Sexual Assault, Sexual Harassment, and Sexual Misconduct Policy

This entire policy, to include appendices, can be found in the Villanova Policy Library

Note on gender-inclusive language: Portions of this policy utilizes they/them/their as singular pronouns.

I. INTRODUCTION

Villanova University seeks to foster and maintain a community of mutual respect and concern for all of its members. There can be no greater violation of the terms of that community, or of the essential dignity of any member of it, than an act of sexual assault, sexual harassment, or other forms of misconduct described in this Policy (referred to as “sexual misconduct”). These acts constitute the deepest affront to University standards and will not be tolerated in any form.

All members of this community – students (current and applicants), faculty, staff, applicants for employment, persons doing business with or acting on behalf of the University, and visitors to campus – are protected under this Policy and share in responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this Policy provides the framework for eliminating sexual assault, sexual harassment, and other sexual misconduct from our community, preventing its recurrence, and addressing its effects.

Pursuant to Title IX of the Education Amendments of 1972 (Title IX), Villanova prohibits all forms of sexual harassment, including sexual assault and other forms of sexual misconduct. Any person found responsible for such violations will face disciplinary actions up to and including dismissal or expulsion from the University. Acts of sexual assault or sexual misconduct may also be prosecuted under the Pennsylvania Criminal Code. This Policy applies to all on-campus conduct, as well as any off-campus conduct that has an adverse impact on any member of the University community or the University.

Should an incident of sexual assault, sexual harassment, or other sexual misconduct occur, the University has both reporting procedures and support resources in place so that no one needs to face the effects of such an incident alone. The first concern is for the safety, health, and well-being of those affected. Confidential and non-confidential (yet private) options for support and reporting are available both on and off campus (Section IV & Appendix A).

All members of the University community have an obligation to assist in preventing harassment. Responsibilities include: (1) participating in periodic training to learn how to recognize and report concerns; (2) conducting themselves in a manner that does not violate this policy; (3) intervening when possible to prevent harassment of another; (4) reporting incidents and assisting victims to report; (5) respecting the privacy rights and confidentiality rights of those involved; and (5) cooperating in University investigative and disciplinary procedures.

When an incident is reported, the University will respond promptly and equitably to all allegations of sexual assault, sexual harassment, or other sexual misconduct to ensure the safety of the reporting person and the Villanova community in order to provide an environment that is free from gender and sex discrimination.

Anyone making a report, filing a complaint, or participating in the investigation or resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct is protected by law and this Policy from retaliation (see Section II.A.). The University will take prompt responsive action to all reports of retaliation.

When used in this Policy, a reporting person is a person who notifies the Title IX Coordinator, or other Villanova authority, of an act of sexual assault, sexual harassment, or other sexual misconduct. When the reporting person is also the person who experienced the misconduct, the reporting person is also referred to as a Complainant. A Respondent refers to the person reported to have committed the act of sexual assault, sexual harassment, or other sexual misconduct.
II. PROHIBITED CONDUCT AND DEFINITIONS

The University expects all members of the Villanova community to conduct themselves in a manner consistent with the Villanova Mission Statement and its Enduring Commitments available at http://www1.villanova.edu/villanova/president/about_university/mission/.html, the Environmental and Relational Expectations as described in the Code of Student Conduct, the Human Resources Handbook, and the Faculty Handbook.

Villanova University prohibits sexual assault, sexual harassment, and other sexual misconduct, as detailed in the definitions below and as further clarified in some instances under Federal and Pennsylvania law. The University reserves the right to address behavior regardless of whether the conduct also violates federal, state and/or municipal civil or criminal law. Pennsylvania criminal law definitions can be found in Appendix E.

A. PROHIBITED CONDUCT

SEXUAL ASSAULT. Having or attempting to have sexual intercourse or sexual contact with another person without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where a person does not consent to the sexual act, or where a person is incapacitated (as defined in Section B). Sexual assault includes rape, fondling, incest and statutory rape, defined as follows:

- Rape - Attempted or Actual Penetration(s): Causing or attempting to cause non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person.
- Fondling - Non-Consensual Sexual Contact: The touching of the private body parts of another, for the purpose of sexual gratification forcibly and/or against that person’s will; or not forcibly or against that person’s will where the person is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. This can include causing the other to touch the harasser’s private body parts.
- Incest – Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – Statutory rape is sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania, individuals under 13 years of age can never consent to intercourse; individuals younger than 16 years of age can never consent to intercourse with a partner more than four years their senior. For more about consent, see Part B below.

