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Preamble

Jefferson (Philadelphia University + Thomas Jefferson University) is committed to fostering a safe living and learning environment for all members of the university community. This includes freedom from any form of discrimination, including sexual harassment and sexual violence. We expect community members to engage in relationships that are characterized by mutual respect and affirmative consent.

The University's response to sexual misconduct seeks to balance the rights, needs and privacy of victims and those of the accused, while maintaining the health and safety of the campus community. Emphasis is placed on violence prevention, providing support for those who may have been victimized, and ensuring a vigorous enforcement of institutional policy and law.

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. The 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 subjected to or contribute to Sexual Misconduct regardless of age, sex, race, religion, disability status, national origin, sexual orientation, gender identity or other legally 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 or online behaviors that have an adverse impact on the University or any member of the University community fall under this policy.

III. Sexual Assault Response

A student who is a victim of sexual assault can call 811 or 215-955-8888 for Center City Campus Security or 215-951-2999 for East Falls 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,

including treatment for emergent injuries at the nearest Emergency Department. Forensic medical examinations are not administered at Philadelphia emergency rooms and will be done by a Sexual Assault Nurse Examiner at the Philadelphia Sexual Assault Response Center (PSARC). If not an emergent situation requiring the close proximity of an 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 the Campus/Community Services section of this policy.

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 Reporting) will be notified in order to maintain coordination of a University investigation and campus services.

IV. 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 clear, 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.

V. 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 and New Jersey law are included in Appendices A and B to this policy:***

- A. Sexual assault.** Any non-consensual sexual act, however slight, with any object, by a person upon another person that is without consent and/or by force. 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 anybody 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 unwelcome sexual, sex-based and/or gender-based verbal, written on-line and/or physical conduct. 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. Electronic or printed transmission (posting online, texting, emails, etc.) of 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.
- J. **Retaliation or Intimidation.** 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.

VI. Initial 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.***

- 1. **Confidential Reporting** – Specific employees of Jefferson 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 in Center City (215-503-2817)
Counseling Services in East Falls (215-951-2986)
 - b. Pastoral Care Program in Center City (215-955-6336)
 - c. University Health Services in Center City (215-955-6835)
Health Services in East Falls (215-951-2868)
- 2. **Non-Confidential Reporting** –The majority of Jefferson 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 anyone not identified as confidential obligates the university to investigate. This includes:
 - a. Campus Security (811 or 215-955-8888 in Center City, 215-951-2999 in East Falls)

b. Title IX Coordinators:

1. Title IX Coordinator: Zoe Ann Gingold, Director, Office of Student Accessibility Services, Jefferson University, gingoldz@philau.edu; 215-951-6830
2. Deputy Title IX Coordinator, Center City: Nannette Vliet, Associate Dean, Jefferson College of Health Professions, Nannette.vliet@jefferson.edu; 215-503-7941
3. Deputy Title IX Coordinator, Center City: Katherine Traves, Associate Dean, Sidney Kimmel Medical College, Katherine.traves@jefferson.edu; 215-503-6988
4. Deputy Title IX Coordinator, East Falls: Elizabeth Shepard-Rabadam, Associate Provost, Academic Affairs, Jefferson University, Sheparde@philau.edu; 215-951-0353
5. Deputy Title IX Coordinator, East Falls: Alison Stefanik, Associate Director of Student Engagement, Jefferson University, Stefanika@philau.edu; 215-951-2856

c. College Deans or Associate Deans

d. Full-time faculty

e. Residence Life staff (including RA's)

f. Staff with significant responsibility to student and campus activities

g. Human Resources (if involving an employee)

h. Coaches

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. Jefferson Alert Line (888) 5-COMPLY or Jefferson.MyComplianceReport.com

Please note that, with the exception of entirely confidential reports to one of the areas described above 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.

- 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.

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 the Retaliation and Academic Accommodation and Interim Measures sections of the policy.

- 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 crimestatistics).
- 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. 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 but not limited to: 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.

The Title IX Coordinator or deputies 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. The Title IX Coordinator or deputies 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 The Title IX Coordinator or deputies 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, who will provide assistance.

H. Non-Student Violations - Any Jefferson 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.

VII. Investigation and Disciplinary Process

A. Notice of Concern

Once a report is made, the Title IX Coordinator will determine if an investigation will

occur and the parties will receive a written Notice of Concern from the Title IX Coordinator. Within 2 business days of receiving the Notice of Concern, both the Complainant and the Respondent will be asked to identify any academic or other significant conflicts that would affect the timing of the investigation and potential hearing (i.e. clinics, internships, study abroad.) The Title IX Coordinator will seek to reach a Non-Hearing Resolution or to complete a hearing within 60 calendar days from the date of issuance of the Notice of Concern.

