



KING'S COLLEGE

TRANSFORMATION. COMMUNITY. HOLY CROSS.



SEXUAL HARASSMENT, INTIMATE PARTNER VIOLENCE, AND STALKING

Reporting and Resources
In compliance with the Violence Against Women Act and Title IX

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If you are or think you have been, the victim of sexual assault, intimate partner violence, or stalking, you are not alone. King's College supports victims in their rights and resources that are available to them.

TITLE IX COORDINATORS

The Title IX Coordinators have the primary responsibility for coordinating King's College efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent misconduct, harassment, and retaliation prohibited under this Policy. Mrs. Corchado, Title IX Coordinator, ADA/504 Coordinator, oversees implementation of the King's College Affirmative Action and Equal Opportunity plan and the King's College Policy on an equal opportunity, harassment, and nondiscrimination.

Title IX Coordinators:

Ms. Regina Corchado

Director of Human Resources

Office: 107 North Franklin Street

telephone: (570) 208-5962, email: reginacorchado@kings.edu

Mrs. Megan Casey

Associate Vice-President for Student Affairs and Dean of Students

Office: 113 North Franklin Street

telephone: (570) 208-5875, email: megancasey1475@kings.edu

For more information on the Sexual Harassment/Title IX policy, please see the Student Handbook at www.kings.edu/handbook or on the Title IX webpage at www.kings.edu/titleix

King's College is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of sexual harassment, misconduct, and/or retaliation. Sexual harassment violates an individual's fundamental rights and personal dignity. King's College considers sexual harassment, in all its forms, to be a serious offense. This policy refers to all forms of sexual harassment, including but not limited to sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.

The Sexual Harassment (Title IX) Policy covers all students and employees who are engaged in an educational activity or program of the College or on property controlled (owned, leased, rented) by the College within the United States. There are incidents of sexual harassment that may take place outside of the property owned by the College that may be investigated and adjudicated through the Student Conduct Procedures or Employee Procedures.

TITLE IX NON-DISCRIMINATION STATEMENT

King's College is committed to equal opportunity in the admission of students, the administration of educational programs and activities for employees and applicants for employment, without discrimination based on race, national or ethnic origin, religion, gender, gender identity, marital status, sexual orientation, age, or disability, in accordance with applicable laws.

SEXUAL HARASSMENT

King's College has adopted the following definitions of Sexual Harassment to address the unique environment of an academic community.

Sexual Harassment is unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to King's College education program or activity. Sexual harassment is the umbrella category that includes harassment on the basis of sex, including when it takes the form of:

- 1. Quid Pro Quo:** an employee, agent, or other person authorized by King's College to provide an aid, benefit, or service under King's College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual contact.
- 2. Hostile Environment:** unwelcome sex-based conduct that, based on the totality of the circumstances is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from King's College's education program or activity (ie. creates a hostile environment).
- 3. Sexual assault:** including sex offenses, forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, statutory rape, and incest (see full Policy for definitions).
- 4. Dating Violence:** violence, on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- 5. Domestic Violence:** violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the 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. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6. Stalking: engaging in the course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others or suffer substantial emotional distress. The course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

All employees are subject to the policies as published in the Employee Handbook, including but not limited to the Consensual Relationships Policy, Student Non-Fraternization Policy, and Grievance Policy. The Employee Handbook is published on the College's website under the Human Resources section.

King's College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

CONFIDENTIAL ASSISTANCE

Under Title IX, the College has designated confidential employees who are not required to report incidents of sexual harassment and sexual misconduct without a student's consent (unless a legal exception exists). Students who wish to confidentially report instances of sexual harassment may do so with any staff member in the King's College Counseling Center, any staff member in King's College Student Health Services, or with the Director of Campus Ministry. Referrals to off-campus agencies may also be given.

Department	Specified Confidential Employees	Hours of Availability	Phone Number	Office Location
Counseling Center	All staff	Monday-Friday 8:30 a.m.-4:30 p.m.	(570) 208-5873	6th floor, Administration Bldg.
Student Health Services	All staff	Monday-Friday 8:30 a.m.-4:30 p.m.	(570) 208-5852	André Hall
Campus Ministry	Fr. Brogan Ryan, C.S.C.		(570) 208-5890	Campus Ministry Center

The above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics and/or professional credentials, except in extreme cases of the immediacy of threat or danger or abuse of a minor with a disability, or when required to disclose by law or court order.

