

TO: Students, Faculty, Staff, and Administration

FROM: Patti Huber-Smith, BSN, RN, Title IX Coordinator

SUBJECT: School Resource Material

Conemaugh School of Nursing & Allied Health Sexual Assault Awareness and Preventive Measures Resource Tool

Conemaugh School of Nursing & Allied Health is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Conemaugh School of Nursing & Allied Health considers sex discrimination in all its forms to be a serious offense.

TITLE IX

Title IX is a federal law that states, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." This federal law protects students, faculty, staff, administration, and visitors from sexual harassment and sexual assault, which are forms of discrimination covered by the School's Nondiscrimination Policy.

NONDISCRIMINATION POLICY

Conemaugh School of Nursing & Allied Health is committed to providing equal opportunity in admissions and treatment of students in educational programs for students, in employment opportunities and in governance of the School, without regard to race, color, religion, ancestry, national origin, sexual orientation, handicap or disability, age, or sex. The School shall take affirmative action to ensure (1) that it does not discriminate against an employee or applicant for employment or another person on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law; (2) that it does not subject students to unlawful discrimination in the admission process, take any action, direct or indirect, to segregate students in a classroom or course, or subject students to different or separate treatment in, nor restrict the enjoyment by a student of, a service, facility, activity or program at the School on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law; (3) that it does not discriminate in the employment of administrators on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law. And that its governance structure includes diverse membership broadly representative of the public interest as may be required by law or regulation. There shall be no retaliation against any applicant, employee, or student for filing a harassment or discrimination complaint, or assisting, testifying, or participating in the investigation of such a complaint. Any applicant, employee, or student reporting sexual or other harassment or discrimination will also be protected from reprisals or retaliation by the School, any supervisors, and/or co-workers as a result of such complaint(s).

This policy is in accordance with local, state and federal laws, including Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section

504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Age Discrimination Act of 1975. Inquiries regarding these regulations, policies or complaints of discrimination should be referred to Conemaugh Health System Patient Relations 814-534-9000.

For information regarding equal education and employment opportunity including services, activities and facilities that are usable and accessible to disabled persons, contact the Director Conemaugh School of Nursing & Allied Health by telephone at (814)534-5844. If an applicant, employee, or student is physically or mentally disabled, he/she may request accommodations, academic adjustments, or auxiliary aids or services.

Information on the School's services for disabled students may be obtained from the Title IX Coordinator and Student Health Nurse. Employees or applicants should contact the Conemaugh Director of Human Resources for more information.

VIOLENCE AGAINST WOMEN ACT (VAWA)

Violence Against Women Act is a federal law in response to the increasing violence against women in America. The Act has provisions ranging from funding of domestic violence programs to civil rights remedies for women and also men who were victims of gender-based attacks as well as expanding protection to lesbian, gay, bisexual, and transgender, including Native Americans and immigrants, which were added in 2013.

Sources: <http://definitions.uslegal.com/v/violence-against-women-act-vawa/> ;
<http://www.justice.gov/ovw/blog/celebrating-reauthorization-violence-against-women-act>

SEXUAL VIOLENCE TERMS AND EDUCATION

Rape: Defined by 18 Pa 3121

(a) **Offense defined** – A person commits a felony of the first degree when the person engages in sexual intercourse 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.

Acquaintance Rape: Defined by Rape, Abuse & Incest National Network

Pennsylvania has no legal definition/crime.

Acquaintance assault involves coercive sexual activities that occur against a person's will by means of force, violence, duress, or fear of bodily injury. These sexual activities are imposed upon them by someone they know (a friend, date, acquaintance, etc.).

Domestic Violence: Defined by 23 PA 6102

General rule – The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Abuse – The occurrence of one or more of the following actions between family or household members, sexual or intimate partners or persons who share biological parenthood:

- Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- Placing another in reasonable fear of imminent serious bodily injury.
- The infliction of false imprisonment pursuant to 18 Pa.C.S. 2901 (relating to false imprisonment).
- Physically or sexually abusing minor children, including terms as defined in Chapter 63 (relating to child protective services).
- Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances, which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to criminal offenses).

Family or Household Members – Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Dating Violence: Defined by National Center for Victims of Crime

Pennsylvania does not have a definition/crime.

Dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination.

Controlling behavior may include:

- Not letting you hang out with your friends
- Calling or paging you frequently to find out where you are, whom you're with, and what you're doing
- Telling you what to wear
- Having to be with you all the time

Verbal and emotional abuse may include:

- Calling you names
- Jealousy
- Belittling you (cutting you down)
- Threatening to hurt you, someone in your family, or himself or herself if you don't do what he or she wants

Physical abuse may include:

- Shoving
- Punching
- Slapping
- Pinching
- Hitting
- Kicking
- Hair pulling
- Strangling

Sexual Assault: Defined by 18 PA 3124.1

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviant sexual intercourse with a complainant without the complainant's consent.

