The University of Pennsylvania seeks to foster a safe and healthy environment for all members of our community. Sexual violence, which continues to be a concern on college campuses, erodes the respect, civility, dignity and trust essential to the vitality of a university community.

In the University of Pennsylvania’s Sexual Violence, Relationship Violence and Stalking Policy, Penn makes clear that sexual violence, relationship violence, domestic violence and stalking, as well as attempts to commit such acts, will not be tolerated. The policy also provides important information regarding the resources that Penn offers related to sexual violence, relationship violence, and stalking. Additional information regarding these resources is available on the Penn Violence Prevention website.

Through a series of questions and answers, this Guide for Faculty Members is intended to support faculty members in understanding the Sexual Violence, Relationship Violence and Stalking Policy and related matters, including what to do when a student, staff member, faculty colleague or campus visitor reports an incident of sexual violence to a faculty member.

Additional information regarding these resources is available on the Penn Violence Prevention website at https://secure.www.upenn.edu/vpul/pvp.

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1. AS A FACULTY MEMBER, AM I REQUIRED TO REPORT SEXUAL VIOLENCE, RELATIONSHIP VIOLENCE AND STALKING?

Yes. Faculty members and other instructional staff who become aware of sexual violence must promptly contact Penn’s Title IX Coordinator at 215.898.6993. It does not matter whether the incident occurred on- or off-campus, during the academic year or during a recess, or whether one or more of the involved parties is not a member of the Penn community. Disclosures which occur in the context of academic activities (e.g., office hours, instruction, or coursework) should also be reported. You should not attempt to investigate the allegations on your own. You do not need to be certain that the incident constitutes sexual violence. The Title IX Coordinator will assess the information and determine next steps.

2. WHAT IS THE DEFINITION OF SEXUAL VIOLENCE?

As defined in Penn’s Sexual Violence, Relationship Violence and Stalking Policy, sexual violence is a term that identifies a range of behaviors in which an act of a sexual nature is perpetrated against an individual without consent or when an individual is unable to give consent.

Examples of sexual violence include, but are not limited to:

- The unwanted touching or attempted touching of a person’s breasts/chest, buttocks, inner thighs, or genitalia.
- Forced penetration of another person’s oral, anal or genital opening with a body part or any object.
- Unwanted kissing.
- Refusing to use a condom or restricting someone’s access to birth control.
- Keeping someone from protecting themselves from sexually transmitted infections (STIs).
- Sexual contact with someone who is incapacitated or otherwise unable to give informed consent.
- Threatening someone into unwanted sexual activity.
- Repeatedly pressuring someone to have sex or perform sexual acts.

Sexual violence may be committed by:

- Physical force, violence, or threats.
- Coercion or intimidation.
- Ignoring the objections of another person.
- Causing another’s intoxication or impairment with alcohol or drugs.
- Taking advantage of another person’s intoxication, incapacitation, unconsciousness, state of intimidation, helplessness, or other inability to consent.

Consent:

- Consent is an affirmative decision to engage in mutually agreed
upon sexual activity and is given by clear words or actions. Consent may not be inferred from silence, passivity, or lack of resistance alone.

- Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating, marital, or sexual relationship is not sufficient to constitute consent to additional sexual activity.

- Assent shall not constitute consent if it is given by a person who because of youth, disability, intoxication or other condition is unable to lawfully give his or her consent.

3. HOW IS SEXUAL VIOLENCE DIFFERENT FROM SEXUAL HARASSMENT?

Under Title IX, sexual violence is a form of sexual harassment. However, there are other types of sexual harassment as well. For purposes of Penn’s Sexual Harassment Policy, sexual harassment is defined to include any unwanted conduct that is based on a person’s sex, sexual orientation, gender identity and/or gender expression and that:

1. Involves a stated or implicit threat to the victim’s academic or employment status;

2. Has the purpose or effect of interfering with an individual’s academic or work performance; and/or

3. Creates an intimidating or offensive academic, living or work environment.

Sexual harassment is not tolerated at Penn. Resource offices and reporting options for incidents of sexual harassment are described in Penn’s Sexual Harassment Policy.

4. WHAT IF I AM NOT SURE WHETHER AN INCIDENT THAT HAS BEEN REPORTED TO ME CONSTITUTES SEXUAL VIOLENCE? SHOULD I REPORT IT TO THE TITLE IX COORDINATOR?