OFF-CAMPUS RESOURCES

- Victim Resource Center, telephone: (570) 823-0765, 360 East End Shopping Center, Wilkes-Barre, PA 18702
- 24 Hour Complainants Hotline, telephone: 800-206-9050
- Domestic Violence Service Center, telephone: (570) 829-1341, 13 East South Street, Wilkes-Barre, PA 18701; Domestic Violence Service Center Hotline 800-424-5600
- Victim Connect Resource Center, telephone: 855-484-2846, website: victimconnect.org

ANONYMOUS REPORTING

The College provides an anonymous reporting site for sexual assault, violence, and other behaviors. Students and employees can file an anonymous report which is sent to the Title IX Coordinators. The site does not require the reporter to provide any identifiable information, and the reporter cannot be tracked.

If a person is not ready to come forward to file a report, it can be useful for them to complete the anonymous report, so the information is filed closer to the time of the incident.

The anonymous reporting page of the College website is: www.kings.edu/confidentialreporting

PRESERVING EVIDENCE

The complainant, most importantly, after an assault, needs to find a safe and secure space with family, friend or staff member.

It is important to preserve evidence if the complainant decides in the future to file a formal report with the College or with the police.

Complainants should not bathe or shower, use the restroom, if possible, change clothes, comb hair, brush teeth, clean up the scene of the incident or move anything the alleged offender has touched.

Within several days of the incident, the complainant may have a sexual assault forensic exam to be completed at a hospital. This is commonly referred to as a rape kit or sexual assault exam. Some insurance may cover the cost of the exam. If the complainant does not have insurance, they should inform the emergency room personal; the cost is usually then covered by the Commonwealth.

You are not required to report the crime to the police if you choose to have a rape kit completed. You are not required to talk with the police at the emergency room. The emergency room may call for a staff member from the Victims Resource Center, an off-campus agency, to provide support to the complainant.

SEXUALLY TRANSMITTED DISEASES AND PREGNANCY

If you think you have been exposed to a sexually transmitted disease, you should contact your doctor or the Student Health Center. They can arrange for testing and treatment if necessary.

Your medical provider or Student Health Center can also assist you if you believe you are pregnant.

FILING A COMPLAINT

All employees on campus, with the exception of the Confidential Employees listed in the previous section, are Mandated Reporters, and can assist you with filing a complaint of sexual harassment. They can also assist you with contacting one of the Title IX Coordinators. A report may be made at any time (including during non-business hours) using the telephone number or email address or by mail to the office address listed for the Title IX Coordinator or any other official listed.

A Formal Complaint is a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that King's College investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission such as by electronic mail or through an online portal provided for this purpose by King's College that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint and request the Recipient investigate the allegations.

SUPPORTIVE MEASURES

King's College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, misconduct, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to King's College's education program or activity, including measures designed to protect the safety of all parties or King's College's educational environment, and/or deter harassment, misconduct, and/or retaliation.

These actions may include, but are not limited to:

- Referral to counseling, medical and/or other healthcare services
- Referral to community-based service providers
- No contact orders between the parties
- No trespass orders to campus, or specific buildings on campus
- Safety planning, including campus safety escorts and transportation accommodations
- Academic support, extensions of deadlines or other course/program related adjustments
- Class schedule modifications, withdrawals or leaves of absence
- Altering on-campus housing assignments, or providing an on-campus housing assignments for an off-campus/commuter student, regardless of whether or not there is a comparable alternative
- Altering work arrangements for employees or student-employees, regardless of whether or not there is a comparable alternative
- Financial Aid Counseling

- Visa and immigration assistance
- Increased security and monitoring of certain areas of the campus
- Timely Warning
- Training and Education programs to the community or community subgroup(s) related to sex-based harassment
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to the appropriate student or employee conduct processes for enforcement.

