Thomas Jefferson University
Student Sexual Misconduct Policy

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.

II. Scope

The University recognizes that anyone can be a victim or offender of 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Consent to engage in sexual activity may be withdrawn by any party at any time.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:

A. **Sexual Assault** is any non-consensual sexual act. Sexual Assault includes, but is not limited to, the following when consent is not present:

   i. Sexual intercourse (anal or vaginal)
   ii. Oral sex
   iii. Penetration (anal, vaginal, oral) with an object or body part
   iv. Forcible / non-forcible rape or attempted rape
   v. 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.)
   vi. Sexual activity with another person who is not able to give consent due to intoxication, incapacitation, unconsciousness, helplessness, or other inability.

B. **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:

   i. “**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.

   ii. **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.

iii. **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.

C. **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:
   
   i. Recording (audio or video) or photographing sexual activity without the knowledge and consent of all parties involved
   
   ii. Electronically transmitting (posting online, texting, emails, etc.) sounds or images of sexual activity without the knowledge or consent of all parties involved
   
   iii. Voyeurism (spying on others who are engaged in an intimate or sexual act)
   
   iv. Going beyond consent (having consensual sex but allowing other people to watch without the knowledge of the consenting party)
   
   v. Prostituting another person
   
   vi. Public indecency (exposing yourself without consent)
   
   vii. Knowingly exposing an individual to a sexually transmittable infection or virus without his or her knowledge.

D. **Relationship Violence (or Dating Violence)** is abusive or coercive behavior toward a party to a current or former intimate relationship (including, for purposes of this policy, parties to a marriage or civil union). The behavior is often, but not always, used to maintain power and/or control over a relationship partner. Relationship Violence can take many forms including, but not limited to, sexual abuse, threats,
physical violence, verbal, mental, or emotional abuse, blackmail, social sabotage, psychological manipulation and stalking.

V. Procedures

1. Reporting - The University encourages victims of sexual violence to report what occurred so victims 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 victim’s confidentiality.

   A. Non-Confidential Reporting - Some employees are non-confidential and are required to report all of the details of an incident to Campus Security and the Title IX Coordinator. Reporting an incident to the following people generally obligates the university to investigate:

      i. Campus Security (811 or 215-955-8888)
      ii. Title IX Coordinators
         1. Medical College: Dean Charles Pohl (157 Jefferson Alumni Hall, 215-203-6988, charles.pohl@jefferson.edu)
         2. Graduate School of Biomedical Sciences: Dean Gerald Grunwald (M63 Jefferson Alumni Hall, 215-503-4191, gerald.grunwald@jefferson.edu)
         3. Students in the Jefferson Schools (Health Professions, Nursing, Pharmacy, and Population Health): Jennifer Fogerty (1123 Edison, 215-503-6335, jennifer.fogerty@jefferson.edu)
      iii. School Deans or Associate Deans
      iv. Housing and Residence Life staff (including RA’s)
      v. Full-time faculty
      vi. University Administrators with significant responsibility to student and campus activities
      vii. Human Resources (if involving a faculty or staff member).

   B. Confidential Reporting – Some employees may talk to a victim in confidence, and only report that an incident occurred without revealing any personally identifying information. If a victim 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 the victim’s consent:

      i. Student Personal Counseling Center (215-503-2817)
      ii. Pastoral Care Program (215-955-6336).

   C. Anonymous Reporting – Victims also have the option of anonymous reporting. If an anonymous report is made the identity of the victim will not be known, but the university’s ability to respond will be limited.

      i. Campus Security 24-hour recorded phone line (215-955-5678)
      ii. Human Resources ComplyLine (888) 5-COMPLY.

2. Confidentiality – The University has a strong desire to assist students who are victims of Sexual Misconduct, and strongly encourages students to report incidents of Sexual Misconduct. The University will make every reasonable effort to preserve an individual’s privacy and protect the confidentiality of information it receives in connection with a report of Sexual Misconduct. 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.

Victims 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 victim 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:

A. The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct, such as
   i. Whether there have been other complaints against the same person
   ii. Whether the alleged perpetrator has a known history of arrests or violence from a previous school
   iii. Whether the alleged perpetrator threatened further sexual misconduct
   iv. Whether the sexual misconduct was committed by multiple perpetrators
B. Whether the sexual violence was perpetrated with a weapon
C. Whether the victim is a minor
D. Whether the University possesses means to obtain relevant evidence (for example security cameras or physical evidence)
E. Whether the victim’s report reveals a pattern of perpetration at a given location or by a particular group.

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

If the Title IX Coordinator determines that it cannot maintain a victim’s confidentiality, the victim will be informed prior to the start of an investigation. The Title IX coordinator will provide security and support during the investigation, as described in V.4, Retaliation and V.6, Academic Accommodation and Interim Measures.

3. **Amnesty** – The University recognizes that a Sexual Misconduct victim 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 victims 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.

4. **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.

5. **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.1 – 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.1, Reporting) will be notified in order to maintain coordination of a University investigation and campus services.

6. **Academic Accommodations and Interim Measures** – When a report of sexual misconduct is made academic accommodations and interim measures of protection for the parties involved may be provided, if necessary. Interim measures of protection may include separating the parties, placing limitations on contact between the parties, housing reassignment, or interim suspension. 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.

7. **Investigation** - The University has a responsibility to investigate allegations of Sexual Misconduct independently of any criminal justice proceedings that may take place. The University's investigation will be thorough, prompt, and impartial. The first step of an investigation will
usually be a preliminary interview of the person reporting the crime (complainant); 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 complainant and the alleged offender will be given equitable rights during the investigative process.

8. 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. 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, the Title IX Coordinator determines that the allegations are unfounded, the representative will so inform the complainant and alleged offender 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 Title IX Coordinator 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 complainant and alleged offender 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 student handbook. Please note that the standard of evidence in a Judicial Board Hearing for Sexual Misconduct is 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
complainant and alleged offender of the outcomes of a Judicial Board Hearing. The complainant or alleged offender may appeal the outcome of his or her case as described in Section XIII.E of the Code of Conduct.

9. **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.

10. **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 XII of the Code of Conduct apply. The timeframe from initial report to finding should not exceed sixty calendar days.

**VI. Campus/Community Services and Education**

1. Campus/community services are available for immediate and ongoing support. These services include, but are not limited to:

   A. **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.

   B. **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.

   C. **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.

   D. **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.

   E. **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.
2. Educational programs are provided by the Department of Security, Department of Housing and Residence Life, Office of Student Affairs, and the Student Personal Counseling Center. The first program 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 on the Thomas Jefferson University website. All programming is advertised widely on campus and designed to promote awareness of and prevent Sexual Misconduct.