

Villanova University
Sexual Assault, Sexual Harassment, and Sexual
Misconduct Policy

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I. INTRODUCTION

Villanova University seeks to foster and maintain a community of mutual respect and concern for all of its members. There can be no greater violation of the terms of that community, or of the essential dignity of any member of it, than an act of sexual assault, sexual harassment, or other forms of misconduct described in this Policy (referred to as “sexual misconduct”). These acts constitute the deepest affront to University standards and will not be tolerated in any form.

All members of this community – students (current and applicants), faculty, staff, applicants for employment, persons doing business with or acting on behalf of the University, and visitors to campus – are protected under this Policy and share in responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this Policy provides the framework for eliminating sexual assault, sexual harassment, and other sexual misconduct from our community, preventing its recurrence, and addressing its effects.

Pursuant to Title IX of the Education Amendments of 1972 (Title IX), Villanova prohibits all forms of sexual harassment, including sexual assault and other forms of sexual misconduct. Any person found responsible for such violations will face disciplinary actions up to and including dismissal or expulsion from the University. Acts of sexual assault or sexual misconduct may also be prosecuted under the Pennsylvania Criminal Code. This Policy applies to all on-campus conduct, as well as any off-campus conduct that has an adverse impact on any member of the University community or the University.

Should an incident of sexual assault, sexual harassment, or other sexual misconduct occur, the University has both reporting procedures and support resources in place so that an individual does not need to face the effects of such an incident alone. The first concern is for the safety, health, and well-being of those affected. Confidential, semi-confidential, and non-confidential (yet private) options for support and reporting are available both on and off campus (Section IV & Appendix A).

All members of the University community have an obligation to assist in preventing harassment. Responsibilities include: (1) participating in periodic training to learn how to recognize and report concerns; (2) conducting themselves in a manner that does not violate this policy; (3) intervening when possible to prevent harassment of another; (4) reporting incidents and assisting victims to report; (5) respecting the privacy rights and confidentiality rights of those involved; and (5) cooperating in University investigative and disciplinary procedures.

When an incident is reported, the University will respond promptly and equitably to all allegations of sexual assault, sexual harassment, or other sexual misconduct to ensure the safety of the reporting person and the Villanova community in order to provide an environment that is free from gender and sex discrimination.

Anyone making a report, filing a complaint, or participating in the investigation or resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct is protected by law and this Policy from retaliation (see Section II.A.). The University will take prompt responsive action to all reports of retaliation.

When used in this Policy, a **Complainant** refers to the person who reports that he or she has been the subject of sexual assault, sexual harassment, or other sexual misconduct. A **Respondent** is the person who is reported to have committed acts of sexual assault, sexual harassment, or other sexual misconduct. A **Reporter** refers to the person who is reporting that he or she is aware of or has witnessed a sexual assault, sexual harassment or other sexual misconduct, as defined in this policy.

II. PROHIBITED CONDUCT AND DEFINITIONS

The University expects all members of the Villanova community to conduct themselves in a manner consistent with the Villanova Mission Statement and its Enduring Commitments available at http://www1.villanova.edu/villanova/president/about_university/mission./html, the *Environmental and Relational Expectations* as described in the Code of Student Conduct, the Human Resources Handbook, and the Faculty Handbook.

Villanova University prohibits sexual assault, sexual harassment, and other sexual misconduct, as detailed in the definitions below. The University reserves the right to address behavior regardless of whether the conduct also violates federal, state and/or municipal civil or criminal law. Pennsylvania state law definitions can be found in Appendix E.

A. PROHIBITED CONDUCT

SEXUAL ASSAULT. Having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault includes rape, fondling, incest and statutory rape, defined as follows:

- **Rape - Attempted or Actual Penetrations:** Having or attempting to have non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person.
- **Fondling - Non-Consensual Sexual Contact:** Having or attempting to have any non- consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing or touching the private parts of another, or causing the other to touch the harasser’s private parts.
- **Incest** – Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Statutory rape is sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania, individuals under 13 years of age can never consent to intercourse; individuals younger than 16 years of age can never consent to intercourse with a partner more than four years their senior. For more about consent, see Part B below.

SEXUAL EXPLOITATION. Sexual exploitation is an act or omission to act that involves taking non- consensual, unjust, humiliating, or abusive sexual advantage of another, either for his or her own advantage or to benefit or advantage anyone other than the Complainant. Examples of sexual exploitation include but are not limited to the following:

- Creating a picture(s), movie(s), webcam, tape recording(s), graphic written narrative(s), or other means of memorializing sexual behavior or a state of undress of another person without the other’s knowledge and consent;
- Sharing items described in the paragraph above beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;
- Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;
- “Peeping Tom” or voyeuristic behaviors;
- Engaging in sexual behavior with knowledge of an illness or disease that could be transmitted by the behavior without full and appropriate disclosure to the partner(s) of all health and safety concerns;
- Engaging in or attempting to engage others in “escort services” or “dating services” which include or encourage in any way sexual behavior in exchange for money;
- Intentionally, knowingly, or surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; or
- Exposing another person to pornographic material without the person’s advance knowledge or consent.

STALKING. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or suffer substantial emotional distress. The course of conduct means two or more acts in which the stalker follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person.

SEXUAL HARASSMENT. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other physical, visual, or verbal behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- Such conduct has the purpose or effect of:
 - Unreasonably interfering with an individual's academic or professional performance; or
 - Creating an intimidating, hostile, or demeaning employment or educational environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

Examples of potentially sexually harassing behaviors include, but are not limited to, the following:

- Unwelcome sexual advances, sexual innuendo, or requests for sexual favors in person, by phone, by electronic message or photo, written words or images such as graffiti, and social media postings;
- Unwelcome behavior of a sexual nature by a faculty member, coach, or other staff person directed towards a student, a colleague, or other community member;
- A person in a position of authority (such as a faculty member, coach, supervisor) suggesting that an educational or employment benefit will result from submission to some unwelcome behavior of a sexual nature or will be denied for refusal to engage in sexual activity;
- Repeated sexual remarks, offensive stories, remarks about sexual activity or experiences, sexual innuendoes or other suggestive comments that are unwanted and unwelcome by another;
- Displaying or showing pictures, cartoons, or other printed materials of a sexual nature in the workplace or in an educational setting where there is insufficient academic relevance;
- Exposing the private parts of one's body to another person, or in public forums.

DATING VIOLENCE. Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Dating violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, or emotional abuse. Specifically, dating violence is violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship is determined based upon the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE. Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Domestic violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, or emotional abuse. Specifically, domestic violence is a crime of violence

committed by a current or former spouse or intimate partner, or by a person with whom the Complainant shares a child in common. Domestic Violence also includes a crime of violence against a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

SEXUAL MISCONDUCT. The term sexual misconduct means any unwelcome conduct of a sexual nature and includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment and stalking.

