

7.17 SEXUAL VIOLENCE IN ACCORDANCE WITH TITLE IX, VAWA AND THE CAMPUS SAVE ACT

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Purpose

This policy is intended to protect all members of the Delaware County Community College (the "College") community and its guests from discrimination in any form based on sex, sexual harassment, and sexual violence including dating violence, domestic violence, sexual assault, and stalking, with additional attention to sexual misconduct when targeted at an individual because of his/her national origin, ethnicity, gender identity, gender presentation, or sexual orientation ("Prohibited Acts"). The purpose of this policy is to comply with the provisions of Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et.seq., the Violence Against Women Reauthorization Act of 2013 ("VAWA") and its attendant Campus SaVE Act provisions ("Campus SaVE").

What is Title IX: Title IX statute applies to persons in the United States with respect to educational program or activities that receive federal financial assistance. Title IX applies to all educational programs, or activities which includes locations, events, or circumstances over which the school exercised 'substantial' control over both the respondent, and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the College; whether such programs or activities occur on or off campus.

Accordingly, this policy will articulate the scope of sex discrimination as defined in Title IX, VAWA and the Campus SaVE Act to include the Prohibited Acts when committed against individuals because of their known or perceived national origin, ethnicity, gender identity, gender presentation, or sexual orientation.

The College Policy prohibiting Non-Discrimination and Harassment (<https://www.dccc.edu/about/about-college/policies/nondiscrimination-harassment-policy/>), which addresses sexual discrimination, non-violent sexual harassment, and other forms of discrimination, which may or may not be violations of this Policy, can be found by clicking on the policy title above.

Policy

1. Delaware County Community College (herein referred to as DCCC and/or the College), its guests, vendors and visitors have the right to educational programs and activities free from the Prohibited Acts. Therefore, the College is committed to providing an institutional environment where all persons may pursue their studies, career, duties and activities in an atmosphere free of threat of sexual violence. Sexual Violence is disruptive and interferes with the expectation that students and employees will learn and work in an environment that is free from discrimination. Conduct that is determined to constitute Sexual Violence is not only a violation of the Policy and reprehensible in any context, but it is also a matter of particular

concern in an academic community in which students, faculty, staff, volunteers, and visitors are connected by strong bonds of dependence and trust. As such, all members of the College community are expected to report acts of sexual violence.

2. DCCC has a zero tolerance for sex/gender-based misconduct. The College will not tolerate sexual violence on its campus, at College-sponsored events, on or off-campus, by any member of the College community (faculty, students, administrators, staff, and volunteers). All members of the College Community are expected to conduct themselves in a manner that does not infringe upon the rights of others. All members of the College Community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Title IX Reporting Requirements

1. Anyone who believes that s/he or any other member of the College community has encountered Prohibited Acts, whether by a supervisor, a co-worker, faculty member, student, vendor, contractor, or any other person with whom s/he comes in contact at the College, in the course of any educational program, or activity at the College should report the incident directly to the Title IX Coordinator for the College. The Title IX Coordinator for the College is the Vice President of Human Resources and may be reached at Founders Hall on the Marple Campus, by phone at 610-359-5094, U.S. mail at 901 S. Media Line Road, Media, PA 19063 or via the Title IX report form (https://cm.maxient.com/reportingform.php?DelawareCountyCC&layout_id=9). In the event of an emergency, or any off-hours situation, the Office of Safety & Security should be contacted by phone at 610-359-5111, which in turn will promptly report the incident to the Title IX Coordinator for further investigation pursuant to the terms of this policy.
2. Anyone who believes that s/he has encountered Prohibited Acts is advised to preserve all evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
3. The College has the affirmative duty pursuant to Title IX, VAWA, and Campus SaVE Act to take immediate and appropriate action once it knows, or reasonably should have known, of any Prohibited Acts in any of its educational programs and activities. The College will act on any complaint of sexual misconduct in order to resolve such complaints promptly and equitably. Reports of Title IX Complaints may be made 24 hours, 7 days a week by contacting the Title IX Coordinator via telephone, the Title IX report form (https://cm.maxient.com/reportingform.php?DelawareCountyCC&layout_id=9) or U.S. Mail; Title IX Coordinator listed above.

