

## **Sexual Misconduct Policy and Information**

Wilson College is committed to creating a community free from violence. Sexual assault including non-consensual sexual contact (or attempts to commit same) and non-consensual sexual intercourse (or attempts to commit same), sexual exploitation, and sexual harassment including, domestic violence, dating violence, and stalking as defined by state and federal laws will not be tolerated.

Wilson College does not discriminate on the basis of race, color, national origin, ancestry, religion/creed, sex, pregnancy, sexual orientation, or gender identity or expression, age, disability, genetic information, or veteran status in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and/or College policies.

The college recognizes that this is a community where a diversity of ideas is valued and a person's safety, dignity and independence is respected by the students, faculty and staff. The diversity of the community regardless of race, age, religion, ethnicity, class, national origin, gender, gender identity, sexual orientation or ability is an educational value which we uphold. The Honor System at Wilson College addresses and defines "the integrity with which each member of the college is expected to live" (Wilson Honor Principle, 1904; reviewed 2009).

Members of the Wilson College community, guests, and visitors have the right to be free from all forms of sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Wilson College will not tolerate sexual misconduct. When an allegation of sexual misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, sanctions will be used to reasonably ensure that such actions are not repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The policy outlined here addresses matters of sexual misconduct involving only students of the college. Students with concerns of alleged incidents of sexual misconduct involving an employee and/or non-college students are encouraged to contact the Office of the Dean of Students for guidance on how to proceed. This policy pertains to students' conduct on and off campus.

For immediate attention after an assault, call:

- Campus Safety at 717-372-2255
- Resident Assistant on Duty at 717-552-9916 (primary) or 717-552-9917 (secondary)
- Women In Need (WIN) at 1-800-621-6660 or 717-264-4444
- Chambersburg Emergency Services at 911 or go to the Chambersburg Hospital located at 112 North 7<sup>th</sup> Street (1.8 miles from campus)

### **UNIVERSITY EXPECTATIONS WITH RESPECT TO SEXUAL MISCONDUCT**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what a person wants sexually and what a person doesn't want. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercion happens when someone is pressured unreasonably for sex. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes" (for example a drunken or coerced "Yes" is not a valid "Yes"). Nor does a "Yes" to some sexual activities imply a "Yes" to all present or future sexual activities. Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a "No." In short: Ask for consent. Respect the reply.

Students should understand that the college's disciplinary processes do not and are not intended to afford the specificity or the due process or other rights of criminal or civil statutes or any other legal authorities. Conduct violations that are also violations of Pennsylvania state law may be referred to the appropriate legal authorities for adjudication.

In campus hearings, legal terms like "guilt," "innocence," and "burdens of proof" are not applicable as the college never assumes a student is in violation of college policy. Campus hearings are conducted to take into account the totality of evidence available from relevant sources.

Wilson College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from warning to permanent separation from the college, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

## WILSON HONOR PRINCIPLE

In order to provide an atmosphere congenial to the pursuit of a liberating education, government at Wilson College rests on the assumption that every member of the community will act with integrity in all aspects of life; we trust each other to be mature and responsible individuals. This is our fundamental premise, which stands rightfully before all other materials in the Blue Book (student manual).

The cooperative effort of learning and living in which we are all involved proceeds most satisfactorily when the members of the community acknowledge their responsibility to strive to realize their common aim. The soundness of the community depends upon the concern both for individual freedom and the rights and welfare of others; both call for the observance of certain regulations in order to promote this common aim.

Wilson College is a strong, healthy, caring community. In order to promote community values, this Code and the Honor Principle set expectations for members of the community. Individuals must

respect others and behave with the interest of the whole community in mind. It is assumed and understood that joining is evidence of a subscription to ideals consistent with our shared mission.

As a member of this community each individual is obligated to:

**DEMONSTRATE PERSONAL INTEGRITY**

A commitment to this ideal is consistent with honesty in academic situations and in interactions with others.

**RESPECT THE DIGNITY OF ALL PERSONS**

A commitment to this ideal is consistent with behaviors, which do not compromise or demean the dignity of individuals or groups--refusal to engage in humiliation, intimidation, ridicule, harassment or discrimination.

**RESPECT THE RIGHTS AND PROPERTY OF OTHERS**

A commitment to this ideal is consistent with respectful behavior, which does not violate the rights of others, such as self-expression and privacy.

**RESPECT DIVERSITY IN PEOPLE, IDEAS, AND OPINIONS**

A commitment to this ideal pledges affirmative support for equal rights and opportunities for all members of the community regardless of age, gender, sexual preference, religion, disability, ethnic heritage, socioeconomic status, political, social or other affiliations or disaffiliations.