RETALIATION. Retaliation is defined as attempts or acts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment, or intent to prevent participation in University proceedings under this Policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel. Retaliation may be committed by any individual or group of individuals, not just a Respondent or Complainant. It may be committed against the Complainant, Respondent, or any individual or group of individuals involved in the investigation and/or in the resolution of an allegation of sexual assault, sexual harassment, or other sexual misconduct. Retaliation could occur before, during or after an investigation and/or University proceedings.

B. DEFINITION OF CONSENT and related terms

CONSENT: Consent is an explicitly communicated, reversible mutual agreement in which all parties are capable of making a decision. Consent is informed, voluntary, and actively given. Consent exists when all parties exchange mutually understandable affirmative words or behavior indicating their agreement to participate voluntarily in sexual activity.

The following further clarifies the meaning of consent:

- Each participant in a sexual encounter must obtain consent for all sexual activities. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware, or otherwise physically impaired is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

COERCION: Consent must be freely given. Consent is not freely given if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would compromise an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm or severe and/or pervasive emotional intimidation, which (a) places an individual in fear of immediate or future harm or physical injury or (b) causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance that impairs the person's ability to give consent.

INCAPACITATION: An individual is incapacitated when he or she is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically impaired due to alcohol or other drug consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he or she demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

ALCOHOL and OTHER DRUGS: Being intoxicated or impaired by alcohol or other drugs is never an excuse for sexual assault, sexual harassment or other sexual misconduct and does not diminish one's responsibility to obtain consent. The University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and other drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. The use of alcohol or other drugs can limit a person's ability to freely and clearly give consent and can create an atmosphere of confusion over whether or not consent has been freely and clearly sought or given. The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent to which the use of alcohol or other drugs impacted a Complainant's ability to give consent.

III. BYSTANDER INTERVENTION

Bystanders play a critical role in the prevention of sexual violence. The University strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual assault, sexual harassment, or other sexual misconduct. Each situation is unique and each person has different strengths when it comes to intervention. Taking action may include:

- Direct intervention: approaching one of the key people involved in the situation and attempting to prevent the situation from escalating further
- Delegating: involving other people to prevent a situation from worsening. This can include recruiting friends, Public Safety or law enforcement.
- Distracting: altering the flow, interrupting or shifting a situation to prevent something from worsening.

When considering options, it is most important for students to make the safest choice available to interrupt or intervene in situations that could result in acts of sexual assault, sexual harassment or other sexual misconduct. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

IV. HOW TO REPORT AN INCIDENT OF SEXUAL ASSAULT, SEXUAL HARASSMENT, OR OTHER SEXUAL MISCONDUCT

All members of the University community (unless required to maintain confidentiality by law) are expected to report information about any incident of sexual assault, sexual harassment, or other sexual misconduct involving a student, staff or faculty member, regardless of where and when the incident happened. Reports should be directed to the Title IX Coordinator or Deputy Coordinator, as designated in the Title IX Notice contained in Appendix C.

Villanova is committed to supporting the rights of a person reporting an incident of sexual assault, sexual harassment, or other sexual misconduct to make an informed choice among options and services available both on and off campus. Complainants have the option to, and are encouraged to, notify law enforcement. This includes notifying Public Safety and/or the police department with jurisdiction, and to file a simultaneous criminal and University complaint. It also includes receiving assistance from Villanova in making the report. Complainants may also decline to notify campus or law enforcement officials.

The University will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect and will take prompt responsive action to end the misconduct, prevent its recurrence, and address its effects.

A. CONFIDENTIALITY AND PRIVACY CONSIDERATIONS

The University is committed to protecting the privacy of all individuals involved in a report of sexual assault, sexual harassment or other sexual misconduct. Information related to a report to the University of sexual assault, sexual harassment or other sexual misconduct will be kept private by the University unless disclosure is required by law; thus, it will be shared only with those University officials with a legitimate interest in order to assist in the investigation and/or in the resolution of the complaint. Under no circumstances will the University release the name of the Complainant to the general public without the express consent of the Complainant.

Whenever a report of sexual assault, sexual harassment or other sexual misconduct is made, Villanova has an obligation to take steps to ensure it is providing a safe, non-discriminatory environment for all members of the Villanova community. If a Complainant reports an incident of sexual misconduct and wishes to maintain confidentiality, or requests that no further investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the Complainant's request against its obligation to provide a safe and non-discriminatory environment for the University community, as explained in Section B below.

In conducting an appropriate investigation, University investigators and administrators are sensitive to the desire of individuals for privacy. However, to conduct an effective investigation, it is often necessary to share details which may compromise confidentiality. If the University is able to honor the request for confidentiality, the Complainant must understand that Villanova's ability to meaningfully investigate the incident and pursue disciplinary action may be limited. The Complainant is always free to decide whether and how she/he wants to be involved in the investigation and the disciplinary process, if any, that follows.

1. **Confidential Resources.** The University provides limited confidential resources who are outside the official reporting channels. Any community member may seek advice and counseling confidentially, including about sexual assault, sexual harassment or other sexual misconduct, by speaking to the following University employees:
 - a. A counselor/therapist at the University Counseling Center
 - b. A priest who is acting in a pastoral capacity

Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these individuals are not required to report any information to anyone without permission.

2. **Semi-Confidential Resources.** Nurses and Nurse Practitioners at the Student Health Center and members of the Sexual Assault Resource Coordinator team may talk with an individual in confidence and generally only report that an incident occurred without revealing any personally identifying information about the individual. University employees in this category who receive reports of such incidents may maintain confidentiality if requested by the reporting person, but will report the incident to Public Safety for Clery purposes without identifying information. These reports will include the general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued. The information will also be reported confidentially to the Title IX Coordinator.¹

A report of sexual misconduct to such a person will prompt an investigation by the Title IX Coordinator or Public Safety into the matter, but without the cooperation of the Complainant and consistent with the Complainant's wishes for confidentiality, such investigation may be limited.

Should there be a continuing threat to the community, a campus-wide safety alert could be issued in order to protect the community. Safety alerts do not contain identifying information about the reporting person. When an ongoing threat to the safety of campus exists, the University will determine whether appropriate actions to address the situation must be taken. This determination is made following the procedures set forth below in Section B.

An individual who speaks to these Semi-Confidential Resources should understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited based on the information provided. Nonetheless, these employees can facilitate the support services described elsewhere in this Policy, including the interim measures described in Appendix B.

Members of the SARC team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

3. **Non-Confidential Resources.** All other employees are required to share the report of sexual misconduct with the Title IX Coordinator, which will prompt an investigation by the University to address and remedy the situation. Though a report to such an employee prompts an investigation, a Complainant may still decide whether and how she/he wants to be involved in the process following the investigation.

¹ Under a federal law known as the Clery Act, colleges and universities are required to maintain statistics of serious crimes reported on and near campus, including incidents reported under this Policy. Accordingly, University employees in this category who receive reports of such incidents may maintain confidentiality if requested by the reporting person, but will report the incident to Public Safety for Clery purposes without identifying information. These reports will include the general nature of the incident, date, time of day, and location, as well as other information needed to assess whether an on-going threat is present in order to evaluate whether a timely warning should be issued. The information will also be reported confidentially to the Title IX Coordinator. This information helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so that the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Note that physicians at the Student Health Center (M.D.s and D.O.s) are generally required by Pennsylvania law to make a report to the police department with jurisdiction, any time they receive a report of an injury caused by a criminal act, including sexual assault.