B. Formal Investigation

The formal investigation phase begins when the Title IX Coordinator issues a Notice of Concern and is the period during which investigators gather information about the allegations. Such investigations may be performed by appropriate authorities including, but not limited to, trained University personnel. Investigations may include interviews of the complainant, the respondent and any material witness presented by either party and/or the review of any material evidence. Both parties will have the opportunity to present written statements, witnesses and other evidence during the process. The Title IX Coordinator or investigator may decline to gather information deemed not relevant to the complaint

C. Potential Outcomes of Investigation:

No Charge Decision, No Hearing Resolution, Withdrawal of Complaint

Following an investigation, or possibly during the investigation in the event of a Non-Hearing Resolution or withdrawal of the complaint, the Title IX Coordinator will adopt one of the following options:

1. No Charge Decision

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Board will not be able assign responsibility based on the evidence, the Title IX Coordinator will issue a No Charge Outcome Letter. This Outcome Letter can be appealed, please see the Appeals section of the policy for more information.

2. Non-Hearing Resolution

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Board could find, by a preponderance of the evidence, that the alleged Sexual Misconduct occurred, but there is not a significant dispute among the parties and the Title IX Coordinator about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Title IX Coordinator or deputies may suggest to the parties a resolution without a hearing. This resolution will be acceptable if the complainant and responder support, in writing, the Title IX Coordinator or deputies proposed resolution.

3. Charge Decision

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Board could find, by a preponderance of the evidence, that the alleged Prohibited Conduct occurred and that a Non-Hearing Resolution option is not feasible, the Title IX Coordinator will notify the

Complainant and the Respondent, in writing, that the matter has been charged and referred to a Sexual Misconduct Board. The Charge Letter will contain (1) the specific allegations of Prohibited Conduct; and (2) the applicable University Policy.

4. Withdrawal of a Complaint

A Complainant may notify the Title IX Coordinator at any time that the Complainant does not wish to proceed with the investigation and/or hearing process. If such a request is received, the Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegation may be limited if the allegations are withdrawn.

In the event that the Title IX Coordinator determines that the investigation will continue despite the withdrawal, the Title IX Coordinator will notify the Complainant of that determination. The Title IX Coordinator will include in that notification a statement that the Complainant is not required to participate in the investigation and/or hearing process but that the process will continue. Please see the Confidentiality Section.

D. Hearing

1. Hearing Schedule

The Title IX Coordinator will seek to reach a Resolution within 60 calendar days from the date of issuance of the Notice of Concern. This timeline may be extended for University breaks or other reasonable delays, such as extensions granted to the parties upon a showing of good cause (discussed in section 2. below). If a deadline falls on a weekend or holiday, there will be an automatic extension to the next business day.

At the time a case is charged by the Title IX Coordinator a timetable will be issued that schedules all key dates for the matter that take into consideration the academic and other conflicts identified in response to the Notice of Concern. Unless an extension is granted based on a showing of good cause, the parties are obligated to follow the Hearing Schedule. The Hearing Schedule will be case-specific but generally will use the following timeframes as guidelines:

- The Title IX Coordinator or deputy will release the names of the panelists to the parties and the names of the parties and witnesses to the hearing board panelists 5 business days before a hearing. A hearing date will also be identified.
- All parties have 2 business days to indicate any conflict of interest. If such a conflict exists, hearing board alternates are appointed within 2 business days.
- The parties have 2 business days to file an appeal after receipt of the Outcome Letter.

2. Extensions

Extensions are only granted for good cause. A request for an extension must be made, in writing and with reasons provided, to the Title IX Coordinator. The Title IX Coordinator will normally respond to an extension request in writing within 2 business days.

E. Hearing Process

1. Sexual Misconduct Board Selection

The Sexual Misconduct Board hears complaints of alleged violations of The Student Sexual Misconduct Policy. The board is made up of a pool of faculty and staff specifically trained in matters related to sexual misconduct and is advised by the Title IX Coordinator. When a Sexual Misconduct case needs to be heard a hearing panel will be compiled. Panels are comprised of five Sexual Misconduct Board members.

The names of the panelists will be provided to the parties in advance of the hearing. No person who has a conflict of interest may serve on the Hearing Panel. A conflict of interest exists if the panelist has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the parties or witnesses, or has some other source of bias. Either party may assert, in writing, that a Hearing Panel member has a conflict of interest. The Title IX Coordinator or deputy will determine whether such a conflict exists. A request to recuse a panelist based on a conflict must be submitted to the Title IX Coordinator or deputy within 2 business days of receipt of the names of the panelists. If the Hearing Coordinator determines that a panelist has a conflict of interest, that Hearing Panel member will be replaced by an alternate.