SEXUAL EXPLOITATION. Sexual exploitation is an act or omission to act that involves taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for personal advantage or to benefit or advantage anyone other than the Complainant. Examples of sexual exploitation include but are not limited to the following:

- Creating a picture(s), movie(s), webcam, tape recording(s), graphic written narrative(s), or other means of memorializing sexual behavior or a state of undress of another person without the other’s knowledge and consent;
- Sharing items described in the paragraph above beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;
• Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;

• Voyeuristic behaviors, such as watching another person or persons, without their consent, while they are undressing, undressed, or engaged in sexual activity;

• Engaging in sexual behavior with knowledge of an illness or disease that could be transmitted by the behavior without full and appropriate disclosure to the partner(s) of all health and safety concerns;

• Engaging in or attempting to engage others in “escort services” or “dating services” which include or encourage in any way sexual behavior in exchange for money;

• Intentionally, knowingly, or surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; or

• Exposing another person to sexually explicit or lewd material without the person’s advanced knowledge and consent.

STALKING. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress. The course of conduct means two or more acts in which the stalker follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property. This includes cyber-stalking, a particular form 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 make unwelcome contact with another person.

SEXUAL HARASSMENT. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other physical, visual, or verbal behavior of a sexual nature where:

• Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or education; or

• Submission to or rejection of such conduct by a person is used as the basis for employment or academic decisions affecting the person; or

• Such conduct has the purpose or effect of:
  ◦ Unreasonably interfering with a person’s academic or professional performance; or
  ◦ Creating an intimidating, hostile, or demeaning employment or educational environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

Examples of potentially sexually harassing behaviors include, but are not limited to, the following:

• Unwelcome sexual advances, sexual innuendo, or requests for sexual favors in person, by
phone, by electronic message or photo, written words or images such as graffiti, and social media postings;

- Unwelcome behavior of a sexual nature by a faculty member, coach, or other staff person directed towards a student, a colleague, or other community member;

- A person in a position of authority (such as a faculty member, coach, supervisor) suggesting that an educational or employment benefit will result from submission to some unwelcome behavior of a sexual nature or will be denied for refusal to engage in sexual activity;

- Repeated sexual remarks, offensive stories, remarks about sexual activity or experiences, sexual innuendoes or other suggestive comments that are unwanted and unwelcome by another;

- Displaying or showing pictures, cartoons, or other printed materials of a sexual nature in the workplace or in an educational setting where there is insufficient academic relevance;

- Exposing the private parts of one’s body to another person, or in public forums.

**DATING VIOLENCE.** Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Dating violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, financial or emotional abuse. Specifically, dating violence is violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship is determined based upon the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

**DOMESTIC VIOLENCE.** Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Domestic violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, financial or emotional abuse. Specifically, domestic violence is a crime of violence committed by a current or former spouse or intimate partner, or by a person with whom the Complainant shares a child in common. Domestic Violence also includes a crime of violence against a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

**SEXUAL MISCONDUCT.** The term sexual misconduct is a comprehensive term that encompasses any unwelcome conduct of a sexual nature and includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment and stalking.

**RETALIATION.** Retaliation is defined as attempts or acts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment, or intent to prevent participation in criminal proceedings or University proceedings under this Policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel. Retaliation may be committed by any person or group of people, not just a Respondent or Complainant. It may be committed against the Complainant, Respondent, or person or group of people involved in the investigation and/or in the resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct. Retaliation could occur before, during or after an investigation and/or University proceedings.
B. DEFINING KEY TERMS USED IN THIS POLICY

ALCOHOL and OTHER DRUGS: Sexual assault, sexual harassment, and other sexual misconduct are never excused because a person is intoxicated or impaired by alcohol or other drugs and does not diminish one’s responsibility to obtain consent. The University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior because people may abuse the impaired condition of another to commit sexual violence. Alcohol and other drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. The use of alcohol or other drugs can limit a person’s ability to freely, affirmatively, and clearly give consent and can create an atmosphere of confusion over whether or not consent has been freely, affirmatively, and clearly sought or given. The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent to which the use of alcohol or other drugs impacted a Complainant’s ability to give consent.

BYSTANDERS: Bystanders are individuals who witness emergencies, criminal events or situations that could lead to criminal events and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior.

COERCION: Consent must be freely given. Consent is not freely given if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would compromise someone’s ability to exercise their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm or severe and/or pervasive emotional intimidation, which (a) places a person in fear of immediate or future harm or physical injury of themselves or another person or (b) causes a person to engage in unwelcome sexual activity. A person’s words or conduct amount to coercion if they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance that impairs the person’s ability to give consent.