Confidentiality

1. In the event that a member of the College community requests complete confidentiality and anonymity about experiencing an act of sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence or stalking, the College will refer that individual to Delaware County Women Against Rape ("Delcowar") or other licensed counseling professionals to whom the legal privilege of confidential communications attaches. The College has an ongoing agreement with Delaware County Women Against Rape whereby a member of the College community may speak to Delcowar, or in the case of an

employee, also with someone through the College's Employee Assistance Program.

2. The Title IX Coordinator will further inform the Complainant that, to the greatest extent possible, the request for confidentiality, particularly with regard to the identity of the Complainant, will be honored. However, the Title IX Coordinator will also make clear that during the formal complaint and investigation procedure, the College cannot restrict the parties from discussing the allegations or obtaining and presenting relevant evidence. The College makes the ultimate determination as to what should be disclosed regarding the facts and circumstances of the case, in the best interest of the complainant's own future safety, as well as the safety of the College community as a whole. In the event of a formal complaint, all actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion, and confidentiality as possible without compromising the thoroughness and fairness of the investigation.
3. All persons involved are to treat the situation and parties equitably and with respect. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in, or affected by, the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. For purposes of Clery Act reporting and recordkeeping, the complainant's personal identifying information will not be disclosed.
4. Upon completion of the investigation, the individual(s) who made the complaint and the individual(s) against whom the complaint was made will be advised of the results of the investigation in writing and will have the opportunity to respond prior to finalizing the report, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation.

False Accusations

Anyone who knowingly makes a false accusation of discrimination, harassment, or retaliation will be subject to appropriate sanctions, which may include, but are not limited to, written warning, demotion, transfer, suspension, and/or immediate termination.

Retaliation Prohibited

The College has a zero-tolerance policy regarding unlawful discrimination or retaliation of any kind. An institution or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision described in this policy.

Retaliation against any individual for making a complaint of sexual harassment, discrimination, or sexual violence to include dating violence, domestic violence, sexual assault, or stalking, or for assisting in the investigation of such a complaint is a violation of this policy and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as, but not limited to, reprimand, change in work assignment, loss of privilege, mandatory training, suspension, dismissal, expulsion, or termination.

Employees' and Students' Responsibilities

Each employee (faculty members, administrators, and support staff) as well as students of the College is personally responsible as follows:

1. For ensuring that s/he does not engage in conduct that violates this policy.
2. For bringing any known violation of this policy to the immediate attention of the Title IX Coordinator, or the Director of Safety & Security, who will in turn immediately notify the Title IX Coordinator.
3. For cooperating in any investigation of alleged sexual harassment, domestic violence, dating violence, sexual violence, stalking, or unlawful discrimination based on sex, or retaliation, if requested to do so by the person conducting the investigation.
4. Designated responsible employees, which include Deans, Directors, Program Coordinators, Advisors, Counselors, Coaches, and all members of Human Resources, Safety & Security, and Campus Life, have a duty to assist and inform complainants as to the following:
 - The availability of counseling services;
 - The complainant's reporting options, including the choice to decline notifying law enforcement authorities altogether; and
5. The responsible employee's affirmative duty to report the incident to the Title IX Coordinator.

A report to a 'responsible employee' is a report to the College. It obligates the College to investigate and it obligates the College to take all appropriate steps to address the situation, prevent its reoccurrence, and remedy its effects. Designated responsible employees are further required to assist the complaining party as outlined in the above paragraphs entitled Designated Responsible Employees.

