Messiah College
Title IX, Sexual Misconduct and Violence Policy

Legal Context
Title IX of the Education Amendments of 1972 prohibits sex discrimination – which includes sexual violence – in educational programs and activities. Students, staff, and faculty are free to pursue education, including athletic programs, scholarships, and other activities free from sex discrimination, including harassment, stalking, sexual misconduct, and sexual violence.

Messiah College takes its responsibilities under Title IX seriously. Therefore, those who have questions about Title IX or wish to file a complaint under Title IX may contact the Title IX Coordinator or one of the Title IX Deputy Coordinators listed below:

Title IX Coordinator
Amanda Coffey, Vice President for HR & Compliance
Old Main 2nd Floor
ACoffey@messiah.edu, 717-796-5300

Title IX Deputy Coordinator
Doug Wood, Associate Dean of Students
Eisenhower Campus Center 205
DWood@messiah.edu, 717-796-1800 ext. 3200

Cindy Burger, Director of Safety & Dispatch Services
Greenbriar Building
CBurger@messiah.edu, 717-691-6005

Title IX Deputy Coordinator
Brooke Good, Assistant Director of Athletics/ Senior Women’s Administrator/Title IX Coordinator
Sollenberger Sports Center 140B
Good@messiah.edu, 717-796-1800 x.7359

Our Community Standard
Messiah College prohibits the offenses of harassment, domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Messiah College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and/or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

These behaviors are demeaning and interfere with the rights of others to pursue their education in an atmosphere that is safe and respectful. While this policy obviously addresses overt acts of harassment and assault, any sexual contact without consent and any gender-based violence are strictly prohibited. Examples of violent and unacceptable behavior include, but are not limited to:

- sexual contact without consent
- sexual contact while a person is incapacitated
- sexual exploitation of another person, such as posting sexual pictures on social media
- coercion for sexual contact
- stalking
- threatening or intimidating a person for sexual contact

Incidents which are considered to be a violation of this policy should be reported immediately:
www.messiah.edu/i_need_to_report

Messiah College seeks to provide a consistent, caring, and timely response when a sexual assault or any violation of this policy occurs within our college community. Specifically, this policy defines the
coordinated campus-wide efforts to provide an appropriate and effective institutional response to incidents of harassment, stalking, sexual misconduct, and/or sexual violence. Our protocol is designed to do the following:

- Establish and cultivate community involvement in sexual misconduct/violence prevention.
- Create a college environment that expedites and encourages the prompt reporting of sexual misconduct/violence.
- Facilitate the recovery of a sexual misconduct victim by providing prompt and compassionate support services. The College provides crisis intervention, advocacy, and referral services to sexually assaulted students.
- Investigate reports of harassment, stalking, sexual misconduct, and/or sexual violence promptly and thoroughly.
- Take prompt and effective steps reasonably calculated to end the harassment, stalking, sexual misconduct and sexual violence, prevent its recurrence, and as appropriate, remedy its effects.
- Where appropriate, assist local law enforcement.

Definitions
This policy addresses a wide range of inappropriate gender-based behavior for which the common element is nonconsensual sexual harassment or violence, often based upon the use of coercion, force, or threat of force to obtain sexual contact against a person’s will. Messiah College’s responsibilities to address such behavior are broader than the law enforcement classifications of crimes and therefore our policy uses broader definitions. The College community follows the definitions outlined in Appendix A of this policy.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and/or Stalking Occurs

After an incident of sexual assault, dating violence and/or domestic violence, the victim should consider seeking medical attention as soon as possible at any of the following hospitals: Harrisburg Hospital, Carlisle Regional Medical Center, or Holy Spirit Hospital. All three hospitals have trained professional staff who specifically handle sexual assaults. In PA, evidence may be collected even if you chose not to make a report to law enforcement.

Cumberland County, which includes Upper Allen Township and the area the college encompasses, has established an anonymous reporting protocol for victims of sexual assault. “Anonymous Reporting” is the name for the forensic evidence collected during a sexual assault examination for a victim who chooses to remain anonymous. An Anonymous Report enables a victim to have forensic evidence collected without revealing identifying information. Victims are given a code number they can use to identify themselves if they choose to report later and they are not required to cooperate with law enforcement or criminal justice authorities.

“Anonymous Reporting” is an avenue for victims to seek services and to have evidence collected without immediately deciding whether or not to report to the police. This way the evidence is properly preserved and may be used in a physical evidence-based prosecution when/if the victim becomes ready to report to law enforcement. The Cumberland County District Attorney’s office manages the County’s anonymous reporting protocol. More information on the County’s anonymous reporting protocol is available through the Title IX Coordinator.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours. This is so that evidence may be preserved which may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. Health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections in circumstances of sexual assault, even if victims do not opt for forensic evidence collection. Victims of sexual assault, domestic violence, stalking, and/or dating violence are also encouraged to save text messages, instant
messages, social networking pages, other communications, pictures, logs, or other copies of documents that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses to not make a complaint regarding an incident, he or she should still consider preserving evidence in the event that he or she decides to report the incident to law enforcement or the College at a later date.

**Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

Messiah College complies with Pennsylvania State law in recognizing orders of protection. Any person who obtains an order of protection from Pennsylvania or any reciprocal state should provide a copy to the Department of Safety and the Title IX Coordinator. A complainant may then meet with the Department of Safety to develop a Safety Action Plan, which is a plan to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing work site location, changing classes or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. Messiah College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s); this is the victim’s responsibility.