COMPLAINANT: Refers to the person who reports that they have been the subject of sexual assault, sexual harassment, or other sexual misconduct.

CONSENT: Consent is an explicitly communicated, reversible mutual agreement in which all parties are capable of making a decision. Consent is informed, voluntary, and actively given. Consent exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity.

The following further clarifies the meaning of consent:

- Each participant in a sexual encounter must obtain consent for all sexual activities. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

- Consent consists of an outward demonstration indicating that a person has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both
parties should stop and obtain mutual verbal consent before continuing such activity.

- Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease.

- A person who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware, or otherwise physically impaired is considered unable to give consent. For example, a person who is asleep or passed out cannot give consent.

- People with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates consent to engage in sexual activity.

**DEPUTY TITLE IX COORDINATOR:** The Title IX Coordinator is supported by several Deputy Title IX Coordinators, all of whom are knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment or other sexual misconduct, as well as University policy and procedure. A list of Deputy Title IX Coordinators can be found in the “Title IX Notice” in Appendix C.

**DISCLOSURE:** When a person shares that they have experienced sexual assault, sexual harassment or other sexual misconduct. Disclosure does not necessarily constitute the filing of a formal complaint. (See Section IV for more information).

**INCAPACITATION:** Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically impaired due to: illness; disability; alcohol or other drug consumption, either voluntarily or involuntarily; and/ being unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, people are incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

**REPORT:** A formal record regarding a sexual assault, sexual harassment or other sexual misconduct. (See Section IV for more information)

**REPORTING PERSON:** Refers to the person who is reporting that they are aware of or have witnessed a sexual assault, sexual harassment or other sexual misconduct, as defined in this policy.

**RESPONDENT:** The person who is reported to have committed acts of sexual assault, sexual harassment, or other sexual misconduct.

**RESPONDENT RESOURCE COORDINATOR (RRC) TEAM:** The University has designated the Respondent Resource Coordinator team to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. Members of the RRC Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.
RESPONSIBLE EMPLOYEE: All employees (except for confidential resources listed in Section B) must report any and all incidents to the Title IX Coordinator or Deputy Coordinator (as outlined in the Title IX Notice contained in Appendix C), regardless of whether or not the “responsible employee” witnessed the incident or learned of it through the Complainant, Respondent or a third party.

SAFETY ALERT: A Safety Alert is a campus-wide warning intended to provide members of the University community timely information about certain serious crimes. Safety Alerts are part of the University’s compliance responsibilities to issue timely warnings under the Clery Act, a federal campus crime disclosure law. Safety Alerts do not contain identifying information about the reporting person.

SEXUAL ASSAULT RESOURCE COORDINATOR (SARC) TEAM: The University has designated the Sexual Assault Resource Coordinator team to provide immediate assistance and support to any student who has experienced sexual assault, sexual harassment, or other sexual misconduct. The Sexual Assault Resource Coordinator on call at the time of the contact may meet with the person, provide information about safety, emotional and physical well-being, on campus and community resources, possible supportive measures, and review the person’s options to address the complaint under this Policy. The Sexual Assault Resource Coordinator team also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The University’s Sexual Assault Resource Coordinator on-call can be reached at 484-343-6028 and is available 24 hours/day. Members of the SARC Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

SEXUAL HARASSMENT COMPLAINT OFFICER: The Sexual Harassment Complaint Officer or their designee will typically oversee the investigation of all reports of sexual harassment (as defined above) involving a Respondent who is a University employee (faculty or staff). The Sexual Harassment Complaint Officer may be assisted in the investigation by the Human Resources and/or Public Safety Departments.

SUPPORTIVE MEASURES: Following a report of sexual assault, sexual harassment or other sexual misconduct, the University will provide interim support and reasonable protection against further acts of misconduct, harassment, or retaliation as needed, as well as provide services and resources to provide a safe educational and employment environment. More information about Supportive Measures can be found in Appendix B.

TITLE IX COORDINATOR: The Title IX Coordinator oversees the University’s centralized review, investigation, and resolution process for reports of sexual assault, sexual harassment, and other sexual misconduct, and coordinates the University’s compliance with Title IX. See Appendix C for the complete Title IX Notice.