Depending on the facts and circumstances of the specific complaint, the Title IX Coordinator will immediately contact agencies and organizations to affect immediate relief, care, and support for the complainant and/or the victim in any given case including but not limited to:

1. The closest, competent health care facility
2. The Police Department and Campus Safety & Security
3. Counseling Services
4. The Employee Assistance Program (EAP)
5. Delaware County Women Against Rape

Supportive Measures

The College shall provide supportive measures to both the Complainant and Respondent when appropriate. Supportive measures are non-disciplinary/non-punitive individualized services ordered as appropriate and reasonably available, at no-cost, before or after the filing of a formal complaint. Supportive measures include, but not limited to:

- Counseling
- Extensions of deadline for assignments;
- Modification of work or class schedules;
- Campus escorts;
- Change in Campus locations;
- Increase security;

- Increase monitoring of parts of campus; and
- Mutual restrictions on contact between the parties.

Written Notice of Formal Complaints

The College shall send both the Complainant and Respondent a written notice indicating a complaint has been received which must include the following information:

1. A brief outline of certain information regarding the actual allegations and facts that would constitute sexual harassment;
2. An outline of the College's grievance process;
3. A statement indicating that the parties are entitled to an Adviser of their choice;
4. The written notice may also include whether there is an opportunity to engage in an 'informal resolution' process;
5. A statement indicating that a 'presumption of innocence' will be applied throughout the investigation;
6. Information regarding the Code of Conduct and a statement indicating that false statements are prohibited;
7. A sufficient amount of time to allow for parties to prepare;
8. If during the course of the investigation, the Title IX Coordinator decides to investigate allegations against the Complainant or Respondent that were not part of the original notice provided, the Title IX Coordinator must provide notice of the additional allegations to the parties involved.

Title IX Investigations

1. The Title IX Coordinator will ensure a prompt, fair, and impartial investigation into any allegations of sexual misconduct or retaliation, by trained investigators, to enable a prompt and equitable response under all circumstances and in a fair and expeditious manner. The investigation will be completed within fifteen (15) days of the receipt of the complaint by a trained, designated and unbiased investigator for the College, unless the Title IX Coordinator must extend the timeframe for good cause. The Title IX investigator will allow the parties to present witnesses and other evidence during the investigation.
2. The investigation will continue whether the complaint is also being investigated by another agency or law enforcement unless the Title IX investigator would impede law enforcement's investigation. If the investigation is suspended during an investigation by law enforcement, the College will implement interim steps to protect the complainant and/or victim's safety.
3. The Title IX Coordinator will inform the complainant in a case of sexual violence, dating violence, domestic violence, sexual assault, or stalking, of the right to file a criminal complaint.
4. Upon completion of the Investigation the decisionmaker shall notify both Complainant and Respondent of the findings and recommendations of the decisionmaker, shall allow both parties to submit a response, and shall accept or modify the recommendations as appropriate, and notify both complainant and respondent of the decision to accept or otherwise modify the recommendations of the Title IX Coordinator, simultaneously, and in writing. The entire process, from complaint to notification of resolution by the Vice President of Student Affairs, or appropriate Vice President, shall not exceed sixty (60) days.

Dismissals of a Formal Complaint

1. Where allegations of sexual harassment arise from the same facts or circumstances, the formal complaints can be consolidated, against more than one Respondent and/or Complainant;
2. If the conduct alleged does not constitute sexual harassment, did not occur in the recipient's education program and/or activity, and/or did not occur against a person in the U.S., then the Title IX Coordinator shall dismiss the formal complaint under Title IX, but other actions under the Code of Conduct are not precluded;
3. Upon dismissal of a formal complaint, the Title IX Coordinator or Designee shall promptly send written notice simultaneously to both the Complainant and Respondent.

College's Designated List of Investigators for Title IX Complaints

1. The following investigators are designated as those persons who are charged with coordinating the College's implementation of this policy, and investigating complaints of unlawful discrimination, sexual misconduct, or retaliation for the College. They may be contacted to initiate an investigation under the policy or to answer questions regarding this policy. The College also reserves the right to retain an outside investigator(s) to investigate complaints regarding this policy.