In Pennsylvania, a victim of domestic violence, dating violence, sexual assault and/or stalking has the right to file a petition with the courts requesting protection through the following: Protection From Abuse Orders (PFA’s), Sexual Violence Protection Orders (SVPO’s), and/or Protection of Victims of Sexual Violence or Intimidation (PSVI’s), which could include the following:

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave your household/place of residence;
- An order directing the abuser to refrain from stalking or harassing you or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

When an abuser is not a present or past member of the victim’s household or family, adults and minors can petition for a Sexual Violence Protection Order (SVPO). For example, an SVPO could be granted for a victim who is sexually assaulted by a coworker and who has no other relationship with the coworker – is not now or never was a family relation, spouse, dating partner, or member of the same household.

The Department of Safety will assist victims via referral to local courts/District Attorney or Domestic Violence Services. The most efficient way to obtain a PFA is to use a resource such as the Domestic Violence Services of Cumberland and Perry Counties. The Department of Safety will assist victims who are interested in pursuing a PFA, PSVI, or SVPO. Any student or employee who obtains a protection order from Pennsylvania or a reciprocal State should provide a copy to the Department of Safety. The Department of Safety will help facilitate the reporting of PFA violations to the local police.

**Campus Issued “No Contact Directive”**

While not the same as a state-mandated protection order, the College can issue a “No Contact Directive”. This includes, but is not limited to, written, verbal, and/or physical communication. Written communication is understood to include all electronic means of communication; including, but not
limited to, email, instant messaging, text messaging and social media. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms. This directive is issued by the Associate Dean of Students and/or the Director of Safety.

If the College receives a report that an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact directive.

**Accommodations and Protective Measures Available for Victims**

Messiah College will provide victims of sexual misconduct with interim, protective measures, even before an investigation is completed. Upon receipt of a report of domestic violence, dating violence, sexual assault and/or stalking, Messiah College is prepared to implement measures that facilitate the victim’s sense of safety and will provide written notification to students and employees about accommodations available to them, including ones affecting their academic, living, transportation and working situations. The written notification will include the following information: who to contact to request accommodations, the accommodation options available, and how to obtain assistance with requesting accommodations.

At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to campus safety or local law enforcement. Some of the accommodations and protective measures available to victims are:

- Transfer to a different section of a class
- Withdrawal from a class to take at another time (if there is no option for moving to a different section)
- Move to a different room or residence hall
- Change in work schedule
- Change in parking assignment
- Safety escort

Protective measures for the victim may include changes or restrictions imposed on the accused, such as:

- Change in residential assignment
- Campus restrictions
- Loss of Grantham Campus or Harrisburg / Satellite Housing living privileges
- Prohibition from enrolling in or maintaining attendance in specific course offerings
- Implementation of a No Contact Mandate and/or restrictions from campus
- Other reasonable protective measures

To request accommodations or protective measures, a victim should:

**Students:** Contact the Title IX Coordinator, a Deputy Coordinator, or the Dean of Students Office for assistance.

**Employees:** Contact the Office of Human Resources and/or Provost Office, depending on the employee’s position.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator, a Deputy Coordinator, or the Department of Safety.
Messiah College has designated personnel who can help the victim to understand, evaluate, and choose among the services outlined in this protocol, and help ensure continuity of services by offering follow-up contact. The victim should be offered a preference of gender in determining which personnel will assist in any given matter. The following serve as designated campus personnel for responding to victims of sexual misconduct:

- Vice Provost/Dean of Students
- Director/Department of Safety – Title IX Deputy Coordinator
- Associate Dean of Students – Title IX Deputy Coordinator
- Engle Center for Health and Counseling Services
- VP of Human Resources and Compliance – Title IX Coordinator

Additional Victim’s Rights
Students have the right under federal law (Title IX) to expect that reports of sexual misconduct will be taken seriously by the college. At the request of the student making the report or when deemed necessary to protect the interests of the college community, reports will be investigated and properly resolved through administrative procedures. Officials of the college, such as the Residence Life staff, the Deans, Title IX Coordinator/Deputy Coordinators or other administrators, shall be available to any student seeking information or wishing to report an incident of sexual misconduct.

Messiah College must conduct an adequate, reliable, and impartial investigation. If you believe that you are a victim of sexual discrimination including sexual harassment, sexual misconduct, sexual assault, stalking, dating violence, and/or rape at Messiah College, know that you have certain rights. A comprehensive review of victim’s rights is found in Appendix B of this policy.

Amnesty
Students, regardless of age, will be granted immunity from college disciplinary proceedings for the possession or consumption of alcohol if the Department of Safety, Residence Life staff, or other College official becomes aware of the possession or consumption solely because the individual was seeking medical assistance for someone else. The person seeking assistance must reasonably believe he or she is the first to call for assistance, must use his/her own name with authorities, and must stay with the individual needing medical assistance until help arrives. Students will be immune from student disciplinary proceedings for consumption or possession of alcohol if she/he can establish the following:

1. The only way College officials became aware of the person's violation is because the person placed a 911 call, or a call to Dispatch/Department of Safety, police or emergency services, in good faith based on a reasonable belief that another person was in need of immediate medical attention to prevent death or serious injury.
2. The student reasonably believed she/he was the first person to make a 911 call, or a call to Dispatch/Department of Safety, police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.
3. The student provided his/her own name to the 911 operator or equivalent campus safety, police, or emergency officer.
4. The student remained with the person needing medical assistance until emergency health care providers arrived and the need for his/her presence had ended.