TITLE IX INVESTIGATOR: The Title IX Investigator conducts prompt and impartial administrative investigations of all sexual misconduct reports where the Respondent is a current student, and sexual misconduct reports (other than sexual harassment as defined above) where the Respondent is a University employee.

III. BYSTANDER INTERVENTION

Bystanders play a critical role in the prevention of sexual violence. The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual assault, sexual harassment, or other sexual misconduct. Each situation is unique and each person has different strengths when it comes to intervention. Taking action may include:

- Direct intervention: approaching one of the key people involved in the situation and attempting
to prevent the situation from escalating further

• Delegating: involving other people to prevent a situation from worsening. This can include recruiting friends, Public Safety or law enforcement.

• Distracting: altering the flow, interrupting or shifting a situation to prevent something from worsening.

When considering options, it is most important for students to make the safest choice available to interrupt or intervene in situations that could result in acts of sexual assault, sexual harassment or other sexual misconduct. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

IV. HOW AND WHEN TO REPORT AN INCIDENT OF SEXUAL ASSAULT, SEXUAL HARASSMENT, OR OTHER SEXUAL MISCONDUCT

All members of the University community (unless required to maintain confidentiality by law) are expected to report information about any incident of sexual assault, sexual harassment, or other sexual misconduct involving a student, staff or faculty member, regardless of where and when the incident happened. Specifically, all employees (except for confidential resources listed in Section B) have been designated as “responsible employees” and must report any and all incidents to the Title IX Coordinator or Deputy Coordinator (as outlined in the Title IX Notice contained in Appendix C), regardless of whether or not the responsible employee witnessed the incident or learned of it through the Complainant, Respondent or a third party. The Title IX Coordinator or Deputy will report incidents occurring on or near campus to Public Safety consistent with a federal law known as the Clery Act. The Clery Act requires colleges and universities to maintain statistics of serious crimes reported on and near campus, including incidents reported under this Policy. The report to Public Safety will typically include the general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning (or “safety alert”) should be issued. In addition to complying with the Clery Act, this information helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so that the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Villanova is committed to supporting the rights of a person reporting an incident of sexual assault, sexual harassment, or other sexual misconduct to make an informed choice among options and services available both on and off campus. Complainants have the option to, and are encouraged to, notify law enforcement. This includes notifying Public Safety and/or the police department with jurisdiction, and to file a simultaneous criminal and University complaint. Complainants can receive assistance from Villanova in making the report. Complainants may also decline to participate in campus or law enforcement processes.

The University will respond to all reports in an integrated, consistent manner that treats each person with dignity and respect and will take prompt responsive action to end the misconduct, prevent its recurrence, and address its effects.

A. MAKING A REPORT, RESOURCES FOR COMPLAINANTS

To make a report, a person has several options:
To initiate a criminal complaint through law enforcement, the location of the incident will determine which police department will investigate. For on-campus incidents, the Villanova University Department of Public Safety is the law enforcement agency with jurisdiction to investigate crimes that occur on campus property. For off-campus incidents, the University can assist complainants in identifying and reporting to the appropriate law enforcement agency. The following includes contact information for Villanova University Department of Public Safety and police departments in proximity to the University and/or have student housing in their respective jurisdiction:

<table>
<thead>
<tr>
<th>Law Enforcement</th>
<th>911</th>
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</thead>
<tbody>
<tr>
<td>Villanova University Department of Public Safety</td>
<td>610-519-5800</td>
</tr>
<tr>
<td>Radnor Police Department</td>
<td>610-688-0503</td>
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<tr>
<td>Lower Merion Police Department</td>
<td>610-649-1000</td>
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<tr>
<td>Conshohocken Police Department</td>
<td>610-828-4032/4033</td>
</tr>
<tr>
<td>Upper Merion Police Department</td>
<td>610-265-3232</td>
</tr>
<tr>
<td>Tredyffrin Police Department</td>
<td>610-647-1440</td>
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To initiate a Title IX (administrative) complaint through the University, the person should contact the Title IX Coordinator or Department of Public Safety as follows:

**Ms. Ryan Rost, Title IX Coordinator** 610-519-8805 ryan.rost@villanova.edu

**Ms. Kim Carter, Title IX Investigator & Deputy Title IX Coordinator** 484-343-6926 (24/7) kim.carter@villanova.edu

**Department of Public Safety** 610-519-4444 (24/7 emergency); 610-519-5800 (24/7 non-emergency)

Any person seeking information and options on how to proceed may also contact:

**Sexual Assault Resource Coordinator (SARC)** 484-343-6028 (on-call 24/7)

The Sexual Assault Resource Coordinator (SARC) on call at the time of the contact may meet with the person, provide information about safety, emotional and physical well-being, on campus and community resources, possible supportive measures, and review the person’s options to address the complaint under this Policy. The Sexual Assault Resource Coordinator also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The SARC may talk with a person and generally only report to the Title IX Coordinator that an incident occurred without revealing any personally identifying information about the reporting person. If the identity of the Respondent is shared with the SARC, this information will be reported to the Title IX Coordinator. Members of the SARC team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

Any person may report an incident of sexual misconduct. Complaints may be pursued through the criminal process and/or through the University disciplinary process consecutively or concurrently. In instances of sexual harassment as defined in II. A. above, a person may also report to the Sexual Harassment Complaint Officer, identified in the Title IX Notice (and included in Appendix C of this Policy).
The University encourages people to seek immediate medical treatment (see below) and to make a prompt report to law enforcement in response to an incident of sexual assault or other sexual misconduct in order to address immediate safety concerns, allow for the preservation of evidence, and trigger a prompt investigative and remedial response. When the incident is reported to a campus resource, the University will help the person get to a safe place and assist the Complainant in seeking immediate medical attention or in reporting an allegation to law enforcement. The University may provide transportation to the hospital, can assist with notification of law enforcement, and will provide information about the University’s resources and complaint process. The University may also provide appropriate supportive measures, as needed, to help ensure the safety and well-being of the parties affected. See Appendix B for more details on Supportive Measures.

The University’s Department of Public Safety may conduct criminal investigations and/or administrative investigations of sexual misconduct reports. Criminal investigations are conducted for sexual misconduct reports that occur on campus property, except in cases where the identity of the suspect is unknown to the Complainant. In those cases, the Radnor Township Police Department conducts the investigation. The Department of Public Safety employs trained criminal investigators that can collect evidence, conduct an investigation, and initiate a criminal prosecution. The Department of Public Safety also conducts administrative investigations into allegations of sexual misconduct, which would include acts consistent with criminal sexual assault. These investigations are conducted by trained personnel within the Department of Public Safety who are not sworn police officers. While the administrative and criminal investigators are housed in the same unit of the University, the investigations are separate and apart, and serve different purposes.

When contacting the Department of Public Safety, a Complainant may seek a criminal investigation, administrative investigation, or both. A Complainant is not required to consent to a criminal investigation in order for an administrative investigation to occur, or to receive services under Title IX. When conducting both the criminal and administrative investigations simultaneously, information is shared between investigators, who will typically work together throughout the investigation. A Complainant may always choose to participate, or withdraw their participation, from either investigative process at any time.

The Department of Public Safety does not have the authority to conduct criminal investigations for reports of sexual misconduct that occur off-campus, but can conduct administrative investigations of off-campus incidents.

B. CONFIDENTIALITY AND PRIVACY CONSIDERATIONS

The University is committed to protecting the privacy of all people involved in a report of sexual assault, sexual harassment or other sexual misconduct. Information related to a report to the University of sexual assault, sexual harassment or other sexual misconduct will be kept private by the University unless disclosure is required by law; thus, it will be shared only with those University officials with a designated interest in order to assist in the investigation and/or in the resolution of the matter. Under no circumstances will the University release the name of the Complainant to the general public without the express consent of the Complainant.

Whenever a report of sexual assault, sexual harassment or other sexual misconduct is made, Villanova has an obligation to take steps to ensure it is providing a safe, non-discriminatory environment for all members of the Villanova community. If a Complainant discloses an experience of sexual misconduct and requests that no further investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the Complainant’s request against its obligation to provide a safe and non-discriminatory environment for the University community, as explained in Section C below.
In conducting an appropriate investigation, University investigators and administrators are sensitive to the privacy of those involved. Incidents will always be handled as private matters; confidentiality cannot be guaranteed unless disclosed only to a confidential resource (listed below). To conduct an effective investigation and fully assess the ongoing safety of the community, it may be necessary to gather information related to the incident. The Complainant is always free to decide whether and how they want to be involved in the investigation and the disciplinary process, if any, that follows. When a person requests that their name not be shared as part of an investigation, that request will be considered, balancing the need for a meaningful investigation.

Parameters of Confidentiality and Responsible Employee Reporting Obligation

1. Confidential Resources: Counselors/therapists at the University Counseling Center and priests acting in a pastoral capacity. The University provides confidential resources who are outside the official reporting channels. Any community member may seek advice and counseling confidentially, including about sexual assault, sexual harassment or other sexual misconduct, by speaking to those University employees.

Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these people are not required to report any information to anyone without permission.

2. Nurses and Nurse Practitioners at the Student Health Center and the Sexual Assault Resource Coordinator (SARC) team. The University has designated these employees to provide immediate assistance and support to any person wishing to make a report of sexual assault, sexual harassment, or other sexual misconduct. These people are considered responsible employees and are required to share disclosures of sexual misconduct with the Title IX Coordinator, but generally only report that an incident occurred without revealing any personally identifying information about the person, if requested by the reporting person. These reports to the Title IX Coordinator will include the name of the Respondent (if shared), general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued.

3. All other employees. As noted in Section IV, all employees (except for confidential resources listed above) are considered responsible employees and are required to share disclosures of sexual misconduct with the Title IX Coordinator. These reports to the Title IX Coordinator will include the name of the reporting person, name of the Respondent (if shared), general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued.

Note: Physicians at the Student Health Center (M.D.s and D.O.s) are generally required by Pennsylvania law to make a report to the police department with jurisdiction, any time they receive a report of an injury caused by a criminal act, including sexual assault.

In all cases, these reports will prompt an investigation by the University to address and remedy the situation. Complainants may still decide whether and how they want to be involved in any next steps. Without the cooperation of the Complainant, investigations may be limited. As such, the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited based on the information provided.
Should there be a continuing threat to the community, a campus-wide timely warning, also known as “safety alert,” could be issued in order to protect the community. Safety alerts do not contain identifying information about the reporting person. When an ongoing threat to the safety of campus exists, the University will use the procedures set forth in Section C to determine whether appropriate actions to address the situation must be taken.

Regardless of a Complainant’s involvement in an investigation, resources found in Appendix A and supportive measures described in Appendix B, remain available to that person. Off-campus resources are also available and do not typically involve the University without the Complainant’s consent. Some are also confidential.

C. WHEN THE COMPLAINANT REQUESTS LIMITED OR NO FURTHER ACTION

If a Complainant reports an incident of sexual assault, sexual harassment or other sexual misconduct and requests that no further investigation or disciplinary action be taken, the University must weigh that request against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the Complainant.

If the University honors the request, a Complainant should understand that the University’s ability to meaningfully address the incident and pursue disciplinary action against the Respondent may be limited.

Although rare, there are times when the University may not be able to honor a Complainant’s request in order to provide a safe, non-discriminatory environment for all community members.

When weighing such a Complainant request, the Title IX Coordinator or Deputy Coordinator(s) will consider a range of factors, including the following:

- The risk that the Respondent will commit additional acts of sexual or other violence, such as:
  - whether there have been other complaints of sexual or other violence about the same Respondent;
  - whether the Respondent has a history of arrests or records from a prior school indicating a history of sexual and/or physical violence;
  - whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
  - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras, eye-witnesses or, physical evidence);
- whether the Complainant’s report reveals a pattern of perpetration (e.g., alcohol or drug facilitated sexual violence) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action and/or involve the law enforcement agency with jurisdiction. If none of these factors is present, the University will likely respect the Complainant’s request for no further action.
When the University determines that it cannot honor a Complainant’s request for no further action (i.e., no investigation), the University will inform the Complainant and will share the University’s reasoning for needing to take some action. In such cases, the University will only share information with those needing to know in order to conduct the needed investigation and University’s response to the report of sexual assault, sexual harassment or other sexual misconduct.

Whether a report results in an investigation or not, the University will remain ever mindful of the well-being of those involved and take ongoing steps to prevent retaliation. The University will take action to assist those involved consistent with their wishes. A variety of supportive measures are available to those involved as outlined in Appendix B. The Sexual Assault Resource Coordinator and Respondent Resource Coordinator Teams are available to assist Complainants and Respondents, respectively, in determining what measures are helpful or needed and will assist in the implementation of such supportive measures.

Finally, the University is committed to a safe environment for all students and employees and to addressing issues of sexual assault, sexual harassment or other sexual misconduct. Reports of such misconduct, provide the University with the opportunity to consider broader remedial action including increased monitoring of campus locations, additional education and prevention efforts, and climate assessments.

D. ANONYMOUS REPORTING

Although the University encourages a Complainant to talk with someone directly, the University does provide an anonymous on-line reporting option, EthicsPoint, and an anonymous phone reporting option (855-236-1443). This report will prompt an investigation. However, the University’s ability to respond effectively may be limited by the level of information provided and/or the anonymity of the complaint. All anonymous reports of sexual misconduct will be referred to the Title IX Coordinator.

