is safe for you to intervene in a non-violent way. If you believe it would be safe to do so, it may be appropriate to tell the offender that the behavior is dangerous and does not appear to be welcome, and ask him or her to please stop the behavior.

B. Risk Reduction If you become a victim of a crime, it is not your fault. Perpetrators, not victims, are responsible for sexual misconduct, sexual violence and other crimes. Despite this reality, there are actions everyone can take to increase safety:
• Make sure you have consent. Consent is a clear and freely given yes, not the absence of a no.

• Remember that people who are incapacitated by alcohol or drugs cannot give consent.

• Communicate your limits. If you are not ready engage in sexual activity then say “no”. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason.

• Back up your words with a strong voice and body language.

• Be aware of your surroundings. Being mindful of your location, the atmosphere and who else is present may help you avoid an uncomfortable situation.

• Avoid being alone with someone you don’t know or don’t trust.

• Try to avoid isolated or dark areas such as side streets or alleys.

• Try to avoid walking alone at night. Try to keep your cell phone charged and with you, and ensure that you have money for a cab if necessary. Remember that campus security is available to provide escorts.

• Listen to your intuition and instincts. If they say something is wrong, it probably is. Try to avoid or get out of the situation.

• Don’t be afraid to make a scene and stand up for yourself.

• Don’t be afraid to call campus security or the police.

• Remember, alcohol and drugs can impair your judgment and reactions. Be especially careful when you drink, and when you’re with someone who has been drinking. Watch out for friends who have been drinking.

• Watch your beverage at all times. Date rape drugs are tasteless, colorless, and odorless. Until the effects are well under way, victims don’t know they have ingested drugs.

• When you go out to a party and/or to bars, go with a group of friends and look out for each other.

If you see someone who could be in trouble, speak up or call authorities.

VII. Campus/Community Services and Education
A. Campus/community services are available for immediate and ongoing support to address problems related to Sexual Misconduct. Following are examples of available services, both within the University and in the external community:

1. **Thomas Jefferson University Hospital’s Emergency Department** (215-955-6840) provides emergency medical services. It is located at 132 South 10th Street, Philadelphia, PA.

2. **The Student Personal Counseling Center** (SPCC) offers a variety of counseling and support services to help students in times of need (215-503-2817). Students can also call 215-955-HELP for counseling, health services, and support group information at Jefferson.

3. **University Health Services** (UHS) provides medical care for Jefferson students (215-955-6835). It is located at 833 Chestnut Street, Suite 205, Philadelphia, PA.

4. **Women Organized Against Rape** (WOAR) is Philadelphia’s only rape crisis center and can be reached through a 24 hour hotline at 215-985-3333. WOAR provides free counseling and offers support during forensic rape examinations and any future court proceedings.

5. **Philadelphia Sexual Assault Response Center** (215-800-1589) is a private, not-for-profit center whose mission is to provide expertise in the assessment and evaluation of sexual assault victims in Philadelphia. The center is staffed 24 hours a day, 7 days a week by on-call, specially trained and experienced Sexual Assault Nurse Examiners who provide forensic rape examinations. PSARC cares for victims regardless of their cooperation with law enforcement. PSARC is located at 300 E. Hunting Park Avenue, Philadelphia, PA 19124. In an emergency, call 215-425-1625 to reach the on-call sexual assault nurse examiner.

6. The **Rape, Abuse, and Incest National Network** (RAINN) operates the National Sexual Assault Hotline at 1.800.656.HOPE and offers online support, such as online counseling and assistance finding a local counseling center, at [www.rainn.org](http://www.rainn.org).

7. The **National Domestic Violence Hotline** (800-799-7233) has highly trained expert advocates available 24 hours a day to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

8. **Jefferson’s Office of International Affairs** (215-503-4335) works with all University departments and individuals to facilitate exchange and to offer assistance with visa and immigration issues. OIA is located at M-70 Jefferson Alumni Hall, 1020 Locust Street, Philadelphia, PA.
9. The Nationalities Service Center (215-893 – 8400) is a non-profit organization that provides social, educational and legal services to immigrants and refugees in the Greater Philadelphia area. It is located at 1216 Arch Street, 4th Floor, Philadelphia, PA.

10. The Philadelphia Bar Association (215-238-6333) is available to provide referrals to attorneys to assist with legal problems in and around Philadelphia.

11. Philadelphia Legal Assistance (215-981-3800) provides free civil legal assistance to low-income individuals and families in Philadelphia. Its offices are located at 718 Arch St #300N, Philadelphia, PA.

12. Community Legal Services of Philadelphia (215-981-3700) also provides free legal assistance in civil matters to low-income Philadelphia residents. Its offices are located at 1424 Chestnut St., Philadelphia, PA.

13. Thomas Jefferson University’s Office of Student Financial Aid (215-955-2867) assists students in securing financial aid and acts as an educational debt management resource for students. It may be able to assist with financial aid issues stemming from incidents of Sexual Misconduct. The office is located in the Curtis Building, Suite 115, 1015 Walnut Street, Philadelphia, PA.
Appendix A

Definitions Under Pennsylvania Law

**Consent.** In the Commonwealth of Pennsylvania, the term “consent” is defined in accordance with its plain and common meaning, as addressed in the main body of the Student Sexual Misconduct Policy. Additionally, under Pennsylvania law, minors under the age of 13 cannot legally consent to sexual activity. Minors under the age of 16 can only legally consent if the other party is fewer than 4 years older. A mental disability may also render an individual legally incapable of consenting to sexual activity under Pennsylvania law.

**Dating Violence.** Pennsylvania has specifically defined “dating violence” as “[b]ehavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.”

**Domestic Violence.** Pennsylvania law does not recognize a specific crime of “domestic violence.” Rather, Pennsylvania prosecutes violence of domestic origin under its generally applicable crimes code and charges perpetrators with crimes such as simple assault, aggravated assault, reckless endangerment, manslaughter and murder. Pennsylvania defines “abuse” in the domestic context as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

a. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

b. Placing another in reasonable fear of imminent serious bodily injury.

c. The infliction of false imprisonment.

d. Physically or sexually abusing minor children.

e. 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.

**Fondling.** Under Pennsylvania law, fondling is called indecent assault. A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

i. The person does so without the complainant's consent;
ii. The person does so by forcible compulsion;

iii. The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

iv. The complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;

v. The person has substantially impaired the complainant'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;

vi. The complainant suffers from a mental disability which renders the complainant incapable of consent;

vii. The complainant is less than 13 years of age; or

viii. The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**Incest.** Pennsylvania law defines incest as knowingly marrying, cohabiting with or having sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.

**Rape.** Pennsylvania law defines rape as sexual intercourse with a person

a. By forcible compulsion

b. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution

c. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring

d. Where the person has substantially impaired the complainant'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

e. Who suffers from a mental disability which renders the complainant incapable of consent.

**Stalking.** Pennsylvania law defines stalking as (1) engaging in a course of conduct, (2) repeatedly committing acts toward another person (including following the person without proper authority) or (3)
repeatedly communicating to another person, under circumstances which demonstrate either an intent to place the other person in reasonable fear of bodily injury or to cause him/her substantial emotional distress.

**Statutory Rape.** Pennsylvania law defines statutory rape as sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is at least four years older than the complainant.