Statement on Confidentiality
The College encourages victims of sexual violence to talk to somebody about what happened, so that victims can get the support they need, and so the College can respond appropriately. Nonetheless, victims have the right to talk with College officials about protecting their privacy and to report a violation of this policy in confidence.

Victims may request that directory information on file with the College be withheld by request. This request should be made to the Registrar’s Office in person by visiting that office located in Old Main.
Employees can contact the Office of Human Resources and Compliance, located in Old Main, to make a similar request regarding directory information.

Different employees on campus have different abilities to maintain a victim’s confidentiality. Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” If any person involved in the report desires confidential support, he/she may speak with any of the following:

- Professional staff in the Counseling Center, located in the Engle Health Center
- The College Pastor in the College Ministries Office
- A nurse in the Engle Health Center

Staff in the Engle Health Center are required to pass along non-personally identifiable statistical information to the Department of Safety. The only information that will be released is that an incident was reported, the type of incident and the general location of the incident (i.e., “on campus” or “off campus”; no address will be given). Statistics given to Safety will be made available through publication in the Annual Security and Fire Safety Report. No personally identifiable information on victims will be contained and/or released within any published record without the victim’s consent.

The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Campus Safety Alert or Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault and/or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

Anonymous Reporting

Although the College encourages victims to talk to someone, the College provides an online system for anonymous reporting through the Department of Safety:

http://www.messiah.edu/forms/form/164/en/silent_witness

Members of the Counseling/Health Services staff and pastoral counselors are confidential resources and do not report incidents unless the student specifically requests them to do so. The only details shared are to capture general details about the incident (date, time, location, and brief description of incident type) which is for inclusion of the college’s Annual Security and Fire Safety report. Please note the College is required by law to use any information included in an anonymous report of sexual harassment, misconduct and/or assault to investigate the report. If you include personally identifiable information in an anonymous report, it will be used in an investigation.

Off-campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

The following is contact information for these off-campus resources:

<table>
<thead>
<tr>
<th>OFF CAMPUS</th>
<th>Employees</th>
<th>Students</th>
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<tr>
<td>Counseling: Employee Assistance Program (EAP)</td>
<td>Work Life Matters – confidential support designed especially to assist employees and families with issues affecting their lives. 1-800-386-7055 <a href="http://www.ibhworklife.com">www.ibhworklife.com</a></td>
<td>Messiah College Engle Health/Counseling Ctr. Phone: 717-691-6035 - (Can make recommendations for local confidential counseling and psychiatric services in the local area)</td>
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Medical

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<tr>
<th>Hospital/Center</th>
<th>Contact Information</th>
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<tr>
<td>Harrisburg Hospital</td>
<td>717-221-6250</td>
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<tr>
<td>Carlisle Regional Medical Ctr.</td>
<td>717-249-1212</td>
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<tr>
<td>Holy Spirit Hospital</td>
<td>717-763-2100</td>
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<td>*All have trained professional staff who specifically handle sexual assaults</td>
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Cumb Cty Rape Crisis Services

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<tr>
<th>Office</th>
<th>Contact Information</th>
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<tr>
<td>1-888-727-2877</td>
<td>HOTLINE 717-258-4324 or 717-258-1143</td>
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<tr>
<td>717-258-7273</td>
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YWCA Rape Crisis Domestic Violence Services in Hbg.

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<th>Contact Information</th>
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<tr>
<td>Open 24 Hours/7 Days Week</td>
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<tr>
<td>1-800-654-1211</td>
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<tr>
<td>717-238-7273</td>
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YWCA of York Victim Assistance

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<th>Contact Information</th>
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<tr>
<td>1-800-422-3204</td>
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<td>717-854-3131</td>
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Victim Advocacy

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<th>Contact Information</th>
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<tr>
<td>Victim Services of Cumberland County</td>
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<tr>
<td>Phone: 717-761-5599</td>
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Domestic Violence Services

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<th>Contact Information</th>
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<tr>
<td>Services of Cumberland &amp; Perry Counties</td>
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<tr>
<td>Hotline: 1-800-852-2102</td>
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Legal Assistance

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<tr>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Cumberland County District Attorney’s Office</td>
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<tr>
<td>Phone: 717-240-6220</td>
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Visa and Immigration Assistance

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<th>Contact Information</th>
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<tbody>
<tr>
<td>30 N. 41st Street; Philadelphia, PA 19104</td>
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<tr>
<td>Phone: 1-800-375-5283</td>
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Upper Allen Police Carroll Twp Police

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<tr>
<th>Contact Information</th>
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<tr>
<td>Cumberland County Emergency Center: 911</td>
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<tr>
<td>York County 717-766-0249</td>
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Other employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Department of Safety, the Title IX Coordinator, or a Deputy Coordinator. A report to employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

A victim who reports confidentially to staff in the Counseling Center, Health Center, or to a College Pastor needs to understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, the staff in the Engle Center and College Ministries will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, changes to living assignment, and adjustments to working or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. The counselors and advocates will provide the victim with assistance if the victim wishes to do so.