- Director of Outreach, Recruitment and Enrollment
- Director of Human Resources
- Director of Athletics, Wellness and Recreation
- Asst. Dean of Retention & Completion Services
- Director of Student Outreach and Support
- Asst. Director of Advising
- Director of Safety & Security
- Director of Student Conduct

2. In the case where the Complainant or the Respondent might allege that the investigator has a substantial conflict of interest that might impair his/her ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted in writing to the Vice President of Human Resources within five (5) days of receiving notice of the identity of the Investigator. A determination will be made about the existence of a conflict of interest and, if such a conflict is found to exist, an alternative investigator will be appointed as expeditiously as possible. In the event a request is made, and an alternative investigator must be appointed, and any specific timeline provided for in the complaint procedure shall be suspended pending the determination and/or appointment.

Title IX Grievance Procedures

1. All reports of Title IX complaints will be handled in a confidential manner using the preponderance of the evidence standard for all formal complaints of sexual harassment. All Complainants will be treated equitably by implementing remedies whenever a Respondent is found responsible. No disciplinary sanctions will be imposed on a Respondent without following the College's established grievance process.

2. When a Respondent is found responsible of a Title IX violation, remedies shall be designed to maintain the Complainants equal access to education; and shall include supportive measures. All remedies provided shall be designed to maintain Complainant's equal access to education.
3. All Title IX investigations at the College will be evaluated objectively to include all relevant evidence, both inculpatory and exculpatory, while avoiding credibility determinations based on a person's status as a Complainant, Respondent, or Witness. All Title IX personnel assigned to facilitate any informal resolution process must be free from conflicts of interests or bias for or against Complainants or Respondents.
3. Informal resolution is never available to resolve allegations where any employee sexually harasses a student.
4. All Title IX personnel assigned to facilitate any informal resolution process must be free from conflicts of interests or bias for or against Complainants or Respondents.

Grievance Process

1. All parties shall be given written notice of the allegations, an opportunity to select an advisor and opportunity to submit and review evidence throughout the investigation;
2. All parties shall be provided with at least ten (10) days to inspect, review and respond to all evidence directly related to the allegations related to the allegations prior to completion of the investigative report;
3. Respondents shall be presumed not responsible pending investigation;
4. All parties shall be provided with at least ten (10) days to inspect, review and respond in writing to all evidence directly related to the allegations related to the allegations prior to completion of the investigative report;
5. All investigations of Title IX complaints shall be conducted by unbiased, trained Title IX staff to objectively investigate all reports of sexual harassment;
6. All Investigators must document the investigative report that summarizes the relevant evidence;
7. The College will provide a live hearing, in-person or virtually, by:
 - Applying the presumption of innocence on the respondent during the grievance process by utilizing a preponderance of the evidence standard in making any findings;
 - Keeping the burden of proof and the burden of gathering evidence on the College and not the parties involved;
 - Ensuring the investigator is a different person than the final decision maker;
 - Prohibiting any inappropriate questioning about any prior sexual history and protect the privacy of a party's medical, psychological or any other similar records;
 - Providing a written determination which includes an analysis of how the conclusion was reached; and
 - Offering an opportunity to appeal the decision, so long as the other bases are available to all parties.

Informal Resolution

1. The College may choose to offer and facilitate resolution options such mediation or restorative justice in any formal investigation with the parties' voluntary, informal written consent. A trained facilitator will be chosen to conduct an informal resolution.
2. Waiver of the right to a formal investigation or adjudication of a formal complaint of sexual harassment as a condition of enrollment or continued enrollment, or employment or continued employment, or enjoyment of any other right is strictly prohibited.