A list containing the contact information of the Resources on campus are found in Appendix A of this Policy. Off-campus resources are also available and do not typically involve the University without the Complainant's consent. Some are also confidential. A list of regional resources and whether they are confidential is also included in Appendix A.

B. REQUESTING CONFIDENTIALITY: HOW THE UNIVERSITY WILL WEIGH THE REQUEST AND RESPOND

If a Complainant reports an incident of sexual assault, sexual harassment or other sexual misconduct and wishes to maintain confidentiality or requests that no further investigation or disciplinary action be taken, the University must weigh that request against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the Complainant.

If the University honors the request for confidentiality, a Complainant should understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited.

Although rare, there are times when the University may not be able to honor a Complainant's request in order to provide a safe, non-discriminatory environment for all students and employees.

When weighing a Complainant's request for confidentiality, the Title IX Coordinator or Deputy Coordinator(s) will consider a range of factors, including the following:

- The risk that the Respondent will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same Respondent;
 - whether the Respondent has a history of arrests or records from a prior school indicating a history of sexual and/or physical violence;
 - whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras, eye-witnesses or, physical evidence);
- whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group).

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action and/or involve the law enforcement agency with jurisdiction. If none of these factors is present, the University will likely respect the Complainant's request for confidentiality.

When confidentiality has been requested and the University determines that it cannot maintain a Complainant's confidentiality, the University will inform the Complainant and will, to the extent possible, only share information with people responsible for handling the University's response to the report of sexual assault, sexual harassment or other sexual misconduct.

Whether a report is confidential or not, when a Complainant reports an incident of sexual assault, sexual harassment or other sexual misconduct, the University will remain ever mindful of the well-being of the Complainant and take

ongoing steps to protect the Complainant from retaliation. The University will also support the Complainant and take action to protect and assist her or him consistent with the Complainant's wishes. A variety of interim measures are available to the Complainant as outlined in Appendix B (including emotional support, adjustment to housing or class schedule, etc.). The Sexual Assault Resource Coordinator is available to assist the Complainant in determining what measures are helpful or needed for the Complainant and will manage the implementation of such interim measures.

Finally, the University is committed to a safe environment for all students and employees and to addressing issues of sexual assault, sexual harassment or other sexual misconduct. Reports of such misconduct, whether or not confidential, provide the University with the opportunity to consider broader remedial action including increased monitoring of campus locations, additional education and prevention efforts, and climate assessments.

C. ANONYMOUS REPORTING

Although the University encourages a Complainant to talk with someone directly, the University does provide an anonymous on-line reporting option, www.villanova.ethicspoint.com and an anonymous phone reporting option (855-236-1443). This report will prompt an investigation. However, the University's ability to respond effectively may be limited by the level of information provided and/or the anonymity of the complaint. All anonymous reports of sexual misconduct will be referred to the Title IX Coordinator.

D. MAKING A REPORT

Any individual may report an incident of sexual misconduct. Complaints may be pursued through the criminal process or through the University disciplinary process consecutively or concurrently. In instances of sexual harassment as defined in II. A. above, an individual may also report to the Sexual Harassment Complaint Officer, identified in the [Title IX Notice](#) (and included in Appendix C of this Policy).

The University encourages individuals to seek immediate medical treatment (see below) and to make a prompt report to law enforcement in response to an incident of sexual assault or other sexual misconduct in order to address immediate safety concerns, allow for the preservation of evidence, and trigger a prompt investigative and remedial response. When the incident is reported to a campus resource, the University will help the individual get to a safe place and assist the Complainant in seeking immediate medical attention or in reporting an allegation to law enforcement. The University will provide transportation to the hospital, assist with notification of law enforcement, and provide information about the University's resources and complaint process. The University will also provide appropriate interim measures, as needed, to help ensure the safety and well-being of the parties affected. See Appendix B for more details on Interim Measures.

The University's Department of Public Safety may conduct criminal investigations and/or administrative investigations of sexual misconduct reports. Criminal investigations are conducted for sexual misconduct reports that occur on campus property, except in cases where the identity of the suspect is unknown to the Complainant. In those cases, the Radnor Township Police Department conducts the investigation. The Department of Public Safety employs trained criminal investigators that can collect evidence, conduct an investigation and initiate a criminal prosecution. The Department of Public Safety also conducts administrative investigations into allegations of sexual misconduct, which would include acts consistent with criminal sexual assault. These investigations are conducted by trained personnel within the Department of Public Safety who are not sworn police officers. While the administrative and criminal investigators are housed in the same unit of the University, the investigations are separate and apart, and serve different purposes.

When contacting the Department of Public Safety, a Complainant may seek a criminal investigation, administrative investigation, or both. A Complainant is not required to consent to a criminal investigation in order for an administrative investigation to occur, or to receive services under Title IX. When conducting both the criminal and administrative investigations simultaneously, information is shared between investigators, who will typically work together throughout the investigation. A Complainant may always choose to participate, or withdraw their participation, from either investigative process.

The Department of Public Safety does not have the authority to conduct criminal investigations for reports of sexual misconduct that occur off-campus, but can conduct administrative investigations of off-campus incidents. Several municipalities are located in the surrounding area, and determining which police department has authority to investigate depends upon where the incident occurred.

- To initiate a criminal complaint through law enforcement, the individual should contact:

Law Enforcement	911	
	Villanova University Department of Public Safety	610-519-5800
	Radnor Police Department	610-688-0503
	Lower Merion Police Department	610-649-1000
	Conshohocken Police Department	610-828-4032/4033
	Upper Merion Police Department	610-265-3232
	Tredyffrin Police Department	610-647-1440

- To initiate a Title IX (administrative) complaint through the University, the individual should contact the Title IX Coordinator or Department of Public Safety as follows:

Ms. Ryan Rost, Title IX Coordinator 610-519-8805
ryan.rost@villanova.edu

**Ms. Kim Carter, Title IX investigator
& Deputy Title IX Coordinator** 484-343-6926 (24/7)
kim.carter@villanova.edu

Department of Public Safety 610-519-4444 (24/7 emergency)
610-519-5800 (24/7 non-emergency)

- Any individual seeking information and options on how to proceed may also contact:

Sexual Assault Resource Coordinator **484-343-6028 (On-Call 24/7)**

The Sexual Assault Resource Coordinator (SARC) on call at the time of the contact may meet with the individual, provide information about safety, emotional and physical well-being, on campus and community resources, possible interim measures, and review the individual's options to address the complaint under this Policy. The Sexual Assault Resource Coordinator also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The SARC may talk with an individual on a semi-confidential basis and generally only report that an incident occurred without revealing any personally identifying information about the individual.