E. MEDICAL CARE AND PRESERVING EVIDENCE

A person’s physical well-being should be addressed as soon as possible, whether or not that person wishes to make a report to the University or law enforcement. A medical provider can provide emergency and/or follow-up medical services, and meet two goals: first, to diagnose and treat the full extent of any injury or physical effect and second, to properly collect and preserve evidence. Following an incident of sexual assault, evidence is best preserved for proof of a criminal offense within 96 hours of the assault. In the event of a report immediately following an incident of sexual assault, a Complainant is encouraged to seek medical attention as soon as possible, and even before any showering, bathing, douching, brushing of teeth, drinking, eating or changing of clothes. Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement. Whether or not a person has chosen how to proceed at the time of the medical examination, taking the step to gather evidence will preserve the full range of options to seek resolution through the University's complaint processes or through the pursuit of criminal investigation.

Please note that under Pennsylvania law, a medical provider is required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical provider will provide information to law enforcement, and the University encourages the Complainant to report the incident to law enforcement (it is often easier to relay the incident once to several people than repeatedly to different constituents), the Complainant may always, at any time, decline to speak with a law enforcement officer and decide on the extent of their participation in a criminal prosecution.
Contact information for medical care is as follows and more detailed information can be found in Appendix A of this Policy:

Villanova Student Health Center 610-519-4070
Bryn Mawr Hospital 484-337-3000
Lankenau Medical Center 484-476-2000
Philadelphia Sexual Assault Response Center 215-425-1625

F. WHAT HAPPENS FOLLOWING A DISCLOSURE OR REPORT

1. In General

When an incident of sexual misconduct is reported to the University, the University will conduct an investigation. Students, faculty and staff deemed relevant to the case may be asked to participate in an investigation, and when asked, they are expected to find time to meet and share information with the investigator.

Investigations of all sexual misconduct involving a current student: The Assistant Director of Public Safety (to whom the Title IX Investigator reports) will typically oversee the administrative investigation of all sexual misconduct reports where the Respondent is a current student.

Investigations of sexual harassment (as defined in section II. A.) involving a University employee: The Sexual Harassment Complaint Officer or their designee will typically oversee the investigation of all reports of sexual harassment (as defined in Section II. A. above) involving a Respondent who is a University employee (faculty or staff). The Sexual Harassment Complaint Officer may be assisted in the investigation by the Human Resources and/or Public Safety Departments.

Investigations of other sexual misconduct (other than sexual harassment as defined in Section II. A.) involving a University employee: The Assistant Director of Public Safety (to whom the Title IX Investigator reports) will typically oversee the administrative investigation of sexual misconduct reports (other than sexual harassment as defined in Section II. A. above) where the Respondent is a University employee.

Criminal investigations: The Director of Public Safety & Chief of Police or their designee oversees the criminal investigation of all sexual misconduct reports conducted by the Department, regardless of the Respondent’s affiliation with the University.

Normally, investigations will include interviewing the parties, interviewing witnesses as appropriate, and collecting relevant documentary, electronic, or other evidence. A criminal investigation may also include the collection of physical and/or forensic evidence, and that evidence may also be presented in an administrative hearing.

At the conclusion of investigations, reports are shared with the University authorities empowered to act on violations of University policy. The specific resolution process will be determined by the role of the Respondent, as specified in this Policy:

- Complaints of sexual assault, sexual harassment or other sexual misconduct against a student will be addressed under the Code of Student Conduct (Special Procedures) and the investigator’s report will be shared with the Conduct Review Officer. These procedures are set forth in full in the Code of Student Conduct (Special Procedures), except for Law students, who have a separate
procedure set forth in the Law School Student Handbook; and

- Complaints of sexual harassment (as defined in Section II. A. above) against any faculty member or other employee will be addressed under the Sexual Harassment Complaint Procedures.

- Complaints of other forms of sexual misconduct (e.g. sexual assault, stalking, dating violence and domestic violence) against any faculty member or other employee will be addressed through the normal University disciplinary processes. If the Complaint alleges both sexual harassment and other forms of sexual misconduct, the University shall determine the appropriate process for addressing the Complaint.

For additional information on reporting, see the Title IX Notice, also included in Appendix C.