Mandatory Live Hearings

1. In all cases of allegations of sexual harassment or sexual violence between any two parties who are members of the College community, a Title IX hearing will be conducted following the conclusion of any investigation into the matter. Pursuant to a Title IX hearing, both parties will have the right to review all evidence and investigative reports beforehand, to have advisors present, cross examine witnesses, and to present their version of the facts and circumstances surrounding the alleged incident of misconduct. Care will be taken to preserve the rights of complainants of sexual misconduct to privacy without sacrificing the rights of respondents to due process. An impartial decisionmaker will conduct a hearing based on the alleged incident(s) of sexual misconduct and a determination of culpability will rest on the evidence presented and reviewed, using a "preponderance of the evidence" (i.e., more likely than not) standard of proof.
2. Hearings may be conducted in person or virtually. Both parties shall be provided an Advisor for the purposes of conducting cross examination, "directly, orally, and in real time". Cross examination cannot be conducted by the party. If a party does not have an advisor, the College will provide one free of charge. At the request of either party, the parties shall be separated, using the utility of technology to enable the parties to see each other and hear on another as needed from a different room.
3. During the hearing, the Hearing Officer, which shall not be the Title IX Coordinator, will have the right to determine the relevancy of any questions asked on cross examination and can exclude any irrelevant questioning.
4. If a Party or Witness "does not submit to cross examination", the final decision shall rely on any statement of that party or witness when reaching a determination regarding responsibility provided, however, that the decision maker(s) may not draw any inference about the determination regarding responsibility, based solely on a party's or witness absence from the 'live hearing' or refusal to answer cross examination.
5. Upon completion of the investigation and the Title IX hearing, any case of sex discrimination, sexual harassment, sexual violence, retaliation, or sexual misconduct will be referred to the Vice President of Student Affairs or the appropriate Administrative division's Vice President for further prompt and equitable proceedings, commensurate with the recommendation and findings of the decisionmaker.
6. The entire process, from complaint to recommendation for resolution, should be conducted in a prompt and equitable manner, and should be completed no later than 45 days from receipt of a complaint. Additional time may be needed under extenuating circumstances, upon review by the Title IX Coordinator.

Appeal Process

1. Either the Complainant or Respondent may file an appeal of any decision concerning the resolution of the Title IX investigation based on: 1) procedural irregularity that affected the outcome of the case; 2) newly discovered evidence that could affect the outcome of the case; 3) and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.
2. An appeal by either party must be made in writing to the office of the Title IX Coordinator within ten (10) days of receipt of the notice of resolution of the matter. The written appeal must state, in detail, the reason(s) for the appeal and shall address one or more of the following:

-If the appeal alleges that a procedural irregularity affected the outcome of the case, the appeal shall specify each irregularity and its impact on the outcome of the case

-If the appeal alleges the Title IX personnel had a conflict of interest or bias, the appeal shall identify the allegedly conflicted or biased individual(s) and factual details concerning the alleged conflict of interest or bias;

-If the appeal alleges that new information or evidence exists, the appeal shall specify the reason why this information was not available or not provided to the investigator, during the course of the investigation, including the reason why the information could not have been provided on a timely basis; or

3. No disciplinary action or other action based upon the original complaint findings shall be taken against the alleged offender during the appeals process, although temporary, interim measures may remain in place. The appeal process will be conducted in an impartial manner by an impartial maker.

Disciplinary Action

1. In the event that the investigation reveals that sexual harassment, sexual violence, dating violence, domestic violence, sexual assault, discrimination based on sex, retaliation, or other inappropriate or unprofessional conduct (even if not unlawful) has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privilege, mandatory training or suspension, and/or termination.
2. If it is determined that inappropriate conduct has occurred, the College will act promptly to eliminate the offending conduct, and where appropriate the College will also impose disciplinary action, which may, depending upon the circumstances, include but not be limited to, disciplinary action, reprimand, change in work assignment, loss of privilege, mandatory training, suspension, expulsion, and/or termination.

Training and Education

1. The College is committed to ensuring both preventive and responsive training and relevant educational opportunities for all members of the campus community in the area of sexual misconduct. In the area of responsive education and training, the college is committed to ensuring that all College personnel designated as investigators, counselors, and adjudicators in the area of sexual misconduct will receive specialized and regular training, and will be cognizant of the special needs

of complainants in the area of sexual misconduct, while also ensuring the rights of respondents.

2. All Title IX personnel will participate in biennial training on:

- The definition of sexual harassment;
- How to conduct a Title IX investigation;
- The College's grievance process, including hearings and appeals;
- How to conduct an informal resolution;
- How to avoid prejudgment of the facts, conflicts of interests, and biases; and
- How to apply the 'Rape Shield Protections'.