E. MEDICAL CARE AND PRESERVING EVIDENCE

An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to the University or law enforcement. A medical provider can provide emergency and/or follow-up medical services, and meet two goals: first, to diagnose and treat the full extent of any injury or physical effect and second, to properly collect and preserve evidence. Following an incident of sexual assault, evidence is best preserved for proof of a criminal offense within 96 hours of the assault. In the event of a report immediately following an incident of sexual assault, a Complainant is encouraged to seek medical attention as soon as possible, and even before any shower, bathing, douching, brushing of teeth, drinking, or change of clothing. Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement. Whether or not an individual has chosen how to proceed at the time of the medical examination, taking the step to gather evidence will preserve the full range of options to seek resolution through the University's complaint processes or through the pursuit of criminal investigation.

Please note that under Pennsylvania law, a medical provider is required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical provider will provide information to law enforcement, and the University encourages the Complainant to report the incident to law enforcement (it is often easier to relay the incident once to several people than repeatedly to different constituents), the Complainant may always, at any time, decline to speak with a law enforcement officer and decide on the extent of his or her participation in a criminal prosecution.

Contact information for medical care is as follows and more detailed information can be found in Appendix A of this Policy:

Villanova Student Health Center	610-519-4070
Bryn Mawr Hospital	484- 337-3000
Lankenau Medical Center	484-476-2000
Philadelphia Sexual Assault Response Center	215-425-1625

F. ON-CAMPUS REPORTING / UNIVERSITY DISCIPLINARY PROCESS

(1) In General

When an incident of sexual misconduct is reported, the University will conduct an investigation. Students, faculty and staff may be asked to participate in an investigation, and when asked, they are expected to find time to meet and share information with the investigator. The Assistant Director of Public Safety or his/her designee will typically oversee the administrative investigation of all sexual misconduct reports where the Respondent is a current student, and sexual misconduct reports (other than sexual harassment as defined in Section II. A. above) where the Respondent is a University employee. The Sexual Harassment Complaint Officer or his/her designee will typically oversee the investigation of all reports of sexual harassment (as defined in Section II. A. above) involving a Respondent who is a University employee (faculty or staff). The Sexual Harassment Complaint Officer may be assisted in the investigation by the Human Resources and/or Public Safety Departments. The Director of Public Safety & Chief of Police or his/her designee oversees the criminal investigation of all sexual misconduct reports conducted by the Department, regardless of the Respondent's affiliation with the University. Normally, the investigation will include interviewing the parties, interviewing witnesses as appropriate, and collecting relevant documentary, electronic, or other evidence. A criminal investigation may also include the collection of physical and/or forensic evidence, and that evidence may also be presented in an administrative hearing.

At the conclusion of the investigation, reports are shared with the University authorities empowered to act on violations of University policy. The specific resolution process will be determined by the role of the Respondent, as specified in this Policy:

- Complaints of sexual assault, sexual harassment or other sexual misconduct against a student will be addressed under the Code of Student Conduct (Special Procedures) and the investigator’s report will be shared with the Conduct Review Officer. These procedures are set forth in full in [the Code of Student Conduct](#) (Special Procedures), except for Law students, who have a separate procedure set forth in the [Law School Student Handbook](#); and
- Complaints of sexual harassment (as defined in Section II. A. above) against any faculty member or other employee will be addressed under the [Sexual Harassment Complaint Procedures](#).
- Complaints of other forms of sexual misconduct (e.g. sexual assault, stalking, dating violence and domestic violence) against any faculty member or other employee will be addressed through the normal University disciplinary processes. If the Complaint alleges both sexual harassment and other forms of sexual misconduct, the University shall determine the appropriate process for addressing the Complaint.

For additional information on reporting, see the [Title IX Notice](#), also included here in Appendix C.

(2) Time Frame for Resolution

Generally speaking, the University will complete the administrative investigation and resolution of all reports within 60 calendar days of receiving a report. Periodic updates as to the status of the review or investigation may be provided to both the Complainant and Respondent. Each case is unique, and the process for handling the incident will be impacted by factors such as the complexity of the investigation, the scope of the allegation, the parties’ schedules and availability, the academic calendar and any concurrent criminal investigation. Although cooperation with law enforcement may require Villanova to temporarily suspend its investigation, the University will promptly resume its Title IX investigation as soon as it is notified by law enforcement that the agency has completed the evidence gathering process. Villanova will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the involved parties. In the event that the investigation and resolution exceed this 60-day time frame, the University will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner. In no case will these time frames delay University-provided support services, resources or other measures.

(3) Timely Warning

If a report under this Policy discloses a serious or continuing threat to the University campus community, the University may issue a timely warning, known as a “Safety Alert” to the community to protect the health or safety of the broader campus community. Any such warning to the campus community, when determined by the University to be appropriate under the circumstances, is limited to a brief account of the incident, a description of the assailant when needed to apprehend, and the name of any individual who has been arrested and charged with a crime. The Safety Alert will not include identifying information of the victim.

G. REPORTING TO LAW ENFORCEMENT

The University process and the criminal justice process are separate and independent courses of action. A Complainant who wishes to pursue a criminal complaint is encouraged to make a report to law enforcement. Incidents occurring on campus are within the jurisdiction of Villanova University Department of Public Safety. Actions occurring off campus are within the jurisdiction of one of several surrounding townships, most of which are listed above (section IV “Reporting Options”). If the Complainant does not know in which municipality the incident occurred, the Complainant should contact the Sexual Assault Resource Coordinator, Public Safety or 911 for assistance. Upon request, the Sexual Assault Resource Coordinator or a representative of the Department of Public

Safety can accompany a Complainant to the police department with jurisdiction and assist a Complainant in making a criminal report. Notifying municipal law enforcement will generally result in the Complainant, and in some cases the Respondent, being contacted by a municipal police officer. The police will determine if a criminal investigation will occur and if the case will be referred for prosecution. Unless there are compelling circumstances, the University will typically not file an independent police report without the consent of the Complainant.

H. WAIVER OF VIOLATIONS OF ENVIRONMENTAL EXPECTATIONS FOR GOOD FAITH REPORTING

Consistent with the University's Mission and belief that all members have an obligation to promote and protect the health, safety, and welfare of our community, the University strongly encourages all individuals to report incidents of sexual assault, sexual harassment, and other sexual misconduct so that those affected can receive support and resources. A student who reports such misconduct in good faith, either as a Complainant or a third party witness, will not be subject to disciplinary action for his/her own personal consumption of alcohol or other drugs in violation of the University's Environmental Expectations as described in the Code of Student Conduct. The University may, however, initiate an educational discussion about the use of alcohol or drugs and their impact or pursue other educational remedies.

Submission of a good faith complaint, concern, or report under this Policy will not affect a Complainant's employment, grades, academic standing, or work assignments. However, an individual found to have made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action. A good faith complaint that is not substantiated does not constitute a false report.

I. Resources for Respondents

A University Respondent Resource Coordinator is available to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. The Respondent Resource Coordinator Team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.