Even if a victim does not specifically ask for confidentiality, Messiah College will only disclose information to individuals who are responsible for handling the response to the reported incident. The situation will be handled with discretion and dignity.
If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, College officials may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

**Sexual Misconduct Response Team**

If the Vice Provost/Dean of Students determines that a reported incident of sexual assault represents a potential danger to the campus community, he/she will convene the Sexual Misconduct Response Team. A potential danger to the community is generally defined as follows:

- A pattern of acquaintance sexual assault;
- A stranger assault;
- A violent or sadistic assault;
- Gang rape

The Sexual Misconduct Response Team will be composed of at least the following:

- Vice Provost and Dean of Students, Facilitator
- Title IX Coordinator/VP for Human Resources & Compliance
- Director for the Department of Safety
- Associate Dean of Students
- Director of Health and Counseling Services
- College Counsel

When appropriate, the Sexual Misconduct Response Team will work in conjunction with the mobilization of the college’s Crisis Management Team. The purpose of the Sexual Misconduct Response Team is to address the safety needs of the community while protecting the victim’s right to privacy and insuring the integrity of college response. If a threat to the community is determined, a warning will be released and other steps to ensure campus safety will be considered. The Vice Provost/Dean of Students (VP/DOS) will be responsible for the release of information, and will do so in consultation with the Director of Public Relations. The VP/DOS will notify the President and Provost of the concern and response.

The victim will not be present at the Team meetings and the victim’s rights to confidentiality will be respected by all team members. The VP/DOS will keep the victim informed of the Team’s actions, either directly or indirectly through the contact person who reported the assault to the VP/DOS.
**Reporting a Violation of this Policy**

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. All employees, except those clearly identified as sources of confidentiality as outlined above, are required to report known or suspected violations of this policy.

There are several options for reporting for both students and employees:

<table>
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<tr>
<th>OFFICIAL REPORTING</th>
<th>CONFIDENTIAL REPORTING</th>
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<tr>
<td>• Report the incident to the Title IX Coordinator or a Deputy Coordinator:</td>
<td>• Report the incident to a confidential support person on campus:</td>
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<tr>
<td>Title IX Coordinator</td>
<td>· Counselor (Health Center)</td>
</tr>
<tr>
<td>Amanda Coffey, Vice President for Human Resources &amp; Compliance</td>
<td>· College Pastor</td>
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<tr>
<td>Old Main 2nd Floor</td>
<td>· Nurse (Health Center)</td>
</tr>
<tr>
<td><a href="mailto:ACoffey@messiah.edu">ACoffey@messiah.edu</a>, 717-796-5300</td>
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<tr>
<td>• Report the incident to the Dean of Students or a member of the Residence Life staff:</td>
<td>• Report the incident to a confidential support person off campus:</td>
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<tr>
<td>Dean of Students or Associate Dean of Students</td>
<td>· Harrisburg Hospital: 717-221-6250 *</td>
</tr>
<tr>
<td>Eisenhower Campus Center 205</td>
<td>· Carlisle Regional Medical Center: 717-249-1212 *</td>
</tr>
<tr>
<td>717-796-1800 ext. 3200</td>
<td>· Holy Spirit Hospital: 717-763-2100*</td>
</tr>
<tr>
<td>Residence Director</td>
<td>*provide professional staff who specifically handle sexual assaults</td>
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<tr>
<td>(If after hours, the RD on call may be contacted through the Dispatch Center, ext. 6005)</td>
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<tr>
<td>• Report the incident to the Department of Safety:</td>
<td>• Advocacy &amp; Rape Crisis—HOTLINE:</td>
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<tr>
<td>Cindy Burger</td>
<td>· 1-888-727-2877 or 717-258-4324</td>
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<tr>
<td>Director of Safety &amp; Dispatch Services</td>
<td>• YWCA of Harrisburg – VIOLENCE INTERVENTION</td>
</tr>
<tr>
<td>Greenbriar Building</td>
<td>· 1 (800) 654-1211 or (717) 238-7273</td>
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<tr>
<td><a href="mailto:CBurger@messiah.edu">CBurger@messiah.edu</a>, 717-691-6005</td>
<td>• YWCA of York – VICTIM ASSISTANCE CENTER</td>
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<tr>
<td></td>
<td>· 1 (800) 422-3204 or (717) 854-3131</td>
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<td>• Report the incident anonymously through Silent Witness:</td>
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<td></td>
<td>If a situation is of a life threatening nature or immediate care &amp; response is required, please dial 911 or 9-911 if using a campus phone.</td>
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An array of safety, medical, psychological, administrative, and disciplinary services are in place and immediately available to students reporting sexual misconduct/violence. The College is committed to supporting a victim’s right to exercise his or her informed choice among these services and to insuring as reasonably possible his or her confidentiality, if confidential support is requested. Messiah College will provide counseling and health services regardless of whether the victim elects to pursue college disciplinary action or criminal prosecution. The *Student Handbook* describes rights of the accused in campus discipline.
Retaliation
Retaliation against someone who files a complaint or who participates in the investigation of a complaint is strictly prohibited by College policy and by law. Retaliation can occur in many forms. The following list illustrates some (not all) examples of behavior that would be considered retaliation:

1. Asking a complainant why he/she complained. Likewise, asking a witness why he/she was willing to make a statement.
2. Asking a complainant to rescind his/her statement. Having friends ask the complainant to rescind his/her statement.
3. Threatening the complainant or witness in any manner.
4. Cyber-bullying the complainant or using social media to criticize, harass, demean, or goad the complainant/witness.
5. Excluding the complainant from team meetings or other such events to which the complainant is a rightful participant.