RIGHTS OF THE COMPLAINANT AND RESPONDENT

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to King's College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s) whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by King's College officials.
- The right to have King's College policies and procedures followed without material deviation.
- The right not to be discouraged by King's College officials from reporting sexual harassment or retaliation to both on-campus and off-campus authorities.
- The right to be informed by King's College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by King's College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by King's College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

- The right to a King's College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of sexual harassment misconduct, and/or retaliation, if such changes are reasonably available. No report or investigation, either campus or criminal, needs to occur before this option is available.
- The right to have the power to make decisions affecting their medical and emotional treatment.
- The right to have King's College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair King's College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Hearing Officer to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Hearing Officer with a list of questions that, if deemed relevant by the Investigator(s)/Hearing Officer, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to review a copy of the investigation report, including all factual, Policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, before the hearing, and the right to have at least five (5) business days to review the report before the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, Hearing Officer, and Appeal Officer who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any King's College representative in the process be recused based on disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, a preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Hearing Officer following a determination of responsibility for any allegation, but before sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision, delivered simultaneously without undue delay to the parties.
- The right to be informed in writing of when a decision by King's College is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by King's College.
- The right to appeal pursuant to King's College's Appeal Policy

PROCEDURES TO REACH A DETERMINATION

The Sexual Harassment Policy, the Student Handbook, and Employee Handbook provide detailed information on the procedures used to decide responsibility when a formal complaint is filed.

The procedures are developed to provide for a fair and equitable process for each party. The student accused (Respondent) is not responsible for the accusation unless found responsible by the Hearing Officer and a determination is made by the Appeal Officer (if an appeal is filed).

The procedures will require the College to use the standard of proof preponderance of the evidence in deciding the case.

The steps in the process are:

- Filing a complaint
- The investigation resulting in an investigative report
- Formal hearing conducted by a Hearing Officer or, in some circumstances, an Informal Resolution. Both options result in a determination
- Appeal (if filed), which results in a final determination

Each party is required to have an advisor of their choosing, which may be a family member, attorney, faculty, staff, or any other person. The advisor must conduct cross-examination at the hearing; the party is not permitted to do so. If a party does not have an advisor to conduct the cross-examination, the Title IX Coordinator will appoint one.

HOW TO HELP A FRIEND AFTER A SEXUAL ASSAULT

Make sure your friend is safe and gets help with medical attention, filing a police report, filing a report with the College, and advocacy services. Do not push them, but make sure they know other resources.

Some helpful hints:

- Listen to and believe them
- Do not interrogate, do not blame, protect your friend's privacy, and be patient.
- Know your limits and when to seek the help of people with more experience and training.

HOW TO PREVENT VIOLENCE

Become educated on the topic by attending programs and lectures on sexual assault prevention.

Do not be a bystander; learn how to safely intervene in a situation to help a person who is being victimized.

Confront behaviors of individuals or groups that are:

- Glorifying power over other individuals
- Objectify or demand individuals
- Tolerate violence and aggression
- Promote gender dominance
- Sexually abusive, physical, or mental hazing
- Blame victims

MEDICAL TREATMENT

- Student Health Center, Andre Hall, Monday through Friday: 8:30 a.m. - 4:30 p.m. (570) 208-5852
- Wilkes-Barre General Hospital Emergency Department: 24-hours (570) 829-8111, 575 North River Street, Wilkes-Barre, PA 18764
- Geisinger Wyoming Valley: 24-hours (570) 808-7300, 1000 East Mountain Blvd., Wilkes-Barre, PA 18711

POLICE AND COLLEGE SECURITY

- King's College Campus Safety and Security Department, Non-Emergency, Executive Director's Office: (570) 208-8103 or (570) 208-5900
- Wilkes-Barre Police, Phone 911, 15 North Washington Street, Wilkes-Barre, PA 18701

EMOTIONAL SUPPORT

- Counseling Center, telephone: (570) 208-5873, Administration Building, Sixth Floor
- Residence Life Staff, telephone: (570) 208-5856, Sheehy-Farmer Campus Center
- Campus Ministry, telephone: (570) 208-5890, Campus Ministry Center
- Victim Resource Center, telephone: (570) 823-0765, 360 East End Shopping Center, Wilkes-Barre, PA 18702
- 24 Hour Complainants Hotline, telephone: 800-206-9050
- Domestic Violence Service Center, telephone: (570) 829-1341, 13 East South Street, Wilkes-Barre, PA 18701; Domestic Violence Service Center Hotline: 800-424-5600
- Victim Connect Resource Center, telephone: 855-484-2846, website: victimconnect.org

The Office of Civil Rights of the Department of Education oversees the implementation of Title IX; they can be contacted at:

- Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Website: www.ed.gov/ocr