Student Guide on Sexual Assault, Harassment and Discrimination

Student Resources

Office of Campus Safety
X 7911 (if calling from off-campus dial 610-526-7911)

Health Center & Counseling Service
610-526-7360
ProtoCall
(for counseling emergencies when the Health Center is closed)
610-526-7778

Title IX Coordinator
Jennifer Walters
titleix_coordinator@brynmawr.edu

Office of the Dean of the Undergraduate College
610-526-5375

Lower Merion Police Department
610-642-4200; call 911 in an emergency if you are off-campus

Res Life Coordinator
(from 10 pm to 9 am during the week and on weekends when classes are in session)
Contact Campus Safety or an HA who can call the RLC on duty
Introduction

While Bryn Mawr College attempts through its programs and policies to prevent sexual assault from occurring, it recognizes that significant numbers of people throughout the nation are sexually assaulted while they are college students. Bryn Mawr is committed to helping any of its students who have experienced sexual assault. Counselors, health center personnel, residential life staff, campus safety officers, and deans will support a student through the recovery process. Title IX\(^1\) requires that the College investigate reported and suspected cases of sexual assault. The College is also committed to assisting a student in lodging charges with local police, if the student so desires; holding disciplinary hearings to adjudicate formal accusations; and disciplining any student found to have violated the policy concerning sexual assault.

The College also recognizes that most campus sexual assaults involve people who are acquainted with one another. Coercive or violent acts between people who, because of their membership in the College community, must continue to interact with each other are particularly traumatic to the victim and violate the trust that is essential to the College’s mission and sense of community. Therefore, should a sexual assault be reported, the College shall take reasonable action to protect the accusing student from any unnecessary or unwanted contact with the accused.

I. Options for Students Who Have Been Sexually Assaulted

Any student who is sexually assaulted is strongly encouraged to seek help either from resources available through the College or from outside sources. The following is a short list of options available to students seeking help at Bryn Mawr. More detailed information about each option is provided below. You may:

❖ Contact the Bryn Mawr College Health Center (610-526-7360) to receive medical care, speak to a counselor, and/or discuss other options confidentially.

❖ Go to Bryn Mawr Hospital (130 South Bryn Mawr Avenue, Bryn Mawr, PA 19010) to receive a medical examination, which is admissible in court as evidence of an assault.

❖ Call Bryn Mawr College Campus Safety (x7911, 911 in emergencies) to arrange for transportation to the Health Center or to Bryn Mawr Hospital, and/or to report that a sexual assault has taken place.

❖ Contact the Bryn Mawr College Interim Title IX Coordinator, Jennifer Walters (610-526-5370 or titleix_coordinator@brynmawr.edu), to report that a sexual assault has taken place and to initiate the College’s investigation.

❖ Call Lower Merion Township Police (610-642-4200) to arrange transportation to Bryn Mawr Hospital, to report a sexual assault or to request emergency medical assistance.

\(^1\) Title IX is part of the federal Education Amendments of 1972, and prohibits discrimination on the basis of sex at any educational institution that receives federal funds.
Medical Care: You are strongly encouraged to receive medical care after an assault. Because sexual assault can be physically and emotionally traumatic, you may not know whether or not you have been injured. Medical personnel at the Health Center or the hospital can answer questions you may have about health concerns. A follow-up exam is recommended to retest for pregnancy and sexually transmitted diseases (STDs), and to be sure that no other injuries were sustained during the assault.

The on-campus Health Center is able to counsel you on your options for medical care after an assault. An examination done at the Health Center is NOT the same as a rape kit and is not admissible in court as evidence that an assault has taken place. If you think you may wish to press charges at any time, the Health Center personnel will recommend that you go to Bryn Mawr Hospital, where medical evidence can be preserved for the police.

The Health Center is able to check for internal injuries, test for pregnancy and STDs and provide someone with whom you can talk. The Health Center can also provide information and testing for HIV (HIV testing at the Health Center is confidential). The Health Center can provide medication to help prevent STDs. In addition, emergency contraception is available to prevent pregnancy if you go to the Health Center within 72 hours of the assault.

The Health Center will keep all information confidential; the assault will not be reported to the police, Campus Safety, parents or other College personnel without your permission. If it is determined that you or another member of the College community is in danger, necessary information will be released to the appropriate administrators and every effort will be made to protect your identity.

The Health Center can assist you in finding any medical or emotional support that you need, including counseling on- or off-campus.