SEXUAL HARASSMENT

Sexual Harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- 1) submission to such conduct is made a term or condition of employment or the educational relationship;
- 2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or
- 3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

Stalking: Defined by 18 PA 2709.1

A person commits the crime of stalking when the 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.

DRUG AND ALCOHOL – FACILITATED SEXUAL VIOLENCE

Some attackers use drugs to incapacitate and/or have control over an individual to commit sexually-based acts known as "drug-facilitated sexual assaults." These colorless, odorless, and sometimes tasteless drugs can easily be slipped into a person's drink without that person's knowledge or consent. You can find further information regarding this issue at the link below.

Source: <http://www.911rape.org/drug-facilitated-sexual-assault-dfsa/overview>

CONSENT

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Signs that you may be in an abusive relationship

Do you:

- Feel afraid of your partner much of the time?
- Avoid certain topics out of fear of angering your partner?
- Feel that you can't do anything right for your partner?
- Believe that you deserve to be hurt or mistreated?

- Wonder if you're the one who is crazy?
- Feel emotionally numb or helpless?

Does your partner:

- Humiliate or yell at you?
- Criticize you and put you down?
- Treat you so badly that you're embarrassed for your friends or family to see?
- Ignore or put down your opinions or accomplishments?
- Blame you for their own abusive behavior?
- See you as property or a sex object, rather than as a person?

Your Partner's Violent Behavior or Threats

Does your partner:

- Have a bad and unpredictable temper?
- Hurt you, or threaten to hurt or kill you?
- Threaten to take your children away or harm them?
- Threaten to commit suicide if you leave?
- Force you to have sex?
- Destroy your belongings?

Your Partner's Controlling Behavior

Does your partner:

- Act excessively jealous and possessive?
- Control where you go or what you do?
- Keep you from seeing your friends or family?
- Limit your access to money, the phone, or the car?
- Constantly check up on you?

http://www.helpguide.org/mental/domestic_violence_abuse_types_signs_causes_effects.htm

RISK EDUCATION AND PERSONAL PROTECTION

The best defense against assault of any kind is to avoid situations where you are vulnerable. Here are a few suggestions:

- Choose settings for social activities very carefully. The proximity of other people heightens your safety, but does not guarantee it.
- Do not walk alone at night. Travel with friends. Keep to familiar, well-traveled and well-lighted areas.
- Do not hitchhike. By doing so you forfeit the ability to change direction and control of your movement.
- Tell someone where you are going and when you expect to return.
- Have your key in hand and ready to unlock your door. This also applies to your vehicle as well.

- Always keep your home and vehicle door locked.
- Examine your own desires and feeling about sex, and set sexual limits.
- Be assertive and communicate your limits clearly.
- Alcohol and drugs can compromise your ability to make responsible decisions and are often related to date rape situations. This applies to both potential victims and potential assailants.

http://www.rpi.edu/dept/public_safety/safety/assault.html

BELOW ARE TIPS THAT CAN ASSIST YOU WHEN YOU ARE BEING PRESSURED

- Do not feel you must do something that you do not want to do.
- Have a signal that you can communicate with a family member or friend if you feel you are in an uncomfortable situation.
- Create distance from the situation and immediately report the situation to School administration.
- Make up an excuse to remove yourself from an uncomfortable situation.
- Remember that being coerced and made to feel uncomfortable is not your fault.

Source: <https://www.rainn.org/get-information/sexual-assault-prevention/avoiding-pressure>

WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL VIOLENCE

- Find a safe environment away from the attacker, have a friend stay with you, and understand you are a victim with rights and have done nothing wrong.
- Individuals are encouraged to report the assault to police by calling 911 and/or notify campus administration.
- Save any evidence of the assault – do not change your clothes, use the restroom, comb your hair, bathe, brush your teeth, eat, smoke, clean up the crime scene, or move anything the attacker may have touched. Also, it is beneficial to retain any text messages, emails, or voicemails pertaining to the assault.
- Seek immediate medical attention and ask the hospital to conduct a sexual assault kit exam to preserve forensic evidence. Identify any risks of sexually transmitted infections or diseases (STIs or STDs) and pregnancy. Request a urine sample be taken, if you suspect you were drugged. Examples of STDs include, but are not limited to, Chlamydia, Gonorrhea, Hepatitis, Herpes, HIV/AIDS, HPV, PID, and Syphilis.
- Write down what you recall about the assault and the attacker.
- Remember, what happened is not your fault.
- Allow yourself time to recover from sexual violence.
- Seek professional counseling for assistance.

Source: <https://www.rainn.org/get-information/sexual-assault-recovery/tips-for-after-an-attack>

Tips for Intervening in Risky Situations

Step in and intervene asking friends from both sides to assist either as individuals or a group.