Respondents need to be careful to avoid behaviors that could be experienced as retaliation. If you are unclear as to how to proceed in a particular situation, excuse yourself and seek counsel from Student Affairs, Human Resources, or the Department of Safety.

Education and Support
All campus departments who would be in a position to provide an immediate support network for a student reporting sexual misconduct need to be familiar with:

- Boundaries of confidentiality
- Services offered by the College and specific departments
- Reporting options and choices available to the victim
- Services offered by associated departments
- Resources available on and off campus of support

Programming and prevention for students and employees addressing the issues of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking will be addressed in several venues:

- Primary prevention and awareness programs for all incoming students and new employees
- Sexual misconduct prevention and response will be addressed annually in all Residence Life staff training.
- An educational pamphlet addressing sexual misconduct and violence prevention and response will be distributed annually. This will include information on risk reduction to recognize warning signs of abusive behavior.
- Safe and positive options for bystander intervention.
- Ongoing prevention and awareness programs for students and employees
- A rape, aggression, and defense class (RAD or SAFE) is available upon request.
The Grievance Process

REPORTING
If this is an emergency, please dial 9-1-1 or the Department of Safety’s emergency extension 6565.

Victims of harassment and/or sexual misconduct are encouraged to begin the process by talking with an employee with whom they feel comfortable. This could include a Residence Director, Coach, Faculty Member, Director of Multicultural Programs, Director of International Student Programs, Director of Student Involvement and Leadership Programs, Vice President of Human Resources and Compliance, College Ministries, Work Study supervisor, Director of the Department of Safety, Associate Dean of Students, and/or the Vice Provost/Dean of Students.

Students should be aware that all employees, with the exception of pastors, nurses, and counselors, who are notified about an incident, are expected to report it to the Department of Safety, the Associate Dean of Students, or the Title IX Coordinator. The College provides a sexual misconduct reporting form that may help victims document the incident: www.messiah.edu/sexual_misconduct_incident_report. It is not necessary for the victim to complete the form. A victim may report an incident and the form will be completed by a College professional, if so desired. Confidential reporting is available through the Engle Center.

Students do have the option of remaining anonymous by reporting via silent witness: https://www.messiah.edu/forms/form/164/en/silent_witness. However this does minimize the investigation and the subsequent outcomes.

GRIEVANCE PROCEDURES
Title IX requires College to investigate reported incidents of harassment and/or sexual misconduct. Once made aware of a grievance, Messiah College is committed to addressing it and establishing a resolution.

Grievance processes include the investigation, the College’s conduct proceedings, and any criminal processes related to the grievance. The Messiah College community understands that all parties involved in the report of a violation of the sexual misconduct policy experience significant distress, whether they are the victim, the accused or any other individual associated with the report. All parties involved are expected to be treated with respect and dignity.

Once a report has been received, the Associate Dean of Students will review the report in partnership with the Department of Safety and the Title IX Coordinator. Although the College’s general grievance procedures allows for an informal resolution process, an informal process is not appropriate for most violations of the Title IX, Sexual Misconduct, and Violence Policy. Most complaints are referred to the formal resolution process immediately, and every complainant has the right to skip the informal process and move directly to a formal complaint. There is no expectation that the victim meet with or ‘work things out’ with the respondent.

An informal resolution process has been established to quickly address situations that have not become escalated. As such, if an individual feels that his/her grievance is most effectively addressed through an informal process, he/she should make this known in the reporting process. When filing a grievance related to sexual harassment and/or sexual misconduct, the complainant is not required to have a conversation with the respondent even if the matter is processed informally.

INFORMAL RESOLUTION PROCESS
1. The Associate Dean of Students and/or designee will determine and schedule the appropriate meetings to discuss the allegation. Normally, this officer will meet separately with the complainant and the alleged harasser; consult with other advisors as needed and determine a resolution based on these discussions.
2. If the resolution is agreed to by both the complainant and the alleged harasser, the Associate Dean of Students will follow up to ensure that the outcomes are met.

3. If the outcomes are not accepted by one or both parties, the resolution process will move to the formal process phase.

FORMAL RESOLUTION PROCESS
The goal of the grievance process is to provide victims of sexual harassment, violence, and/or misconduct with a process that is reparative, fair and facilitates a sense of safety and personal justice. Where appropriate, the process should also support a behavioral change in the alleged perpetrator. Once the College receives a report or complaint of a violation of this policy, the College will conduct an investigation.

1. The complainant will file a formal complaint. This can be done through one of the following individuals/departments:
   a. Amanda Coffey, Title IX Coordinator, VP for Human Resources and Compliance
      Old Main 2nd Floor
      717-796-5300
      ACoffey@messiah.edu
   b. Doug Wood, Associate Dean of Students
      Eisenhower Campus Center 205
      717-796-1800 ext. 3200
      DWood@messiah.edu
   c. Department of Safety
      Greenbriar Building
      717-691-6005 (or just ext. 6005 on campus)
      Emergency: 717-796-1800 ext. 6565 (or just ext. 6565 on campus)

   The sexual misconduct reporting form can be found here:
   www.messiah.edu/sexual_misconduct_incident_report

2. The complainant is provided with the opportunity to review the complaint statement and either approve it or make corrections.