Respondents can contact the following for information on University's procedures, rights and responsibilities of the Complainant and Respondent, prohibition on retaliation and for assistance in obtaining University resources:

Respondent Resource Coordinator Team	(610) 519-8807	respondentresource@villanova.edu
Title IX Coordinator, Ms. Ryan Rost	(610) 519-8805	ryan.rost@villanova.edu
Dean of Students Office	(610) 519-4200	deanofstudents@villanova.edu

Members of the Respondent Resource Coordinator Team are required to share reports of sexual misconduct with the Title IX Coordinator. Respondents are encouraged to utilize confidential counseling services at the University Counseling Center. Note that confidentiality will be maintained by a counselor or therapist under all circumstances except when there is an immediate threat of serious harm to a person. This means that, in almost all circumstances, these individuals are not required to report any information to anyone without permission. Appointments are available Monday – Friday during normal business hours and can be scheduled by calling (610) 519-4050 or in person on the 1st Floor of the Health Services Building. Priests acting in a pastoral capacity are also available as confidential resources.

APPENDIX A
Campus and Community Resources, Confidential and Non-Confidential, For Sexual Assault, Sexual Harassment, and other Sexual Misconduct

ON-CAMPUS RESOURCES: please note that “confidential” sources will generally not provide information to Public Safety or law enforcement, but will encourage the reporting person to contact Public Safety to report the incident and pursue an investigation.

RESOURCE	CONTACT	ROLE	OFFICE LOCATION	CONFIDENTIAL*	AVAILABILITY
Title IX Coordinator+ Ryan Rost	610-519-8805 ryan.rost@	Accepts reports Liaison to Public Safety and/or SARC Oversees Title IX Compliance	204 Tolentine Hall	NO	Normal business hours
Public Safety David Tedjeske, Director of Public Safety & Chief of Police Kim Carter, Title IX Investigator & Deputy Title IX Coordinator	610-519-4444 Emergency 610-519-5800 david.tedjeske@ Non-Emergency 484-343-6926 kim.carter@	Accepts reports; Conducts criminal and/or administrative investigations; Serves as liaison with other law enforcement agencies	Garey Hall, intersection of County Line Road, and Spring Mill Road	NO	24/7
Sexual Assault Resource Coordinator(s)** [SARC]	484-343-6028 sarc@	Provides information about options and resources; Coordinates accommodations	Health Services Building, 1st floor	If contact is directly with SARC and confidentiality is requested, limited confidentiality may be permissible, see section IV A of policy, also below ***	24/7

RESOURCE	CONTACT	ROLE	OFFICE LOCATION	CONFIDENTIAL*	AVAILABILITY
Student Health Center	610-519-4070	<p>Provides medical care; Testing for sexually transmitted infections, pregnancy, and predatory drugs, such as GHB, Rohypnol and Ketamine, is available;</p> <p>Collection of evidence is not available and may be obtained at the following local hospitals:</p> <p>Bryn Mawr Hospital</p> <p>Lankenau Medical Center</p> <p>Paoli Hospital</p> <p>Philadelphia Sexual Assault Response Center</p>	<p>Health Services Building, 3rd floor</p> <p>484-337-3000</p> <p>484-476-2000</p> <p>484-565-1000</p> <p>215-425-1625</p>	<p>If confidentiality is requested of a nurse / nurse practitioner, limited confidentiality may be permissible, see section IV A of policy, also below ***</p> <p>NOT Confidential if treated by a physician, who is required by law to report sexual violence to the local police authorities</p>	24/7 when classes are in session; 8am-4pm at other times
University Counseling Center	610-519-4050	Provides counseling	Health Services Building, 2nd floor	YES	Normal business hours and after hours – contact Student Health Center
Residence Life / Resident Assistants Professional Staff Members	610-519-4154 or RAs located in each residence hall	<p>Provides support & assists with reporting</p> <p>Serves as liaison with Public Safety and/or SARC</p>	Kennedy Hall, 2nd floor	NO	24/7 (through RA and professional on-call)

RESOURCE	CONTACT	ROLE	OFFICE LOCATION	CONFIDENTIAL*	AVAILABILITY
Campus Ministry	610-519-3546	Provides support	St. Rita's Hall, 1st floor	YES if reporting to a priest in his capacity as pastoral counselor NO if reporting to employees who are not priests	Normal business hours
Clergy Members	Fr. Rob Hagan 610-519-6485 610-308-4422 (cell) robert.hagan@	Provides support	Various	YES if in capacity as pastoral counselor	24/7
Dean of Students Paul Pugh, Dean of Students Nicholas Tumolo, Assistant Dean of Students	610-519-4200 paul.pugh@ nicholas.tumolo@	Adjudicates complaints Provides information concerning Code of Student Conduct Procedures Coordinates accommodations	213 Dougherty Hall	NO	Normal business hours
Health Promotion Stacy Andes, Director	610-519-7409 stacy.andes@	Provides prevention education programs	Health Services Building, 1st floor	NO, unless acting in her capacity on the SARC team***	Normal business hours
Respondent Resource Coordinator	610-519-8807 respondentresource@	Provides information on resources for respondents; Coordinates accommodations	Various	NO	Normal business hours
Sexual Harassment Complaint Officer & Deputy Title IX Coordinator Kathy Byrnes, Associate Vice President	610-519-4550 kathleen.byrnes@	Accepts sexual harassment reports Conducts sexual harassment investigations	202 Dougherty Hall	NO, unless acting in her capacity on the SARC team***	Normal business hours

RESOURCE	CONTACT	ROLE	OFFICE LOCATION	CONFIDENTIAL*	AVAILABILITY
Human Resources Ellen Krutz, Associate Vice President and Affirmative Action Officer Albert Baladez Director, Employee Relations and Compliance & Deputy Title IX Coordinator	610-519-4237 ellen.krutz@ 610-519-4238 albert.baladez@	Accepts employment discrimination reports Conducts employment discrimination investigations	105F St. Mary's Hall	NO	Normal business hours
Student Life Rev. John P. Stack, OSA, Vice President Kathy Byrnes, Associate Vice President & Deputy Title IX Coordinator	610-519-4550 john.stack@ kathleen.byrnes@	Provides support	202 Dougherty Hall	NO	Normal business hours
Office of Education Abroad Liz Campanella, Director	610-519-5443 elizabeth.campanella@	Provides support; Provides information about options and resources; Coordinates accommodations	Middleton Hall, 2nd Floor	NO	Normal business hours
Financial Assistance	610-519-4010 finaid@	Provides information about financial assistance	Kennedy Hall, Second Floor	NO	Normal business hours
Visa and Immigration Services	610-519-4095 steve.mcwilliams@	Provides support to international students	Connelly Center, Second Floor	NO	Normal business hours
Health Advocate (employee assistance program through Human Resources)	866-799-2728 or www.healthadvocate.com/villanovastaff	Provides information about resources and counseling for employees		YES	24/7

RESOURCE	CONTACT	ROLE	OFFICE LOCATION	CONFIDENTIAL*	AVAILABILITY
Anonymous Reporting hotline (EthicsPoint)	1-855-236-1443 www.villanova.ethicspoint.com	Accepts reports		YES if reporter so desires	24/7

* **Confidential** means the person will not report the incident to Public Safety except, in some cases, as an incident without identifying information (to comply with Clery reporting requirements on crime statistics). Other resources are private, meaning the report and names may be shared but only with University employees who are involved in the investigation or resolution of such incidents or as required by law.