If a faculty member is unsure whether an incident constitutes sexual violence, the faculty member should report it to the Title IX Coordinator and the Title IX Coordinator will assess the information and determine next steps. Not all reports will require lengthy investigation or proceed to hearing. The Title IX Coordinator and other university offices will determine the appropriate course.

5. WHAT IS TITLE IX? IS IT THE SAME AS THE CLERY ACT?

No. Title IX and the Clery Act are two different federal laws, both of which apply to colleges and universities. Title IX is a federal law that prohibits sex discrimination in all facets of education. The Clery Act is a federal law that requires the disclosure
of certain statistics regarding criminal incidents that occur within the geographic boundaries of an institution of higher education. The Clery Act also imposes additional disclosure obligations, including timely warnings when certain crimes occur that the institution believes pose a threat to students and employees.

6. AS A FACULTY MEMBER, DO I HAVE REPORTING OBLIGATIONS UNDER THE CLERY ACT, AS WELL AS UNDER TITLE IX?

It depends upon your roles. Faculty members without responsibility for student or campus activities beyond academic instruction do not have reporting obligations under the Clery Act. Faculty members with Clery reporting obligations include deans and department chairs, as well as faculty members who are advisors to student organizations. If a faculty member who has reporting obligations under Clery learns of an incident of sexual violence involving a member of the Penn community, the faculty member must inform the Title IX Coordinator and must also complete a University of Pennsylvania Crime Statistics Reporting Form for compliance with the Clery Act. The identity of the victim is not required to be disclosed on the Crime Statistics Reporting Form. For more information regarding reporting obligations under the Clery Act, see the Clery Act and Crime Reporting page on the Division of Public Safety website.

CONFIDENTIALITY

7. IF A STUDENT, STAFF MEMBER, FACULTY MEMBER OR CAMPUS VISITOR SAYS SHE OR HE WANTS TO SPEAK WITH ME ABOUT AN INCIDENT INVOLVING SEXUAL VIOLENCE, CAN I PROMISE TO KEEP CONFIDENTIAL WHAT THE PERSON SHARES WITH ME?

As a faculty member, you cannot promise absolute confidentiality. When a faculty member becomes aware of an incident of sexual violence, the faculty member is obligated to promptly inform the Title IX Coordinator at 215.898.6993, providing whatever information has been shared regarding the incident, including the person’s name and the name of the alleged perpetrator (if known). It does not matter whether the incident occurred on- or off-campus, during the academic year or during a recess, or whether one or more of the involved parties is not a member of the Penn community. You do not need to be certain than an incident constitutes sexual violence; you must report any conduct that may qualify. You should not attempt to investigate the allegations on your own. When you contact the Title IX Coordinator, you can let the
Coordinator know if the individual has requested that his or her identity be kept confidential and the Title IX Coordinator will consider this request.

If a student or other person who informs you of an incident asks to speak with you and requests confidentiality beforehand, you should advise that if she or he discloses information regarding an incident of sexual violence, you will be obligated to promptly notify the Title IX Coordinator and share the information provided to you.

You should also advise the person that although you cannot promise confidentiality, others at Penn can. There are confidential resources available to Penn students and other members of the Penn community. If the person shares information about a sexual violence incident with one of the confidential resources, those resources are able to keep the disclosure confidential and are not obligated to share the disclosure with the Title IX Coordinator. Penn’s confidential resources include the Special Services Department in the Division of Public Safety, Counseling & Psychological Services (CAPS), the Penn Women’s Center (PWC), the Chaplain’s Office, and Student Health Service (SHS), Employee Assistance Program (EAP), and the Office of the Ombudsman.

HELPING STUDENTS AND OTHERS

8. I UNDERSTAND THAT AS A FACULTY MEMBER I MUST REPORT INCIDENTS OF SEXUAL VIOLENCE TO THE TITLE IX COORDINATOR, BUT WHAT ELSE MAY I AND SHOULD I DO IF A STUDENT SPEAKS WITH ME ABOUT AN INCIDENT INVOLVING SEXUAL VIOLENCE?

You should urge the student to contact one of Penn’s sexual violence resource offices. If the student is unsure about which resource office to contact, you should encourage the student to contact the Special Services Department in the Division of Public Safety by calling 215.898.6600. If the student would prefer the initial contact to be in person, you may offer to accompany the student to a resource office. If the student wants an in-person meeting with Special Services, you may accompany the student to the Division of Public Safety at 4040 Chestnut Street or call Special Services and request an escort.