3. The respondent is notified of the complaint and provided with the opportunity to review the complaint statement.

4. The respondent’s response is documented. The respondent is provided with an opportunity to either approve or correct the response statement.

5. The complainant is provided with the opportunity to review the response.
   a. The Associate Dean of Students in partnership with the Title IX Coordinator and the Department of Safety will conduct a formal investigation into the complaint. The investigation will include interviewing the complainant and the respondent. During this process, the Associate Dean of Students will advise both the complainant and the respondent that they may request to have a support person present. The investigation may also include interviewing other individuals. Discretion in how information is handled is paramount throughout the process. Every reasonable effort will be made to protect the privacy of all parties. However, strict confidentiality cannot be guaranteed due to the necessity for investigation and fact-finding. Beyond that, any individual who wrongfully discusses or discloses confidential information will be subject to disciplinary action.

   The victim always has the right to decline to participate in an investigation. However, should another individual who has been invited to participate in the investigation refuse or fail to cooperate fully with an investigation, he or she may be subject to disciplinary action, which
may include suspension of enrollment.

At the conclusion of the investigation, a determination will be rendered in writing with recommendations for resolution. This determination will be provided to both the complainant and the respondent.

6. The Associate Dean of Students is responsible for the following:
   a. Meeting with both parties, including providing the respondent(s) with the opportunity to review a copy of the complaint, and providing the complainant(s) with the opportunity to review a copy of the response.
   b. Establishing an appropriate timeline for processing the grievance.
   c. Meeting with resource representatives.
   d. Organizing and implementing an appropriate investigation.
      Please note: Those who conduct the investigation should be without a conflict of interest and anyone with a conflict of interest will be removed from the investigation.
   e. Interviewing persons believed to have relevant information.
   f. Reviewing findings with the Vice Provost / Dean of Students, Title IX Coordinator, and resource representatives.
   g. Rendering a written decision and resolution recommendation.
   h. Closing and retaining the confidential investigation file.

7. Determination of responsibility will be made based on a preponderance of the credible evidence (defined as whether it is more likely than not that the respondent is responsible for the alleged violation.) The credibility of the evidence (firsthand knowledge, corroborating witnesses, consistency, etc.) is considered seriously in the review of the investigation.

8. The written decision by the Associate Dean of Students will reflect either a determination that the allegations cannot be substantiated or that they can be substantiated and the terms of the prescribed resolution including any disciplinary action deemed appropriate. The appropriate action will depend on the following factors: (a) the severity, frequency and pervasiveness of the conduct; (b) prior complaints made by the complainant; (c) prior complaints made against the respondent.
   a. When investigators find that there has been a violation of this policy and/or other College policies, the Associate Dean of Students in partnership with the Title IX Coordinator will provide in writing to both the complainant and the respondent the outcome of the investigation, the consequences imposed as a result of the investigation (including the terms of the prescribed resolution including any disciplinary action deemed appropriate), and additional information regarding appeal procedures. The complainant and the respondent will also be informed that they may request to be accompanied to any related meeting or proceeding by an advisor of their choice. No party or participant in the grievance process shall be accompanied by legal counsel at any meeting held for the purpose of resolving the grievance.
   b. Alternatively, the investigators may determine that an incident does not constitute a violation of this policy or other College policies and recommend support for the students involved with no further action. This decision will be rendered in writing to both the complainant and the respondent with reasons for the decision along with any recommendations for resolution. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this policy, but some potentially problematic conduct is revealed, preventative action may be taken.
   c. Copies of the decision will be sent to both parties and their Residence Directors and the Vice Provost/ Dean of Students. Absent a procedural error or new evidence, the determination of responsibility cannot be overturned.

In addition, the steps for processing complaints of harassment and complaints of sexual misconduct can be reviewed at: www.messiah.edu/harassment_reporting_map
Sanctions

The College considers violations of this policy to be extremely serious violations and subject to SUSPENSION and/or EXPULSION from the College.

The scope for disciplinary sanctions includes, but is not limited to, those described below. Additional or modified sanctions may be imposed at the discretion of the Associate Dean of Students and/or College Review Board. The application of sanctions will reflect the seriousness of the incident and the student’s history of previous violations:

1. **Letter of Reprimand or Warning**: Written documentation of inappropriate behaviors or attitudes with a temporary record kept in the student’s file.

2. **Loss of Privilege**: Loss of a privilege of participating in a College activity, in registration of vehicle, in visitation, or other matter. Graduating senior students who violate college policies prior to graduation may lose the privilege of participating in senior activities and commencement ceremonies.

3. **Developmental/Educational Assignments**: May include, but are not limited to: attendance at educational programs, personal essay, written reflection on issues relevant to one’s discipline case or involvement in a mentoring relationship.

4. **Fines**: A monetary fee imposed to deter and prevent activity detrimental to the community.

5. **Restitution**: A monetary fee imposed to compensate for loss, damage, or injury. This may take the form of appropriate service, monetary, or material replacement.

6. **Disciplinary Probation**: A strong written reprimand. Notification is made to appropriate College officials: College-based financial aid may be reviewed, and students in leadership positions (e.g., residence staff, SGA leaders, captains of intercollegiate athletics teams, ministry team leaders) will be required to step down from their positions of leadership. Students in certain majors or programs will be subject to additional review by faculty within their academic discipline (e.g. Social Work, Teacher Education Program, Nursing, etc.). Students who have applied to study abroad programs and/or cross-cultural courses will be subject to further review by appropriate College personnel. Additionally, residential students who are on disciplinary probation within 6 months prior to the off-campus housing application deadline are not eligible to apply to live off campus.