**** Sexual Assault Resource Coordinator (SARC)**

The University has designated a semi-confidential Sexual Assault Resource Coordinator team to provide immediate assistance and support to any individual wishing to make a report of sexual assault, sexual harassment, or other sexual misconduct. The Sexual Assault Resource Coordinator on call at the time of the contact may meet with the individual, provide information about safety, emotional and physical well-being, on campus and community resources, possible interim measures, and review the individual’s options to address the complaint under this Policy. The Sexual Assault Resource Coordinator also provides ongoing support and assistance through any University and/or criminal justice review, investigation, or resolution process. The University’s Sexual Assault Resource Coordinator can be reached at 484-343-6028 and is available 24 hours/day.

***** Excerpt from Policy (IV A) on confidentiality of reports to the Sexual Assault Resource Coordinator (SARC)**

2. Semi-Confidential Resources. Nurses and Nurse Practitioners at the Student Health Center and the Sexual Assault Resource Coordinator may talk with an individual on a semi-confidential basis and generally only report that an incident occurred without revealing any personally identifying information about the individual.

A report of sexual misconduct to such a person will prompt an investigation by the Title IX Coordinator or Public Safety into the matter, but without the cooperation of the Complainant and consistent with the Complainant’s wishes for confidentiality, such investigation may be limited. Should there be a continuing threat to the community, a timely warning may need to be issued to protect the community. The warning would not contain identifying information about the reporting person.

+ Title IX Coordinator

The University has appointed Ryan Rost as its Title IX Coordinator. The Title IX Coordinator oversees the University's centralized review, investigation, and resolution process for reports of sexual assault, sexual harassment, and other sexual misconduct, and coordinates the University’s compliance with Title IX. See Appendix C for the complete Title IX Notice.

OFF-CAMPUS COMMUNITY RESOURCES

RESOURCE	PHONE CONTACT	CONFIDENTIAL
Law Enforcement Radnor Township Lower Merion Township Conshohocken Borough Upper Merion Township Tredyffrin Township	911 610-688-0503 610-649-1000 610-828-4032/4033 610-265-3232 610-647-1440	NO
Delaware County Office of the District Attorney	610-891-4162	NO
Delaware County Women Against Rape 24 Hour HOTLINE (24/7)	610-566-4342 610-566-4342	YES YES
Domestic Abuse Project of Delaware County 24 Hour HOTLINE (24/7)	610-565-6272 610-565-4590	YES
Community Legal Services of Philadelphia Delaware County Bar Association	215-981-3700 610-566-6627	YES NO
Philadelphia Sexual Assault Response Center (support, medical treatment, and collection of evidence available)	100 E. Lehigh Street Philadelphia, PA 19125 215-425-1625	YES
Local Hospitals (medical treatment and collection of evidence available; testing for predatory drugs may not be available but is available at the Student Health Center) Bryn Mawr Hospital Lankenau Medical Center Paoli Memorial Hospital	484-337-3000 484-476-2000 484-565-1000	NO Under Pennsylvania law, a hospital medical provider is required to notify law enforcement of a reported sexual assault. The Complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution.
Federal Student Aid Information Center	1-800-433-3243 www.fafsa.gov	NO

RESOURCE	PHONE CONTACT	CONFIDENTIAL
<p>Visa Services</p> <p>US Department of State www.state.gov</p> <p>Catholic Social Services of Philadelphia- Immigration Services http://cssphiladelphia.org/css/community</p>	<p>222 North 17th Street 3rd Floor Philadelphia, PA 19103 267-331-2490</p>	<p>NO</p> <p>YES if legal services provided</p>

APPENDIX B

Interim Measures to Protect Safety and Well-Being

Following a report of sexual assault, sexual harassment or other sexual misconduct, the University will provide interim support and reasonable protection against further acts of misconduct, harassment, or retaliation as needed, as well as provide services and resources to provide a safe educational and employment environment. For a listing of services and resources, see Appendix A above. These interim measures are available regardless of whether the Complainant chooses to report to Public Safety or the police department with jurisdiction.

Individuals seeking such assistance should speak with the Sexual Assault Resource Coordinator on call, the Assistant Dean of Students, or the Title IX Coordinator or a Deputy Coordinator. The University will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

The University will determine the necessity and scope of any interim measures pending the completion of the complaint process. Even when a Complainant or Respondent does not specifically request that protective action be taken, the University may still choose to impose interim measures at its discretion to ensure the safety of any individual, the broader University community, or the integrity of the review process, or for any other lawful reason. The University will maintain as confidential any interim measures taken to the extent maintaining such confidentiality would not impair the ability to provide the measures.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take prompt responsive action to enforce a previously implemented interim measure.

The University may impose any interim measures that can be tailored to achieve the goals of this Policy, even if not specifically listed here. The range of interim measures includes, but is not limited to:

1. **No Contact Order:** The Complainant or Respondent may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications.

An individual may also seek a protection/anti-harassment order from the local court of the Commonwealth of Pennsylvania. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.

2. **Escort:** The University may provide an escort to a Complainant to ensure safe movement between classes and activities.
3. **Academic, Employment, Living or Transportation Arrangements:** A Complainant or Respondent may request a reasonable change in his/her own academic, employment, living or transportation arrangements after a report of sexual assault, sexual harassment, or other sexual misconduct by speaking with the Sexual Assault Resource Coordinator, Respondent Resource Coordinator, the Assistant Dean of Students, or the Title IX Coordinator or a Deputy Coordinator. A request for an employment change in the case of sexual harassment where the Respondent is an employee may also be directed to the Sexual Harassment Complaint Officer or the Office of Human Resources. Upon request the University will inform the Complainant or Respondent of the options and will accommodate the request if those changes are reasonably available. In some cases the University may initiate these changes without a request. These

may include a change in class or work schedule, a change in living accommodations, academic accommodations, and/or a voluntary leave of absence.

4. **Emotional Support:** The University will assist in providing counseling services through the University Counseling Center or will assist in providing a referral to off-campus support agencies.
5. **Support for the Respondent:** A University Respondent Resource Coordinator is available to provide information on resources for students accused of sexual assault, sexual harassment, or other sexual misconduct. The Respondent Resource Coordinator will assist a Respondent with: obtaining emotional support through counseling; navigating the disciplinary process; and assisting with other questions and concerns. The Respondent Resource Coordinator team do not act as legal counsel and generally are unable to serve as Advisors in University disciplinary proceedings.
6. **Interim Suspension:** To provide for the safety of any individual or the broader campus community, or for any other lawful purpose, the University may suspend a Respondent on an interim basis. For students, the applicable provisions of the Code of Student Conduct shall apply.