Bryn Mawr Hospital is able to provide medical services that fulfill legal standards of evidence — a “rape-kit” examination. The rape-kit examination preserves medical evidence that can be used in court. Having a rape kit done does not require you to press charges. It merely gathers evidence should you wish to prosecute at some time. It is recommended that you do not shower, bathe, douche or change clothes if you want to preserve evidence. You may want to bring a change of clothes to the hospital in case your clothing is needed by the police.

Bryn Mawr Hospital will test for pregnancy and STDs, offer medication to prevent STDs, and prescribe emergency contraception. The hospital is required to notify the police that a sexual assault may have occurred.

Montgomery County Victim Services (610-277-5200) has crisis-intervention counselors who are able to explain procedures and answer questions you may have. A 24-hour hotline is available for anyone with questions or concerns about sexual assault, or who would like to speak to a crisis counselor.

Legal Issues: You are not required to report a sexual assault. If you do talk to the police and/or Campus Safety, they may be able to take steps to protect others from experiencing sexual assault. In addition, the police can inform you of your legal rights and options should you decide to prosecute. The College is strongly committed to providing medical and emotional support to victims and survivors of sexual assault regardless of whether they decide to take legal action.

Bryn Mawr College Campus Safety can provide transportation to the Health Center or to Bryn Mawr Hospital. You may wish to notify Campus Safety that a sexual assault has occurred. If you choose to make a report, the Department and you will then determine whether the assistance and/or intervention of the police is necessary to protect other members of the community and/or to arrest the assailant.
Campus Safety will inform the Title IX Coordinator that an assault has been reported. If it is necessary to alert the community at large that an assault has been reported, the Department of Campus Safety, the Title IX Coordinator and the Dean’s Office will make every effort to protect your privacy.

**Lower Merion Township Police** can provide transportation to Bryn Mawr Hospital and emergency medical care if necessary. If you do decide to report the assault to the police, the College will provide a support person if you would like help through the process. Making a police report concerning the assault does not mean that you must prosecute the assailant.

If you are assaulted or need help in **Philadelphia**, call Women Organized Against Rape at 215-985-3333.

If you are assaulted or need help at **Haverford**, call Campus Security at 610-896-1111. At **Swarthmore**, call 610-328-8333. You can also call Delaware County Women Against Rape at 610-566-4342.

**Further Assistance:** If you have any questions about the College’s policies and procedures for dealing with a rape or sexual assault, you should consult Jennifer Walters, Bryn Mawr College’s Interim Title IX Coordinator at 610-526-6571 or titleix_coordinator@brynmawr.edu.

**Survivor's Bill of Rights**

If you are sexually assaulted, you have basic rights and considerations as a crime victim (including but not limited to):

- Have any allegations of sexual assault taken seriously and without any suggestion that survivors are responsible for sexual assault.
- Be treated with respect and dignity, regardless of gender, gender identity, race, age, income level, physical abilities, cognitive abilities, or sexual, medical and mental health history.
- Have timely access to emergency and crisis counseling services.
- Be accompanied by an advocate while receiving victim services.
- Be informed of legal rights and available resources.
- Be informed of safety planning and protection services.
- Be informed of appropriate follow-up treatment, medical testing and counseling.
- Be notified of options for and assistance with changing academic and/or living situations if so requested and if such changes are reasonably available.
- Have the College conduct a prompt and thorough investigation of the allegation, preserving the privacy of the survivor to the extent possible within the requirements of Title IX.
- Be able to give testimony in a campus hearing by means other than being in the same room with the accused.
- Have a support person present during campus disciplinary proceedings.
- Be informed of the outcome of the sexual assault disciplinary proceedings.
II. COLLEGE POLICIES ON SEXUAL ASSAULT

Policy Concerning Sexual Assault

No person shall sexually assault any member of the student community. Students shall be free to report any sexual assault without fear of retaliation. Retaliation or threats of retaliation against a student bringing a charge of sexual assault will be treated as a separate and serious violation of College policy.

For the purposes of this policy, sexual assault is defined as any act in which a member of the student community is forced to engage in sexual activity against their will or without their consent, including situations in which physical sexual acts are perpetrated against a person’s will or when a person is incapable of giving consent due to use of drugs or alcohol, or due to an intellectual or other disability. Consent must be mutual and unambiguously communicated agreement to participate in sexual activity. "Sexual assault" as used in this policy includes not only physically assaultive behavior but also extreme verbal threats, physical or verbal intimidation, and/or indecent exposure. The College’s policy on sexual assault also applies to intimate partner and relationship violence, stalking and bullying based on sex or gender. Although Pennsylvania criminal law distinguishes between rape and sexual assault (defining rape as involving penetration), the College policy defines as unacceptable any act in which one person forces another or attempts to force another to engage in any sexual act.