7. **Withholding degree**: The College may withhold awarding a degree otherwise earned until completion of the process set forth in the student disciplinary procedures, including the completion of sanctions imposed.

8. **Suspension**: Involuntary separation of the student from the College for a specified period of time. For suspensions of less than one semester, the suspended student is normally required to spend the period of suspension at home. A permanent record is kept in College disciplinary files. Academic advisors, residence directors, classroom instructors, and parents are normally notified. For short-term suspensions which permit the student to complete the semester, no refunds are issued for days missed. As determined by the Community Standards Committee, exams or assignments which are due in this period of time will be considered “0’s” and no credit will be given. Although absence from class and chapel is not excused, individual professors may take the initiative to permit students to make up work missed. For suspensions where the student is not permitted to complete the semester, any refunds are issued in accordance with the withdrawal policy. For more information please refer to the following web address:
9. **Expulsion:** Permanent separation of the student from the College. A permanent record will be kept in College disciplinary and academic files.

**GRIEVANCE APPEAL PROCESS**

The Grievance Process includes an option to appeal the determination. One or more of the following appeal criteria must be cited in order for the appeal to be considered:

1. A procedural error or irregularity materially affected the decision of the Associate Dean of Students
2. Previously unavailable evidence is produced
3. The outcomes issued are too severe or too lenient in relation to the violation

If either the complainant or the respondent has produced new evidence, believes a procedural error has occurred, or believes the outcomes to be too severe or too lenient, he/she may prepare a written summary of appeal and request a Grievance Review Board examination and hearing. This request must be made through the Associate Dean of Students within 5 business days of the date of the written decision.

The Associate Dean of Students will confirm receipt of the appeal request within 5 business days. The complainant and respondent will be notified at that time that an appeal has been received. The Associate Dean will convene the Grievance Review Board and schedule an examination of the matter (which may include a review of the written summary of the complaint and response, interviews with the people involved, and further investigation if necessary), and hearing. The date, time, and location of the hearing will be communicated to both parties.

The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the Grievance Review Board. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the Assistant Dean of Students or designee. Advisors for the respondent and complainant may not present evidence or question witnesses.

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The College Official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The College Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

The Review Board will inform the individuals involved of its decision concerning the appeal and any recommendations within 7 business days of the conclusion of the deliberative process. The decision of the Review Board will be final. Copies of the decision will be shared with both parties, their Residence Directors, and the Vice Provost/Dean of Students.
Appendix A – Definitions of Terms

Bystander Intervention:
Research on the causes of sexual violence and evaluation of prevention efforts indicate that bystanders (also referred to as witnesses, defenders, or upstanders) are a key element in preventing sexual violence. A sense of responsibility gives the bystander motivation to step in and take action. Bystander intervention typically needs to be actively cultivated as a social norm on college and university campuses through education programs and peer mentoring.

Coercion:
Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates the norms of the community, such that the application of pressure or oppression causes the recipient of the behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation, and the initiator's knowledge that the pressure is unwanted.

Consent:
Effective consent is informed, freely, and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent may never be given by minors (in PA, those not yet sixteen are considered minors), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.

Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.

Consent as a result of coercion, intimidation, threat of force, or force itself is not effective consent. Silence, without actions evidencing permission, or non-communication should never be interpreted as effective consent. The responsibility of obtaining consent rests with the person initiating sexual activity. The initiator of the sexual activity will be found in violation of this policy if he or she did not receive effective consent.

Course of Conduct:
A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures, or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct. Examples of a course of conduct can include:

1. Following or lying in wait for the victim
2. Repeated unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or e-mail
3. Damaging the victim's property
4. Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets
5. Repeatedly sending the victim unwanted gifts
6. Harassment through the Internet, known as cyber-stalking, online stalking, or Internet stalking
7. Securing personal information about the victim by: accessing public records (land records, phone listings, driver or voter registration), using Internet search services, hiring private investigators, contacting friends, family, work, or neighbors, going through the victim's garbage, following the victim, etc.

Dating Violence (Federal Clery Act Definition):
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

i. The existence of such a relationship shall be based on the reporting party’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.

ii. For the purposes of this definition—
   A) Dating Violence includes, but is not limited to, sexual and/or physical abuse or the threat of such abuse.
   B) Dating violence does not include acts covered under the definition of domestic violence.

iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The state of PA does not have a definition of dating violence.

**Deviate Sexual Intercourse:**
Deviate sexual intercourse refers to sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another. There are state specific definitions for the term.

According to 18 Pa.C.S. § 3101"deviate sexual intercourse" means sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

**Domestic Violence (Federal Clery Act Definition):**

i. A Felony or misdemeanor crime of violence committed—
   A) By a current or former spouse or intimate partner of the victim;
   B) By a person with whom the victim shares a child in common;
   C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
   D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
   E) 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 in which the crime of violence occurred.

ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The state of PA does not have a definition of domestic violence.

However, under 42 USC section 13925, domestic violence includes 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, 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.

**Fondling:**
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
Incapacitated/Intoxicated:
Incapacitated means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed affects a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and, therefore, unable to give effective consent. Being intoxicated or drunk is not a defense to a complaint of sexual misconduct under this policy.