APPENDIX C

Title IX Notice

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual assault and other sexual misconduct, is a form of sex discrimination. Under the University Sexual Assault, Sexual Harassment and Sexual Misconduct Policy, the University prohibits sexual harassment, sexual assault, sexual exploitation, stalking and retaliation. Title IX and the University’s Policy also applies to acts of domestic or dating violence, also known as intimate partner violence. As a recipient of federal funds, Villanova University complies with Title IX and has appointed Ryan Rost as its Title IX Coordinator with overall responsibility for Title IX compliance. Ryan can be reached at 204 Tolentine Hall, (610) 519-8805, ryan.rost@villanova.edu.

Any student, employee or applicant for employment or admission to the University who believes that he or she has been discriminated against on the basis of sex, in violation of Title IX, or has been a victim of sexual assault, sexual harassment or other sexual misconduct, may file a complaint with the Title IX Coordinator or Deputy Coordinator designated below. The Title IX Coordinator or Deputy Coordinator will assist the complainant in identifying the appropriate University policy (with its grievance procedure) to resolve the complaint in a prompt and equitable manner. The Title IX Coordinator or Deputy Coordinator may consult with other Villanova administrators, as needed, to resolve the complaint in the most effective manner.

The Title IX Coordinator is supported by several Deputy Title IX Coordinators, all of whom are knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment or other sexual misconduct, as well as University policy and procedure.

Ryan Rost | Title IX Coordinator

204 Tolentine Hall | (610) 519-8805 | ryan.rost@villanova.edu

Kim Carter | Deputy Title IX Coordinator

Title IX Investigator

Garey Hall | (484) 343-6926 | kim.carter@villanova.edu

Kathleen Byrnes | Deputy Title IX Coordinator

Associate Vice President for Student Life and Sexual Harassment Complaint Officer

202 Dougherty Hall | (610) 519-4550 | kathleen.byrnes@villanova.edu

Albert Baladez | Deputy Title IX Coordinator

Human Resources

Director, Employee Relations and Compliance

105F St. Mary’s Hall | (610) 519-4238 | albert.baladez@villanova.edu

Lynn Tighe | Deputy Title IX Coordinator for Athletics

Senior Associate Athletic Director for Administration


Field House, Second Floor | (610) 519-4121 | lynn.tighe@villanova.edu

APPENDIX D

SEXUAL ASSAULT, SEXUAL HARASSMENT, AND OTHER SEXUAL MISCONDUCT PREVENTION AND EDUCATION EFFORTS

Villanova University is committed to the prevention of sexual assault, sexual harassment, and other sexual misconduct. Throughout the year, programs and campaigns designed to promote a healthy campus culture and strategies to prevent sexual violence are presented by a variety of campus resources including New Student Orientation, Health Promotion, peer educators and other Villanova students, and Public Safety. The University also promotes participation of student groups in all of its health promotion and prevention efforts, through training provided in Residence Life, Athletics, NROTC, and the Office of Fraternity and Sorority Life, among others. The following are ongoing health promotion and prevention campaigns and programs currently offered or planned for this academic year:

INITIATIVE	AUDIENCE	FREQUENCY
Haven: online course required of all incoming undergraduate students; includes customized information (Villanova policies, processes & procedures; custom videos delivered by Title IX Coordinator(s), SARC team member(s), POWER peer educators and student leaders, faculty, and Counseling Center representatives; and all campus resources and services related to sexual violence, including prevention initiatives)	100% of incoming undergraduate students	Annual (pre-matriculation)
Moments that Matter: video presentation (part of New Student Orientation program) delivered by current Villanova students, faculty and staff with follow-up discussion (led by Orientation Counselors) focused on high-risk alcohol use and sexual violence, with a particular focus on safe and effective bystander intervention skills and campus resources	First year students	Annual at New Student Orientation
Sexual Violence Resource Brochure: brochure highlighting Villanova policy and Pennsylvania law regarding sexual violence; campus and community resources; general information about sexual violence on college campuses; safe and effective bystander intervention strategies	All first year students receive a copy at New Student Orientation; all upperclassmen residential students receive one hard copy per room at the “community of respect” floor meeting; all graduate, law and upperclassmen also receive e-copies of the brochure (to account for students living off campus); print copies available in key offices	Annual
Sexual Violence Resource Bathroom Flyer: posted in every residence hall bathroom with all contact information for sexual violence-related resources and services; denoting places to report, confidential support, 24/7 resources, and how to get involved	All residential students	Year-round
Wildcat Newswire Sexual Violence Resource Highlight: short description of a resource	All undergraduate, graduate and law students	Weekly, when classes are in session

INITIATIVE	AUDIENCE	FREQUENCY
related to sexual violence, how to access the resource, and what reasons a student might access a particular resource		
Did You Know? e-mail: outlines the protections and rights enjoyed as a result of various Villanova policies, federal law, and reinforcement of existing resources around a variety of areas (e.g., Code of Student Conduct, academic policies, Title IX)	All undergraduate, graduate and law students	Periodically throughout the academic year
<p>Where is the Love? #itsonusnova campaign: We believe that love (caritas) is essential to the life of our community. It is in the caring of self and others that make us strive to our fullest potential. Throughout the year the Where is the Love? #itsonusnova logo (see below) indicates how to extend an unconditional hand of friendship to each other as well as how to keep ourselves healthy and safe. The General Where is the Love? campaign provides information on a variety of health-related issues but #itsonusnova focuses on and sexual violence related issues and how to safely and effectively intervene to prevent them.</p> <p>In 2016-2017, Villanova debuted four Public Service Announcements (one of which was facilitated by Athletics and shown at men’s and women’s basketball home games; three of which debuted as part of larger institutional efforts during Healthy Relationships Month and Sexual Assault Awareness Month. To view three of these PSAs, visit: http://www1.villanova.edu/villanova/studentlife/health/promotion/love.html/</p> 	All undergraduate students; any followers of the #itsonusnova social media accounts (Facebook, Twitter and Instagram)	Year-round