2. Time Frame for Resolution

Generally speaking, the University will promptly complete the administrative investigation and resolution of all reports. Periodic updates as to the status of the review or investigation may be provided to both the Complainant and Respondent. Each case is unique, and the process for handling the matter will be impacted by factors such as the complexity of the investigation, the scope of the allegation, the parties’ schedules and availability, the academic calendar and any concurrent criminal investigation. Although cooperation with law enforcement may require Villanova to temporarily suspend its investigation, the University will promptly resume its Title IX investigation as soon as it is notified by law enforcement that the agency has completed the evidence gathering process. Villanova will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the involved parties. In the event that the investigation and resolution require additional time, the University will notify all parties of this need and best efforts will be made to complete the process in a timely manner. In no case will these time frames delay University-provided support services, resources or other measures.

3. Timely Warning Notices – Safety Alerts

A Timely Warning or “Safety Alert” is a way for the University to provide timely notification to members of the University community about reports of serious crimes that have occurred on or within the Clery Geography of Villanova University (on campus or non-campus property or public property) where it is determined that the incident may pose a serious or ongoing threat to members of the University community. The determination of alerts for reports of sexual violence, dating violence, domestic violence, and stalking are considered on a case-by-case basis and depend several factors. These factors include: nature of the incident; continuing danger to the campus community; possible risk of compromising law enforcement efforts to investigate; when and where the incident occurred; when the incident was reported; and the amount of information known by the Department of Public Safety. Safety Alerts do not contain any identifying information about the reporting person. More information on Safety Alerts can be found on the Safety Alert FAQ page.

G. REPORTING TO LAW ENFORCEMENT
The University process and the criminal justice process are separate and independent courses of action. A Complainant who wishes to pursue a criminal complaint is encouraged to make a report to law enforcement. Incidents occurring on campus are within the jurisdiction of Villanova University Department of Public Safety. Actions occurring off campus are within the jurisdiction of one of several surrounding townships, most of which are listed above (section A “Making a Report”). If the Complainant does not know in which municipality the incident occurred, the Complainant should contact the Sexual Assault Resource Coordinator, Public Safety or 911 for assistance. Upon request, the Sexual Assault Resource Coordinator on call or a representative of the Department of Public Safety can accompany a Complainant to the police department with jurisdiction and assist a Complainant in making a criminal report. Notifying municipal law enforcement will generally result in the Complainant, and in some cases the Respondent, being contacted by a municipal police officer. The police will determine if a criminal investigation will occur and if the case will be referred for prosecution. Unless there are compelling circumstances, the University will typically not file an independent police report without the consent of the Complainant.

H. WAIVER OF VIOLATIONS OF ENVIRONMENTAL EXPECTATIONS FOR GOOD FAITH REPORTING

Consistent with the University’s Mission and belief that all members have an obligation to promote and protect the health, safety, and welfare of our community, the University strongly encourages community members to report incidents of sexual assault, sexual harassment, and other sexual misconduct so that those affected can receive support and resources. A student who reports such misconduct in good faith, either as a Complainant or a third party witness, will not be subject to disciplinary action for their own personal consumption of alcohol or other drugs in violation of the University’s Environmental Expectations as described in the Code of Student Conduct. The University may, however, initiate an educational discussion about the use of alcohol or other drugs and their impact or pursue other educational remedies.

Submission of a good faith complaint, concern, or report under this Policy will not affect a Complainant’s or third party witnesses’ employment, grades, academic standing, or work assignments. However, a person found to have made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action. A good faith complaint that is not substantiated by a disciplinary process does not constitute a false report.

I. RESOURCES FOR RESPONDENT

A University Respondent Resource Coordinator (RRC) is available to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. Members of the Respondent Resource Coordinator Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

Respondents can contact the following for information on University’s procedures, rights and responsibilities of the Complainant and Respondent, prohibition on retaliation and for assistance in obtaining University resources:

**Respondent Resource Coordinator Team**  
(610) 519-8807  
respondentresource@villanova.edu

**Title IX Coordinator, Ms. Ryan Rost**  
(610) 519-8805  
ryan.rost@villanova.edu

**Dean of Students Office**  
(610) 519-4200  
deanofstudents@villanova.edu
Members of the Respondent Resource Coordinator Team are required to share reports of sexual misconduct with the Title IX Coordinator. Respondents are encouraged to utilize confidential counseling services at the University Counseling Center. Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these people are not required to report any information to anyone without permission. Appointments are available Monday – Friday during normal business hours (9 am-5 pm) and can be scheduled by calling (610) 519-4050 or in person on the 2nd Floor of the Health Services Building. Priests acting in a pastoral capacity are also available as confidential resources.