2. Hearing

Hearings will be conducted in accordance with the Community Standards process found in University Policies. Please refer to the Hearing Panel Process for more information.

3. Appeal

Parties' Right to Appeal

Each party may submit a written appeal which will be shared with the other party. The parties must submit a written appeal to the Title IX Coordinator within 2 business days of the decision being delivered in the student's University email account.

Appeals must be submitted in writing and be based on at least one of the following criteria:

- Violation of the University's hearing procedures.
- Misinterpretation of the policies alleged to be violated.

4. Appeal Decision

The Provost, or designee, will review all appeals and will provide the final appeal decision no later than 15 business days after receipt of all appeal documents. As needed, the Provost or designee will consult with the Title IX Coordinator regarding the management of ongoing remedies. The Provost or designee may reject the appeal

in whole or in part, issue a new decision regarding responsibility, issue new or revised sanctions and remedies, or refer the matter to a new panel.

5. Chancellor Review of Expulsion

For matters in which the decision of the Provost or designee is to uphold a determination to expel a student, the Chancellor will, upon request from the responder, have the final review of the matter.

6. Ongoing Management

If there is a finding of responsibility, the Title IX Coordinator will provide a copy of all key documents to the Dean of Students/Provost Office. The Dean of Students Office/Provosts Office will have ongoing responsibilities to monitor the sanctions imposed. The Dean of Students/Provosts Office must notify the Title IX Coordinator or deputy of any violations of the imposed sanctions.

VIII. 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. 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.

IX. 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)** in Center City 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. **Jefferson Counseling Services** in East Falls can be contacted at 215-951-2868 or CounselingServices@PhilaU.edu.
4. Jefferson University Student Health Services at East Falls is located in Scholler Hall and can be reached at 215-951-2986 or HealthServices@PhilaU.edu.
5. **University Health Services** (UHS) in Center City provides medical care for Jefferson students (215-955- 6835). It is located at 833 Chestnut Street, Suite 205, Philadelphia, PA.
6. **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.
7. **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.
8. 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.
9. 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.
10. **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.
11. 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.

12. The **Philadelphia Bar Association** (215-238-6333) is available to provide referrals to attorneys to assist with legal problems in and around Philadelphia.
13. **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
14. **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.
15. **Office of Student Financial Aid for Center City** (215-955-2867) and East Falls (215-951-2940) 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 Center City office is located in the Curtis Building, Suite 115, 1015 Walnut Street, and East Falls office is 4201 Henry Ave in White Corners.
16. **Mazzoni Center** (215-563-0652) provides quality comprehensive health and wellness services in an LGBTQ-focused environment, while preserving the dignity and improving the quality of life of the individuals we serve.
17. **Philadelphia's Office For Civil Rights** (215-861-4441) mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.
18. **Philadelphia Police Special Victims Units** (215- 685-3251)

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.

Appendix B

Definitions Under New Jersey Law

Sexual Assault. In the State of New Jersey, sexual assault is defined under N.J.S.A. 2C:14-2, which provides that “An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated. Aggravated sexual assault is a crime of the first degree.”

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim. Sexual assault is a crime of the second degree.”

Domestic Violence. Under 2C:25-19, "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: (1) Homicide N.J.S.2C:11-1 et seq.; (2) Assault N.J.S.2C:12-1; (3) Terroristic threats N.J.S.2C:12-3; (4) Kidnapping N.J.S.2C:13-1; (5) Criminal restraint N.J.S.2C:13-2; (6) False imprisonment N.J.S.2C:13-3; (7) Sexual assault N.J.S.2C:14-2; (8) Criminal sexual contact N.J.S.2C:14-3; (9) Lewdness N.J.S.2C:14-4; (10) Criminal mischief N.J.S.2C:17-3; (11) Burglary N.J.S.2C:18-2; (12) Criminal trespass N.J.S.2C:18-3; (13) Harassment N.J.S.2C:33-4; (14) Stalking P.L.1992, c.209 (C.2C:12-10).

Under 2C:25-19(d), "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant.

Dating Violence. Under 2C:25-19(d), "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

Stalking. Under 2C:12-10 , "A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress."

Consent . In relation to consent for sexual activity, 2C:2-10 provides:

a. In general. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

b. Consent to bodily harm. When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if:

- (1) The bodily harm consented to or threatened by the conduct consented to is not serious; or
- (2) The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or
- (3) The consent establishes a justification for the conduct under chapter 3 of the code.

c. Ineffective consent. Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if:

- (1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or
- (2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or
- (3) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.