Use a distraction to redirect the focus (“Hey, I need to talk to you”).

Remember to always:

- Approach everyone as a friend.
- Do not be antagonistic.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help if necessary.
- Keep yourself safe.

If things get out of hand or become too serious, contact the police.

COUNSELING RESOURCES

National Sexual Assault Hotline

1220 L. Street NW, Suite 505
Washington, DC 20005
1.800.656.HOPE

Cambria County

Victim Services
638 Ferndale Avenue
Johnstown, PA 15905
814.288.4961

Women's Help Center
809 Napoleon Street
Johnstown, PA 15901
814.536.5361

Somerset County

Victim Services 427 Westridge Road
Somerset, PA 15501
814.443.1555

Women's Help Center
Somerset County
814.443.2824

SCHOOL RESOURCES

Contact one or more of the following:

Title IX Coordinator

- Patti Huber-Smith, Student Health Nurse, Title IX Coordinator

Title IX Deputy Coordinators

- Bonnie Mazurak-Riga, Director Conemaugh School of Nursing & Allied Health
- James Ahacic, Associate Director Conemaugh School of Nursing & Allied Health
- Nicole Cicero-Itle, MHSc, RT (R)(MR), Radiologic Technology
- Patricia Pavlikowski, CST, RN, MA, CNOR, Surgical Technology
- Melissa Schaffer, MBS, MT (ASCP), Medical Lab Science
- Gerald Compagna, Histotechnology
- Tim Reitz, MS, NRP, NCEE Emergency Medical Services

Office of Security and Safety

- Steven Dunn, Security Manager

Police – 911

SCHOOL PROCEDURES

Once a report of a suspected assault or violation is received, the complainant will be contacted within 48 hours by either the Title IX Coordinator, Deputy Coordinator or Investigator. Interim remedies will be provided to the victim as requested and an investigation will ensue if warranted. Upon conclusion of the investigation a determination will be made as to whether or not School policy has been violated. Appropriate sanctions will be put in place where warranted and both the complainant and respondent will be notified of the outcome of the investigation.

SCHOOL REMEDIES

Once the School has received a complaint of a violation under this policy the School is under obligation to do the following:

- Take immediate and appropriate steps to investigate what has occurred
- Take prompt and effective action to:
 - End the harassment
 - Remedy its effects
 - Prevent its recurrence

The School has the right to impose interim remedies. These may include but are not limited to:

- A change in academic, work or transportation conditions as warranted
- No contact orders for both the complainant and respondent
- Security escorts as warranted

Upon completion of an investigation, the School has the right to impose sanctions on any respondent who it deems has violated School policy. These sanctions may include but are not limited to:

- Personal/Professional development education
- Community service
- Restorative justice
- Suspension
- Expulsion/employment termination

(as per Conemaugh Memorial Medical Center HR Policy/Procedures):

SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

Conemaugh School of Nursing & Allied Health is committed to providing a safe, secure, and healthy teaching, learning, and working environment free from sexual assault by providing sexual assault awareness and prevention programs.

If you are a victim of sexual assault, find a safe environment away from the attacker. To seek assistance and report a sexual assault call 911, contact Campus Security and Safety, and/or notify School administration. It is imperative to preserve all evidence to be used in proving that a sexual assault occurred. Seek medical attention and notify those involved that you are a victim of a sexual assault, identify any risks of sexually transmitted infections/diseases and/or pregnancy, and seek counseling, if necessary. In addition, write down as much as you can remember immediately following the attack. Understand you are a victim and this was not your fault. School administration are here to assist you by providing both internal and/or external resources regardless if you choose to criminally prosecute the offender or not. Conemaugh School of Nursing & Allied Health will act promptly to protect the rights of all individuals involved in a sexual assault matter. We support the victim's right to choose which avenues of assistance are most appropriate for him/her to pursue and the victim's right not to pursue, if he/she so chooses.

Individuals who have been sexually assaulted have the right to:

- To be treated with respect by School officials
- To take advantage of campus support resources
- To experience a safe educational and work environment
- To have an advisor (students) or representative (employees) during this process
- To refuse to have an allegation resolved through informal procedures
- To be free from retaliation
- To interim remedies related to the victims academic or work schedule
- To have complaints heard in substantial accordance with these procedures
- To reasonable and necessary participation in the process
- To be informed in writing of the outcome of the complaint and, where permissible, sanctions, and the rationale for the outcome

CONFIDENTIALITY

The School will treat all sexual assault matters with dignity and discretion. Every attempt will be made to protect the privacy of all individuals involved to the extent possible by law and to the extent that such confidentiality does not pose a direct threat to the individual or others or interfere with the investigation.

For further information, please contact Patti Huber-Smith, Title IX Coordinator,
phubersm@conemaugh.org 814.534.9485