Definitions

The following are definitions and terms outlined herein the Policy on Sexual Violence in Accordance with Title IX, VAWA, and the Campus SaVE Act:

1. **Actual Knowledge** is notice of sexual harassment or allegations of such to the Title IX Coordinator or any official of the recipient who has authority to institute corrective action.
2. **Consent** - A person is incapable of giving consent if that person is under the age of consent (16 in Pennsylvania), incapacitated due to the influence of drugs and/or alcohol, or mentally disabled. Additionally, consent may be withdrawn during the course of a sexual encounter, such that the encounter would thereafter constitute sexual misconduct, if continued.
3. **Dating Violence** is 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, type of relationship, and 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 but does not include acts covered under the definition of domestic violence.
4. **Discrimination on the Basis of Sex** is illegal under both federal and state law and is strictly prohibited by the College. Sex discrimination can be manifested by unequal access to educational programs, and activities on the basis of sex, unequal treatment on the basis of sex in the course of conducting those programs and activities, or the existence of a program or activity that has a disparate impact on participation, improperly based on the sex of the participants.
5. **Domestic Violence** is a felony or misdemeanor crime of violence committed by either a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic of family violence laws of this jurisdiction receiving grant monies under VAWA, or by any other person against a youth victim or adult who is protected from that person's acts under the domestic or family violence laws of this jurisdiction.
6. **Education Program or Activity** includes locations, events, or circumstances over which the recipient exercised substantial control over the respondent and the context in which the sexual harassment occurs, and includes any building owned or controlled by a student organization that is official recognized by a postsecondary institution.

7. **Formal Complaint** is a document, including signature or otherwise indicates the complainant is the person filing, filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting the recipient investigate. In order to be a formal complaint, at the time of the filing, the Complainant must be participating in or attempting to participate in the educational program or activity of the recipient.
8. **Sexual Assault** is a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the FBI. Under Pennsylvania law, sexual assault is a felony of the second degree and is defined as sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.
9. **Sexual Harassment** is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the College. Under Title IV of the Civil Rights Act of 1964, the term includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

-Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement, or participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

-Rejection of such advances, requests, or conduct affects a term or condition of an individual's employment or academic advancement or participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

-Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, education, or participation in College programs or activities, or of creating an intimidating and/or hostile, work or academic environment.

Under Title IX, the term includes:

-Any instance of quid pro quo harassment by a College's employee; or

-Any unwelcomed conduct that a reasonable person would find so severe and pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity, including online learning and cyberstalking; or

-Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

10. **Sexual Violence** is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the College. Sexual violence is defined as physical sexual acts conducted either against a person's will or where a person is incapable of giving consent, including but not limited to, rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence, stalking, and sexual violence based on the intentional selection of a victim based on criteria related to the victim's national origin, ethnicity, gender identity, gender presentation, or sexual orientation.

11. **Stalking** entails engaging in a course of conduct or repeated acts directed at a specific person, which would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For the purposes of the definition of stalking, "course of conduct" is defined as two or more acts including but not limited to acts in which the stalker directly, indirectly, or through a third party, by any action, device, method, or means, follows, observes, monitors, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" is defined as a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental anguish or suffering that may but does not necessarily require medical or professional treatment or counseling.

Supporting State and Federal Agencies

The College encourages any person who experiences or becomes aware of sexual harassment, as defined in this policy to promptly report to the Title IX Coordinator. Employees who believe that they may have been subjected to sexual harassment or unlawful discrimination may also file a formal complaint with government agencies set forth below. Students may also file a complaint with the U.S. Department of Education.

Using the College's complaint process does not prohibit an employee or student from filing a complaint with these agencies.

United States Equal Employment Opportunity Commission ("EEOC")

801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 800-669-4000

Pennsylvania Human Relations Commission ("PHRC")

110 North 8th Street, Suite 501
Philadelphia, PA 19107
Telephone: 215-560-2496
TTY users only: 215-560-3599 www.phrc.pa.gov (<http://www.phrc.pa.gov/>)

Office for Civil Rights

Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Facsimile: 215-656-8605 Email: OCRPhiladelphia@ed.gov