Incest:
Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   a. The length of the relationship;
   b. The type of relationship;
   c. The frequency of interaction between the persons involved in the relationship.

Minor:
Under Pennsylvania law, a minor is defined as anyone under the age of 16. Consent may never be given by a minor.

Nudity/Public Indecency (Title 18: Chapter 31, Section 3127 and Chapter 59, Section 5901):
Messiah College adheres to the Pennsylvania Crimes Code prohibiting public indecency, indecent exposure, and open lewdness. As a Christian community, we desire to promote behavior that is consistent with finding the right balance between personal freedom and community obligation. Therefore, nudity outside of the student’s bedroom, restroom, or locker room, is considered public nudity and will not be tolerated. Any student engaging in public nudity will be subject to disciplinary action.

Rape (Title 18, Chapter 31, Subsection 3121):
A person who engages in sexual intercourse (however slight) with a complainant:

1. By forcible compulsion.
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
4. Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
5. Who suffers from a mental disability which renders the complainant incapable of consent.

Sexual Assault (Federal Clery Act Definition):
An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
The state of PA defines sexual assault as follows:

- Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used – victim under age of consent) are excluded.

**Sexual Exploitation:**
Sexual exploitation occurs when an individual takes non-consensual, unjust, or abusive sexual advantage of another for his/her own advantage or to benefit others. Examples include, but are not limited to, non-consensual audio or video recording of sexual activity, streaming, voyeurism, and prostitution of self or others.

**Sexual Harassment:**
Any type of sexually oriented conduct, whether intentional or not, that is unwelcome and has the purpose or effect of creating an employment or academic environment that is hostile, offensive, or coercive to a reasonable woman or man. Includes any unwelcome sexual advances or threats, deliberate or careless use of offensive or demeaning terms that have sexual connotations or are gender-based, repeated and unwelcome requests for sexual favors or a romantic relationship, repeated and unwelcome letters, phone calls, or e-mails of a sexual or romantic nature, sexually motivated physical contact, or other verbal, electronic, or physical conduct or communication of a sexual nature.

**Sexual Intercourse:**
In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue or finger or oral copulation by mouth to genital contact or genital to mouth contact.

**Sexual Misconduct:**
The following lists behaviors that constitute sexual misconduct:

1. Any intentional indecent contact, however slight, with any object without effective consent. Indecent Contact includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
2. Any unwanted inappropriate disrobing of another person or purposeful exposure of one’s genitals to another without one’s consent.
3. Any attempt to force any other person to engage in sexual activity of any kind without his or her consent.

**Sexually Inappropriate Behavior:**
Includes behavior that violates the Messiah College Code of Conduct which may not rise to the level of a Title IX offense, or any of the above definitions but is still sexual in nature and causes alarm, concern, and is inappropriate in nature and that violates the sanctity of the human body and spirit.

**Stalking (Federal Clery Act Definition):**

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   A) Fear for the person’s safety or the safety of others; or
   B) Suffer substantial emotional distress.

ii. For the purposes of this definition—
   A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker 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.
   B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- The state of PA defines stalking when a person either:
  - (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
  - (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Statutory Rape:**
Sexual intercourse with a person who is under the statutory age of consent.
Appendix B – Victim’s Rights

Any student who believes he or she has been the victim of discrimination, discriminatory harassment or sexual harassment, including any type of violence or sexual misconduct is urged to report the matter and students who report the matter have certain rights under Title IX. These rights are outlined below:

Right to Response:

1. You have the right to report a violation of the Title IX and Sexual Misconduct policy and have Messiah College investigate what happened so that your complaint is addressed promptly.
2. You have the right to report the crime to the Department of Safety and/or to a law enforcement agency.
3. You have the right to speak confidentially to a counselor or pastor.
4. You have the right to seek or have sought on your behalf as soon as possible counseling and medical attention at the Engle Center or elsewhere as needed including at the nearest hospital emergency room.
5. You have the right to request that an advocate join you in attending appointments.

Right to Interim Measures:

1. You have the right to receive basic information about services designed to assist you.
2. You have the right to request changes in your academic schedule and residence hall.
3. You have the right to request that the College implement a “no-contact” mandate with the perpetrator.
4. You have the right not to “work it out” with the alleged perpetrator through mediation. Messiah College does not consider mediation to be appropriate in cases involving sexual violence.

Right to A Reliable and Impartial Investigation and Disciplinary Proceeding:

1. You have the right to be notified simultaneously and in writing of the timeframes for all major stages of the investigation.
2. You have the right to present witnesses and evidence in support of your complaint.
3. You have the right to review any proceedings documented, which may include written findings of fact, transcripts, or audio recordings.
4. You have the right to be accompanied at all hearings by an advisor of your choice.
5. Messiah College must resolve your complaint based on what College officials believe is more likely than not to have happened based upon an investigation (this is called a preponderance-of-the-evidence standard of proof). Messiah College will not use a higher standard of proof.
6. You have the right to be informed of the outcome of any disciplinary proceeding held.
7. You have the right to be notified in writing of the outcome of your complaint and any appeal, including any sanctions that directly relate to you.
8. The appeal process is equally available for both parties.
9. You have the right to recover your losses — to the extent possible — through restitution and the return of property that was seized as evidence when it is no longer needed.

Further information regarding victim’s rights, services and links may be found in our Title IX Brochure at http://www.messiah.edu/documents/hr/compliance/title_IX_card.pdf.