



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

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

- Title IX Coordinator: Associate Vice President for Student Affairs and Dean of Students: Dean Robert McGonigle, Office: John Lane C.S.C. House, 166 North Franklin Street, telephone number: (570) 208-5875, email address: robertmcgonigle@kings.edu
- Title IX Coordinator: Director of Human Resources, Mrs. Regina Corchado, SHRM-SCP, Office: 181 North Franklin Street, office telephone number: (570) 208-5968, mobile: 570-266-3060, email address: reginacorchado@kings.edu

For more information on the Sexual Harassment/Title IX policy, please see the Student Handbook on mykings <https://www.kings.edu/sites/default/files/student-handbook-web-2020.pdf> or the on kings the web page on Title IX https://www.kings.edu/life_at_kings/dean_of_students/title-ix

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 discrimination based on sex, which includes all forms of sexual misconduct. 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 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, for example, off-campus or study abroad that will 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 (Recipient) has adopted the following definition of Sexual Harassment to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Conduct on the basis of sex that satisfies one or more of the following:

- 1) ***Quid Pro Quo***: an employee of the King's College (Recipient), conditions the provision of aid, benefit, or service of the King's College (Recipient), on an individual's participation in unwelcome sexual conduct.
- 2) ***Sexual Harassment***: unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to King's College (Recipient) education program or activity.
- 3) ***Sexual assault*** (see Policy for definitions) including sex offenses, forcible rape, forcible sodomy, sexual assault with an object, forcible fondling statutory rape, and incest.
- 4) ***Dating Violence***, defined as Violence, on the basis of sex, is 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***, defined as 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**, defined as engaging in the course of conduct, on the basis of sex, directed at a specific person, that i. would cause a reasonable person to fear for the person's safety, or the safety of others; suffer substantial emotional distress. (i) A 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or the anguish that may but does not necessarily require medical or other professional treatment or counseling.

For the purposes of this definition. 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 web site under the Human Resources section.

King's College (Recipient) 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

Confidential reporters are professional counselors in the College Counseling Center, Student Health Center medical staff, and Campus Ministry professional staff, including priests and laypersons, acting in their capacities as counselors are confidential reporters. Those staff members are:

- Counseling Center, Telephone- 570-208-5873 6th floor Administration
 - Mrs. Tina Arendash, Director of the Counseling Center
 - Ms. Julie Lettieri, Counselor
- Campus Ministry, Telephone- 570-208-5890, Campus Ministry Office corner of North Franklin and Jackson Streets
 - Fr. Brogan Ryan, C.S.C., Director of Campus Ministry
 - Fr. Russell McDougall, C.S.C., Associate Director of Campus Ministry
- Student Health Center, Telephone: 570-208-5852, Andre Hall, North Street
 - Mrs. JoAnn Kosik, Director of Student Health 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.

Campus counselors are available to help free of charge and may be consulted on an emergency basis during regular business hours.

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 Center, telephone: 570.829.1341, 13 East South Street, Wilkes-Barre, PA 18701; Domestic Violence Center Hotline 800.424.5600
- Victim Witness Assistant, telephone: telephone: 570.208.5900, x5294, Sheehy-Farmer Campus Center, Residence Life Suite
- National Center for Complainants of Crime: www.complainantsofcrime.org
- Stalking Resource Center, telephone: 202.467.8700 <http://www.complainantsofcrime.org/our-programs/stalking-resource-center>

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 Coordinator for students. 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:

https://www.kings.edu/life_at_kings/dean_of_students/confidential_reporting

PRESERVING EVIDENCE

The complainant or victim, 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 victim 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, clean up the scene of the incident or move anything the alleged offender has touched.

Within several days of the incident, the victim 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 victim does not have insurance, they should inform the emergency room personnel; 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 victim.

SEXUAL 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 they believe you are pregnant.

FILING A COMPLAINT

The complainant may seek assistance in filing a report with officers and investigators in campus safety and security, residence life staff, faculty, student affairs staff, and other employees. These staff members can help provide support and guide you in filing a formal complaint. Most employees are mandated reporters and are required to notify the Title IX coordinator in most cases that they have been informed of an alleged Sexual Harassment or Title IX offenses

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the King's College (Recipient) 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, or as described in this section. 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 the King's College (Recipient) 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

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related Adjustments
- No trespass directives
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence

- Increased Security and monitoring of certain areas of the campus
- 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 (Recipient) 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 (Recipient) officials.
- The right to have King's College (Recipient) policies and procedures followed without material deviation.
- The right not to be discouraged by King's College (Recipient) officials from reporting sexual harassment or retaliation to both on-campus and off-campus authorities.
- The right to be informed by King's College (Recipient) 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 (Recipient) 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 (Recipient) 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 (Recipient)-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 and/or retaliation, if such changes are reasonably available. No formal 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 the King's College (Recipient) maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the King's College (Recipient)'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 ten (10) 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 (Recipient) 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 when a decision by the King's College (Recipient) 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 the King's College (Recipient).
- The right to a fundamentally fair resolution as defined in these procedures.

SEXUAL HARASSMENT PROCEDURES TO REACH A DETERMINATION

The Sexual Harassment Policy the Student Handbook and Employee Handbook provide detailed information on the procedures used to decide of 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 or Respondent throughout the process is not responsible for the accusation unless found responsible by the Hearing Officer and if an appeal is filed and determination made by the Appeal officer.

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 formal complaint
- The investigation resulting in an investigative report
- Hearing conduct by a Hearing Officer and determination
- Appeal- if filed 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 who serves as their advisor. They must have an advisor conduct cross-examination at the hearing. The party may not. If a party does not have an advisor to conduct the cross-examination, the Title IX Coordinator may appoint one.

HOW TO HELP A FRIEND AFTER A SEXUAL ASSUALT

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, believe
- Do not integrate, 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, Chapel of Christ the King
- 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 Center, telephone: 570.829.1341, 13 East South Street, Wilkes-Barre, PA 18701; Domestic Violence Center Hotline 800.424.5600
- Victim Witness Assistant, telephone: telephone: 570.208.5900, x5294, Sheehy-Farmer Campus Center, Residence Life Suite
- National Center for Complainants of Crime: www.complainantsofcrime.org
- Stalking Resource Center, telephone: 202.467.8700
<http://www.complainantsofcrime.org/our-programs/stalking-resource-center>

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
Web: <http://www.ed.gov/ocr>

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Philadelphia, PA 19107-3323
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