**DEMONSTRATE CONCERN FOR OTHERS, THEIR FEELINGS AND THEIR NEEDS FOR CONDITIONS WHICH SUPPORT THEIR WORK AND DEVELOPMENT**

A commitment to this ideal is a pledge to be compassionate and considerate, to avoid behaviors which are insensitive, inhospitable, or inciteful, or which unjustly or arbitrarily inhibit another's ability to feel safe or welcome in pursuit of appropriate social or academic goals.

**What to Do When a Sexual Assault Happens**

We never want it to happen, but when it does here's what we recommend. Survivors identify these actions as important steps in the recovery process.

Get to a safe place. Friends, residence hall staff members, college staff members, security staff members, and/or police officers may be of assistance. It may also be helpful to have someone go with you to seek medical services and emotional support. At all times you may call Women In Need (WIN) at 717-264-4444 or 1-800-621-6660 for support and direction or you may ask a Wilson Security officer (717-372-2255) for a safe ride.

Get immediate emotional support. Accessing peers, professional counseling services, companionship, advocacy and/or crisis hotlines soon after an assault is important. For help, contact a residence hall staff member and/or one of the Wilson College and Chambersburg area resources listed below:

Resident Assistant on Duty at 717-552-9916 (primary) or 717-552-9917 (secondary)

Campus Safety at 717-372-2255

Women In Need (WIN) at 1-800-621-6660 or 717-264-4444

Chambersburg Emergency Services at 911

Or go to the Chambersburg Hospital located at 112 North 7<sup>th</sup> Street (1.8 miles from campus)

Get immediate medical attention. There are several important reasons to go to a hospital or an appropriate medical facility following a sexual assault: (1) identify and treat any physical injuries (some internal injuries may not be immediately apparent to you); (2) take sexually transmitted disease prevention measures, and to learn about pregnancy prevention options; and (3) collect forensic evidence. This may include completion of an "Evidence Collection Kit," which documents evidence of foreign hair, body fluids, or injuries to your body. Testing for Rohypnol, GHB, or other "date rape drugs" may also be advisable, under some circumstances. You can take a support person with you to the hospital, and they can accompany you through the exam. While most medical professionals and emergency rooms should be capable of supporting you, we recommend that you additionally call the Women In Need (WIN) hotline at 717-264-4444 or 1-800-621-6660.

Preserve physical evidence of the assault. Resist urges to shower, change clothes, brush teeth, urinate, eat, drink, smoke, or take any medications until after you receive medical attention. The forensic evidence will be much more accurate and helpful if you do so. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence.

All forensic evidence must be collected within 72 hours of the assault--and the earlier the better. Having forensic evidence collected does not obligate you to pursue legal or disciplinary action--it merely preserves this as an option.\*

Consider your legal and disciplinary options. Pressing charges and seeking justice can help. Survivors report that doing so rebuilds senses of safety and personal effectiveness. You decide whether or not to file a personal police report of the assault.\* Reporting the assault does not obligate you to press charges. Contact one of the Deans of Students at 717-264-2006 to report an incident and to learn more about school disciplinary options. Your privacy and the confidentiality of the situation are of utmost importance and will be preserved, but all incidents must be reviewed. You may contact the Chambersburg Police at 717-264-4131 or the Franklin County Sheriff's Department at 717-261-3877 to report an incident or to learn your legal options.

Get follow-up medical and counseling services. Women In Need (WIN) at 717-264-4444 provides an array of free resources in the Chambersburg area.

Ask for academic and other help. After an assault, students may need to address new safety needs. Changing residence halls or phone numbers or academic interventions can be arranged through the Deans of Students.

#### People Who Can Help:

Dean Mary Beth Williams, 717-262-3273

Assistant Dean and Director of Women With Children, Katie Kough, 717-262-3164

Director of Residence Life, Sherri Sadowski, 717-262-3125

#### People Who Can Help Confidentially:

Cindy Shoemaker, Director, Counseling Services, 717-264-3235

WIN Women In Need, 717-264-4444 or 1-800-621-6660

RAINN is the Rape, Abuse, and Incest National Network. A 24-hour hotline offers crisis counseling and information about support available call (800) 656-4673 or online at [www.RAINN.org](http://www.RAINN.org).