Reporting Procedures

An undergraduate student who believes they have been sexually assaulted or that an act of sexual assault has taken place may notify any Campus Security Authority, such as the Dean of the Undergraduate College, the Title IX Coordinator, an Associate or Assistant Dean, the Director of Campus Safety, a Residential Life staff member, a hall adviser, or an athletic coach. Any one of these people will notify the Title IX Coordinator as soon as possible that an allegation of sexual assault has been made. Health Center and Counseling Services personnel are confidential resources who do not disclose individual names or details to the Title IX Coordinator regarding alleged sexual assaults.

The first concern of any official to whom an assault is reported will be the well-being of the student reporting the assault. In particular, the official will inform the student of both on- and off-campus resources and help the student make contact with the resources they choose.

The second concern of College officials must be the safety of the community. If there is reason to believe that an assailant is at large who poses an immediate threat to other members of the community, the Dean of the Undergraduate College, the Title IX Coordinator and the Director of Campus Safety will take action to protect the campus. In taking action, they will not reveal information that might allow the student reporting the assault to be identified unless compelled by Court process to do so.

After seeing to the well-being of the student reporting the assault and to the immediate security of the campus, the Title IX Coordinator and the Director of Campus Safety will investigate the charge as required under Title IX. Such investigation may involve the examination of physical evidence, the interviewing of persons with relevant information, or other steps which particular circumstances make necessary. In conducting this investigation, the confidentiality and privacy of all parties will be respected to every extent possible.

Charges of sexual assault brought against a Bryn Mawr student may be heard by a Title IX Hearing Panel. Charges of sexual assault brought by a Bryn Mawr student against a member of the faculty or staff will be handled through the College’s procedures concerning sexual harassment and other forms of harassment and discrimination. Both procedures are outlined later in this guide. After the completion of the College’s investigation and any disciplinary proceedings, both the accuser and the accused will be informed of the outcome.

An individual accused of sexual assault may be subject to prosecution under Pennsylvania criminal statutes. A victim is free to bring charges through the College system and the criminal system
simultaneously; however, the two processes are separate. It is not necessary for a student to pursue the matter in a criminal court in order to initiate a Title IX Hearing Panel proceeding. Also, the College is not obligated to wait until prosecution procedures are initiated or until a judgment is reached in court in order to proceed with its own decision-making process or to impose penalties.

III. EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND DISCRIMINATORY HARASSMENT POLICIES

Statement of Principles

❖ Bryn Mawr College is firmly committed to a policy of equal opportunity for all members of its faculty, staff and student body. Bryn Mawr College does not discriminate on the basis of race, color, religion, national or ethnic origin, sexual orientation, age, or disability in the administration of its educational policies, scholarship and loan programs, and athletic and other College-administered programs, or in its employment practices. In conformity with the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972, it is also the policy of Bryn Mawr College not to discriminate on the basis of sex in its employment practices, educational programs or activities. The admission of only women to the Undergraduate College is in conformity with a provision of the Civil Rights Act. The provisions of Title IX protect students and employees from all forms of illegal sex discrimination, which includes sexual harassment and sexual violence, in College programs and activities.

❖ The College is firmly committed to academic and professional excellence and to freedom of inquiry and expression for all members of the College community. In order to preserve an atmosphere in which these goals can be pursued, certain norms of civility, based on mutual respect and appreciation of differences, recognition of the rights of others and sensitivity to their feelings, must govern the interactions of all members of the community. The pursuit of these goals and the preservation of this civil atmosphere depend on the active commitment of all community members to making the College’s programs and resources as inclusive as possible.

Statement of Policies Concerning Sexual Harassment and Other Forms of Harassment and Discrimination

It is the policy of Bryn Mawr College to maintain a work and academic environment free from discrimination and offensive or degrading remarks or conduct. Unlawful discrimination, including sexual harassment and sexual violence, will not be tolerated. This policy covers all staff members and faculty members as well as students. The College will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow staff members, students, faculty members or non-employees who conduct business with the College.

Definition of Discrimination

Discrimination is unequal or disparate treatment of groups or individuals, including their exclusion from any of the College’s programs or activities, or any attempt to hinder access to the College’s resources on the basis of race, religion, color, age, national origin, physical ability, sex or sexual orientation. Prohibited sex discrimination includes both sexual harassment and sexual violence. It is important to recognize that
not all conduct that might be offensive to an individual or a group necessarily constitutes discriminatory conduct. Whether a specific act constitutes discrimination must be determined on a case-by-case basis in light of all relevant circumstance.