You should also make the student aware of Penn’s Sexual Violence, Relationship Violence and Stalking Policy, as well as the Penn Violence Prevention website.
9. WHAT SHOULD STUDENTS DO IF THEY HAVE EXPERIENCED SEXUAL VIOLENCE?

Students should contact one of the many resource offices at Penn that can provide support to those who have experienced sexual violence, including the Special Services Department in the Division of Public Safety (DPS), the Penn Women's Center (PWC), the Lesbian Gay Bisexual Transgender (LGBT) Center, Student Health Service (SHS), Counseling and Psychological Services (CAPS) and the Chaplain's Office.

If a student is unsure about which resource office to contact, the student should be encouraged to contact the Special Services Department in the Division of Public Safety by calling 215.898.6600. It is important that students understand all of the resources that are available to them, as well as all of their reporting and complaint options, which include filing a complaint on campus or pressing criminal charges. For example, Penn may offer academic support, housing accommodations, and various measures to help students feel safe. The specially trained advocates within the Special Services Department in the Division of Public Safety are able to provide this information, as well as to accompany students through the process of receiving a forensic rape examination, if they elect to have one.

Penn’s primary goal is to ensure that those who have experienced sexual violence have the necessary information and support to make the decisions that are best for them. Information about the resources that are available can be found on the Penn Violence Prevention website. In addition, the Director of Student Sexual Violence Prevention and Education can be contacted at 215.898.6081 to discuss these resources.

If a student wishes to file an internal complaint regarding an incident of sexual violence and the accused offender is another student or a faculty member, the student should contact the Office of the Sexual Violence Investigative Officer at 215.898.2887.

10. WHAT IF THE STUDENT IS CONCERNED ABOUT CONFIDENTIALITY? WILL THE SPECIAL SERVICES DEPARTMENT AND THE OTHER RESOURCE OFFICES HONOR A STUDENT’S REQUEST FOR CONFIDENTIALITY?

Special Services is one of the confidential resources on campus where a student can go for assistance following an incident of sexual violence. This means that the student may disclose the incident of sexual violence without concern that his or her identity will be disclosed to
others. However, Special Services – as well as other confidential resources – may have a legal obligation to share information regarding incidents of sexual violence without identifying the students who made the disclosure. Other confidential resources at Penn include Counseling & Psychological Services (CAPS), the Penn Women’s Center (PWC), the Chaplain’s Office, and Student Health Service (SHS), Lesbian Gay Bisexual Transgender (LGBT) Center, African American Resource Center, Employee Assistance Program (EAP), and Office of Sexual Violence Prevention & Education.

11. IF A NON-STUDENT (I.E., ANOTHER FACULTY MEMBER, A STAFF MEMBER OR A CAMPUS VISITOR) REPORTS AN INCIDENT OF SEXUAL VIOLENCE TO ME, IS THERE ANYTHING I MAY OR SHOULD DO IN ADDITION TO REPORTING THE INCIDENT TO THE TITLE IX COORDINATOR?

Any member of the Penn community who has experienced sexual violence should be urged to contact the Special Services Department in the Division of Public Safety by calling 215.898.6600. The Special Services Department will assist the individual with understanding her or his options, as well as the resources that are available.

FACULTY WHO EXPERIENCE SEXUAL VIOLENCE

12. DOES TITLE IX PROTECT ME (I.E., A FACULTY MEMBER), AS WELL AS STUDENTS, STAFF AND CAMPUS VISITORS?

Penn’s Sexual Violence, Relationship Violence and Stalking Policy applies to faculty, as well as students. It also applies to staff and visitors. All such individuals are protected by the Policy, as well as obligated to comply with the Policy when interacting with others.

In the event a faculty member experiences an incident of sexual violence perpetrated by another member of the Penn community – e.g., another faculty member, a staff member or a student – the faculty member has many of the same confidential resources available to provide assistance, including Special Services in the Division of Public Safety, 215.898.6600. If a faculty colleague shares information with you about sexual violence, you as a faculty member are required to report the incident to the Title IX Coordinator at 215.898.6993.

