University of Pennsylvania Sexual Violence Policy

Introduction
This policy, which prohibits behaviors that are more generally addressed by the University’s Sexual Harassment Policy, applies to faculty, students, staff, and visitors to the University campus and facilities. All forms of sexual violence and attempts to commit such acts are considered to be serious misconduct and may result in disciplinary action up to and including expulsion or termination of employment. In addition, such acts violate federal, state and local laws, and perpetrators of such acts may be subject to criminal prosecution. Specific guidance for students is provided in the Student Guidelines for the University of Pennsylvania Sexual Violence Policy created by the Penn Women’s Center, and for faculty and staff at [link to be developed].

Definitions
Sexual violence in any form, including sexual assault and rape, is prohibited by University policy. Sexual violence includes a range of behaviors in which an act of a sexual nature is taken against another person without her or his consent or when he or she is unable to consent. Important definitions appear below.

Sexual assault (including but not limited to rape) is defined as having committed any of the following acts:

- Any physical sexual contact that involves the use or threat of force or violence or any other form of coercion or intimidation;
- Any physical sexual contact with a person who is unable to consent due to incapacity or impairment, mental or physical. “Incapacity” or “impairment” includes but is not limited to being under the influence of alcohol or drugs or being too young to consent.

Rape is defined as sexual assault involving an act of penetration and includes acquaintance rape (assailant and victim know each other).

Non-forcible sex acts include unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by Pennsylvania law.

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. Furthermore, 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.

In determining whether the alleged conduct violates this policy, consideration will be given to the totality of circumstances, including the nature of the sexual conduct and the context in which the alleged incident occurred.
Resources
Information, Counseling and Support
Resource offices are available to assist members of the Penn community and visitors to the campus who have been, or know someone who has been, the victim of sexual violence. The staff of these offices are available to provide information regarding options for pursuing a complaint as well as counseling and support. The information provided generally will be held in confidence, consistent with the University’s obligation to address complaints of sexual violence, unless the person making the complaint gives his or her consent to the disclosure of that information. The commitment to confidentiality does not preclude the sharing of information among responsible University administrators as needed to address the complaint or to keep members of the University community safe.

- African-American Resource Center (staff, faculty, or visitors)
- Office of the Chaplain (students, staff, faculty, or visitors)
- Counseling and Psychological Services (students)
- Employee Assistance Program, Behavioral Health, Perelman School of Medicine (staff or faculty)
- LGBT Center (students, staff, or faculty)
- Office of the Ombudsman (students, staff, faculty)
- Penn Women’s Center (students, staff, or faculty)
- Special Services Department, Division of Public Safety (students, staff, faculty, or visitors)
- Student Health Service (students)
- Vice Provost for University Life (students)

Informal and Formal Complaint Resolution Resources
The University also has resources available to respond to informal and formal complaints of sexual violence. The staff of these resource offices will provide information regarding the process to be used in responding to the complaint, investigate the allegations, and ensure that appropriate action is taken.

- Office of Affirmative Action and Equal Opportunity Programs (complaints by or regarding students, staff, faculty, or visitors)
- Dean’s Offices and Department Chairs (complaints regarding faculty)
- Division of Human Resources, Staff and Labor Relations (complaints by or regarding staff members)
- Penn Police Department, Division of Public Safety (complaints by or regarding students, staff, faculty, or visitors)
- Office of the Provost (complaints by or regarding students or faculty members)
- Special Services Department, Division of Public Safety (complaints by or regarding students, staff, faculty, or visitors)
- Office of Student Conduct (complaints regarding students)
- Title IX Coordinator/Executive Director, Office of Affirmative Action and Equal Opportunity Programs (complaints by or regarding staff, students, faculty, or visitors).
Rights of Complainants and Respondents
Persons who make a complaint and those who are responding to complaints have the following rights:

- The option to notify law enforcement;
- The option to have another member of the University community present during interviews that are part of a University-initiated investigation;
- To be notified of counseling and support services available;
- To be notified of options to change academic, living, or work arrangements.

Policy Against Retaliation
University policy expressly prohibits retaliation against faculty, staff, or students who in good faith make reports of violations of this policy. In addition, knowingly and intentionally making a false report of a violation of this policy is prohibited. Members of the Penn community who take adverse action against someone who reports a violation of this policy, intimidates, threatens or otherwise engages in retaliation is subject to disciplinary action, up to and including termination of their employment or expulsion from the University.

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http://www.upenn.edu/almanac/volumes/v59/n01/violence.html