The College is committed to maintaining an environment in which all members of the community, staff, students and faculty, are treated with respect and dignity. It is the policy of the College not to discriminate on the basis of sex, including sexual harassment, in any of its programs, activities or employment practices. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic treatment, or is accompanied by implied or overt threats concerning one’s job, grades, letters of recommendation, etc.;

2. Submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting such individual; or

3. Such conduct has the purpose or effect of interfering with an individual’s work performance or academic performance or creating an intimidating, hostile or offensive environment.

The College also prohibits this type of behavior when it is based on race, color, age, national origin and religion or on any other basis prohibited by law. Harassment on the basis of one’s sexual orientation can also constitute discrimination on the basis of sex.

Sexual harassment can include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats, where such behaviors are severe, offensive, and occur repeatedly unless a single instance is so severe that it warrants immediate action.

Some specific examples of behavior that are inappropriate include:

❖ Continuous and repeated sexual slurs or sexual innuendoes.

❖ Offensive and repeated risqué jokes or kidding about sex or gender-specific traits.

❖ Repeated unsolicited propositions for dates and/or sexual relations.

**Reporting a Complaint of Harassment or Discrimination**

If any student believes they are being harassed or discriminated against by staff members, students or faculty members or any other person at the College, or if a student is aware that another College community member has been harassed or discriminated against, it is the student’s responsibility to take action immediately by discussing concerns with a dean, the Equal Opportunity Officer, or the Title IX Coordinator.

If a student is uncomfortable for any reason in discussing this issue with these individuals, they may contact the President of the College, who will help the student find appropriate College officials with whom to discuss the concern.

The College encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. No retaliation against students who make a good-faith report of a violation of this policy will be tolerated.
Investigating the Complaint

The College will investigate promptly all complaints of violations of sexual harassment and discrimination policies. The investigation will include interviews with the parties who are directly involved and possibly with others. These interviews may be conducted by the Equal Opportunity Officer, the Title IX Coordinator, deans, Staff Issues Liaison, Campus Safety officers or others as the circumstances warrant. Both parties will have an opportunity to present any information that they have to those investigating a complaint, and both will be kept informed in a timely manner of information used in the investigation to the extent possible, consistent with FERPA and confidentiality constraints. Both parties will be updated periodically regarding the status of the investigation. In its investigation, the College will find that harassment and/or discrimination has occurred if the information collected indicates that it is more likely than not that sexual harassment or sexual violence occurred. The College will complete its investigation within 60 days after its receipt of a complaint, unless circumstances not within the reasonable control of the College require additional time, in which case both parties will be informed of the delay and the reason therefor. Each situation will be responded to promptly and handled as expeditiously and discreetly as possible.

Resolving the Complaint

If the College determines that this policy was violated, it will take corrective action as warranted by the circumstances. Resolution of complaints against Bryn Mawr College students and employees can include transfer, direction to stop the behavior, counseling or training, suspension without pay or termination of employment, or in the case of students, temporary separation or permanent exclusion from the College. Both parties involved will receive written notice of the resolution of the complaint within one week of the conclusion of the investigation. If it is determined that sexual harassment or sexual violence did occur, the College will include in its resolution steps to prevent a recurrence of harassment and, when applicable, steps to correct the discriminatory effects on the complainant and others.

If an investigation results in a finding that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination of employment or, in the case of students, up to and including permanent exclusion from the College.

IV. Policy Concerning Sexual Relationships Between Students and Staff Members

Sexual relationships between a staff member and a student are inappropriate. The College cannot enforce a prohibition against such relationships, but does consider them to be unethical, primarily because of the unequal nature of the respective roles. In order to discourage such relationships, in acting on complaints that come to the College’s attention, it will be presumed that any complaint of sexual harassment by a student against a staff member is valid if sexual relations have occurred between them. This presumption is not irrebuttable, but will be difficult to overcome. In short, any staff member enters at his or her peril into sexual relations with a student, and that peril is great. Staff members entering into sexual relationships, even those believed to be consensual by the individuals involved in the relationship, also must be aware that sexual discrimination complaints by third parties who perceive that they are experiencing unequal treatment based upon the existence of a sexual relationship between the staff member and student must be investigated and may result in disciplinary action to the staff member, up to and including termination of employment.