If a faculty member wishes to make a formal complaint regarding an incident of sexual violence perpetrated against her or him by another member of the Penn community, he or she should contact the Office of the Sexual Violence Investigative Officer at 215.898.2887.
RESTRICTIONS ON CONSENSUAL SEX BETWEEN FACULTY AND STUDENTS

13. DOES THE SEXUAL HARASSMENT POLICY OR THE SEXUAL VIOLENCE POLICY PROHIBIT FACULTY MEMBERS FROM DATING OTHER FACULTY MEMBERS OR STUDENTS?

Neither policy expressly prohibits faculty members from dating other faculty members. However, faculty members should keep in mind that the Sexual Harassment Policy and Sexual Violence Policy do apply to interactions between faculty members and should conduct themselves accordingly. Moreover, issues of conflicts of interest are implicated when dating occurs between faculty in mentor-mentee relationships and between faculty in supervisory roles and other faculty or staff they supervise.

With respect to students, the policy on Consensual Sexual Relations Between Faculty and Students in the Penn Faculty Handbook prohibits any sexual relations between a teacher and a student during the period of the teacher/student relationship. This means that the following are prohibited:

- sexual relations between a graduate or professional student and an undergraduate when the graduate or professional student has some supervisory academic responsibility for the undergraduate;
- sexual relations between department chairs and students in that department;
- sexual relations between graduate group chairs and students in that graduate group; and
- sexual relations between academic advisors, program directors, and all others who have supervisory academic responsibility for a student, and that student.
- In addition, Penn strongly discourages any sexual relations between faculty members and undergraduates.

RESOURCES

14. I HAVE NEVER SPOKEN TO ANYONE ABOUT A SEXUAL VIOLENCE INCIDENT. ARE THERE ANY RESOURCES AVAILABLE TO PREPARE ME TO DO THIS?

Receiving a report of sexual violence can be difficult. The Penn Violence Prevention website contains helpful tips on how to be an active listener and provide support when approached by someone affected by an incident of sexual violence. The website for the Sexual Trauma Treatment Outreach and Prevention (STTOP) Team, which is a multidisciplinary team of Counseling and Psychological Services (CAPS) clinicians, also contains helpful information. The Director of Student Sexual Violence Prevention and
Education is another resource and can be reached at 215.898.6081.

15. IS THERE A COMPREHENSIVE LIST OF THE RESOURCES THAT ARE AVAILABLE REGARDING SEXUAL VIOLENCE/TITLE IX, SEXUAL HARASSMENT AND THE CLERY ACT?

**Sexual Violence/Title IX**
- Sexual Violence, Relationship Violence and Stalking Policy
- Penn Violence Prevention website
- Sexual Violence Investigative Officer website
- Penn Title IX website
- Student Disciplinary Procedures for Resolving Complaints of Sexual Assault, Sexual Violence, Relationship Violence and Stalking
- Office of Affirmative Action and Equal Opportunity Programs Complaint Procedure
- Domestic or Sexual Violence Leave Policy for Faculty/Staff

**Sexual Harassment**
- Sexual Harassment Policy
- Faculty Handbook Policy: Consensual Sexual Relations Between Faculty and Students

**Clery Act**
- Clery Act and Crime Reporting - Division of Public Safety
- Clery Center for Security on Campus (external resource) (external resource)

The following is a list of Penn’s confidential resource offices. Survivors of sexual violence should be encouraged to contact one of these resource offices for support and options counseling.

**Special Services, Division of Public Safety (DPS)**
4040 Chestnut Street
(215) 898-6600

**Penn Women’s Center (PWC)**
3643 Locust Walk
(215) 898-8611

**Student Health Service (SHS)**
3535 Market Street, Suite 100
(215) 746-3535

**Counseling & Psychological Services (CAPS)**
3624 Market Street
(215) 898-7021

**The Office of the Chaplain**
240 Houston Hall
(215) 898-8456

**Lesbian Gay Bisexual Transgender (LGBT) Center**
3901 Spruce Street
(215) 898-5044

**African American Resource Center**
3643 Locust Walk
(215) 898-0104

**Employee Assistance Program (EAP)**
(888) 321-4433

**Office of Sexual Violence Prevention & Education**
VPUL, 3611 Locust Walk
(215) 898-6081

**Office of the Ombudsman**
113 Duhring Wing
236 S. 34th Street
(215) 898-8261