\* Note: In Pennsylvania, medical providers and law enforcement agents are required to report suspected or reported sexual assault incidents to state authorities. The assault victim is not identified by name, and is not required to press charges, or even participate in the crime investigation, unless he or she wishes to.

## **Sexual Misconduct Reporting**

Reports can be submitted electronically or in person. Electronic reports may be made at <http://www.wilson.edu/current-students/sexual-misconduct-reporting-form/index.aspx>, and all submissions are sent to the Dean of Students, Dr. Mary Beth Williams (Lenfest 117), and the Director of Human Resources who is serving as the Title IX Coordinator (Edgar 4<sup>th</sup> floor).

All submissions are reviewed and investigated.

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department of Education:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### Confidentiality

If you desire that details of the incident be kept confidential, you should speak with a therapist in Counseling Services, the college chaplain, or off-campus rape crisis resources who can maintain confidentiality. Resident Assistants, faculty, and other student life staff are obligated to report all incidents of sexual misconduct to the dean of students office and the Title IX Coordinator. All college employees, even the above individuals, must report incidents statistically to comply with federal requirements. This reporting does not require specific names and without names, no detailed investigation can follow.

### Other Reporting Options

(These are not confidential)

You are encouraged to speak to officials of the institution to make formal reports of incidents (residence hall staff, deans, faculty, other administrators with supervisory responsibilities, security staff, and human resources). The college considers these people to be "responsible employees." Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

### Federal Timely Warning Reporting Obligations

Those who report incidents of sexual misconduct should also be aware that college administrators may issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that the reporter's name and other identifying information are not

disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

#### Women with Children Program

If a sexual assault occurs and the victim is a child, Women In Need (WIN) is also a resource (1-800-621-6660). If an administrator, Director, or child care personnel becomes aware of a sexual assault of a minor; it is their duty to report to Child Protection Services and/or at the Chambersburg Police Department. Contact also the director of the WWC program (717)262-2536 for assistance during working hours. Contact the administration on duty through Campus Safety at (717) 372-2255 after hours for assistance.

Childline: Child Abuse Hotline, 24 hour access (PA), 1-800-932-0313

### **Sexual Misconduct Definitions**

Sexual misconduct offenses include, but are not limited to, the following:

- Non-Consensual Sexual Contact (or attempts to commit same);
- Non-Consensual Sexual Intercourse (or attempts to commit same);
- Sexual Exploitation;
- Sexual Harassment (including dating violence, domestic violence and stalking)

#### NON-CONSENSUAL SEXUAL CONTACT IS

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

#### NON-CONSENSUAL SEXUAL INTERCOURSE IS

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

SEXUAL EXPLOITATION occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student;

- non-consensual video or audio-recording of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- exposing one's genitals in non-consensual circumstances;
- inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation.

#### SEXUAL HARASSMENT IS

- unwelcome, gender-based verbal or physical conduct
- that is so sufficiently severe, persistent, or pervasive
- that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program and/or activities,
- and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include (but are not limited to) attempting to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwelcome sexual attention; punishing a refusal to comply with a sexually based request; conditioning a benefit on submitting to sexual advances; stalking; gender-based bullying; sexual violence; dating violence and domestic violence.

#### ADDITIONAL APPLICABLE DEFINITIONS:

**CONSENT:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age.

The clearest consent is affirmative and active.

• Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. (Example one: "Have sex with me or I'll make you." Response: "Okay". Example two: "You're making this difficult. It's going to hurt more if you don't cooperate." Response: Silence while thinking, "I just want this over.")

• Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

• NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The absence of resistance does not demonstrate the absence of force. All forced sexual activity is by definition non-consensual, but not all non-consensual sexual activity is by definition "forced."

• Incapacitation is a state where someone cannot make reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Consumption of alcohol or drugs alone is insufficient to establish

incapacitation. The question of incapacitation is determined on a case-by-case basis. It will include an analysis of whether the responding party knew, or should have known, that the complaining party was incapacitated, or if the responding party played a role in creating the circumstance of incapacity.

Sexual activity with someone whom one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use leading to unconsciousness or blackout) constitutes a violation of this policy.

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs if the responding party knew, or should have known, of the incapacitating condition or was the cause thereof. Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

**DOMESTIC VIOLENCE:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- Source – 42 USCS § 13925(a)

**DATING VIOLENCE:** The term “dating violence” means violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

- Source – 42 USCS § 13925(a)

**STALKING:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

- Source – 42 USCS § 13925(a)

Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

*Some of the language in the Honor Principle was been taken, with permission, from the University of South Carolina's Creed. We gratefully acknowledge their contribution.*

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