INITIATIVE	AUDIENCE	FREQUENCY
<p>Where is the Love? bystander intervention training around situations of concern (e.g., alcohol poisoning and sexual violence), understanding consent, understanding how alcohol is involved in most incidents of sexual violence, safe and effective ways to intervene in situations involving alcohol and/or sexual assault, and resources on campus for survivors; facilitated by Health Promotion staff, Title IX Coordinator, and a group of adjunct facilitators in Residence Life, Fraternity & Sorority Life, Campus Ministry, and Athletics.</p>	<p>The following students are trained: ALL new fraternity and sorority members; ALL first-year student athletes; ALL New Student Orientation Staff; ALL Healthy Living Learning Community students; Blue Key Society and Ambassadors; students involved in Music Activities; and any interested students and student groups.</p>	<p>Year-round</p>
<p>Healthy Relationships Awareness Month (February): activities and information related to maintaining healthy relationships, to include identifying signs of an unhealthy or violent relationship, how to help a friend in an unhealthy relationship, and related issues</p> <p>In addition to varying programs each year, a PSA on consent debuted in February 2017 and was shared on all #itsonusnova social media platforms and in Campus Currents and Wildcat Newswire. You can view the PSA (and others) here: http://www1.villanova.edu/villanova/studentlife/health/promotion/love.html</p>	<p>Open to all students</p>	<p>Annual</p>
<p>Policy Panel Series: fall programming series featuring key campus experts related to the University's alcohol policy and sexual violence policy; the sexual violence policy specifically features the Dean of Students office, a SARC team member, Title IX Coordinator (or deputy) and Public Safety</p>	<p>Open to all students, faculty, and staff</p>	<p>Annual</p>
<p>Bulletin Board Series: series of bulletin board displays available for Resident Assistants to post in their residence halls at any point in the academic year; currently available for use at any time are bulletin board packets on the topics of stalking, dating and domestic violence, Villanova's policy on sexual violence, SAVUR app, and bystander intervention</p>	<p>Residential undergraduate students</p>	<p>Year-round</p>

INITIATIVE	AUDIENCE	FREQUENCY
<p>Sexual Assault Awareness Month (April): activities and information related to sexual assault, to include how to help a survivor of sexual assault, resource awareness, and risk reduction strategies for perpetration and victimization</p> <p>In addition to varying programs each year, two PSAs, one on supporting survivors and one focused on men preventing sexual violence debuted in April 2017 and was shared on all #itsonusnova social media platforms and in Campus Currents and Wildcat Newswire. You can view these PSAs (and others) here: http://www1.villanova.edu/villanova/studentlife/health/promotion/love.html</p>	<p>Open to all students</p>	<p>Annual</p>
<p>Stall Street Journal toilet stall & Student Health 101 e-publication: publication featuring tips and strategies related to a variety of student health issues, including sexual violence, relationships, consent, bystander intervention strategies, and resources related to sexual violence; provides a companion parent/faculty/staff-friendly version of each student publication each month; every <i>Student Health 101</i> issue features sexual violence-related article</p>	<p>All undergraduate students, graduate students, and law students; all faculty, staff and parents</p>	<p>Monthly (with the exception of the summer months – one issue posted from June-July)</p>
<p>Sexual Assault Villanova University Resource (SAVUR) smartphone.app: comprehensive and customized app with all Villanova and local community resources and services related to sexual violence, including GPS functionality and direct dialing to all denoted resources; links to all online publications and policies and comprehensive Web site: www.villanova.edu/sexualassault</p>	<p>Anyone with a smartphone</p>	<p>Year-round</p>

INITIATIVE	AUDIENCE	FREQUENCY
<p>Social media outreach: through the use of Facebook, Twitter, and Instagram accounts, social media featuring scheduled messaging around bystander intervention, campus and community resources, and a series of messages to raise awareness about policies and resources. The following social media accounts post regularly (e.g., It's On Us) and/or periodic content (e.g., POWER) related to sexual violence.</p> <p>It's On Us Nova Facebook, Twitter & Instagram accounts POWER Facebook & Instagram accounts Health Promotion Facebook & Instagram accounts Student Health 101 Facebook & Twitter pages</p>	<p>Anyone who follows these accounts</p>	<p>Year-round</p>
<p>Web resources & materials: one comprehensive Web site links to all relevant sites, policies, and information and also serves as the hub for sexual violence-related information and resources www.villanova.edu/sexualassault</p>	<p>ALL external and internal constituencies have access to this Web site and those that link to/from this site</p>	<p>Reviewed and updated annually and/or as information becomes available or necessary to post</p>
<p>Sexual harassment and sexual violence prevention on-line training module</p>	<p>Mandatory for all employees</p>	<p>Year-round with all new hires; periodically for current employees</p>
<p>POWER peer education training & programming: Trained undergraduate students provide programs by request to any student organization, most often by Resident Assistants, Greek organizations, athletes, and ROTC; sexual violence programming is available by request, along with programs regarding alcohol and other drugs, sexual health, and nutrition and fitness</p>	<p>All POWER peer educators receive training related to sexual violence provided jointly by the Title IX Coordinator and go through Where is the Love? Bystander intervention training; they are supervised by a trained SARC team member/Health Promotion staff member</p>	<p>POWER peer educator training occurs every semester; POWER programs are presented by request, when classes are in session</p>
<p>Residence hall floor meeting discussion: RA-facilitated floor meeting focused on building community which includes specific information about sexual violence on college campuses, along with campus and community resources; includes distribution of the sexual violence resource brochure to all upperclassmen residents</p>	<p>All residential students</p>	<p>Annual each Fall semester</p>

INITIATIVE	AUDIENCE	FREQUENCY
<p>Small group social norms: this approach is typically conducted with high-risk groups of students and aims to correct group misperceptions of student alcohol use and sexual violence; data are presented to students to demonstrate discrepancies between perceived and actual group norms; participants are encouraged to examine their personal perceptions and behaviors compared with the actual norms</p>	<p>All fraternity and sorority students participate in the ACHA-NCHA and Chapter reports are generated to demonstrate Chapter trends around a variety of health issues, including alcohol use and sexual violence; these data are used to inform prevention efforts on a Chapter level with every fraternity and sorority</p>	<p>Survey conducted every three years; action plan is ongoing over the course of the three years between surveys</p>
<p>National College Health Assessment (ACHA-NCHA): nationally recognized research survey collecting precise data about student health habits, behaviors, and perceptions; Villanova participates in this survey, along with over 450 colleges and universities annually</p>	<p>Offer to random sample of undergraduate students, as determined by the Office of Planning and Institutional Research (OPIR)</p>	<p>Bi-annually on odd years</p>
<p>Villanova University Climate Survey: reliable and validated climate survey piloted and provided by EverFi©; measures general campus climate; perceptions of leadership, policies, and reporting; experiences of sexual violence, stalking and relationship violence; readiness to help; bystander confidence; bystander norms; bystander behaviors; and rape myth acceptance</p>	<p>All undergraduate students invited to participate in October 2015</p>	<p>Every four years; focus groups to be facilitated during the years between surveys</p>
<p>Faculty Programs – New Faculty Orientation & Teaching and Learning Strategies Program: University Compliance Office, General Counsel, Student Life, Environmental Health and Safety and Athletics work closely with Villanova Institute for Teaching and Learning (VITAL) to facilitate case study discussions on legal issues and policies pertaining to faculty’s instructional role. Sexual harassment, sexual assault and mandatory reporting policies are reviewed in addition to campus resources and reporting procedures.</p>	<p>Offered to new faculty at Orientation and to any faculty attending Teaching and Learning Strategies Program</p>	<p>Annually</p>
<p>Law School Orientation: Presentation on Villanova policies, processes, procedures and campus resources/services related to sexual violence and other Title IX related issues.</p>	<p>Required of all first year law students</p>	<p>Annually</p>

APPENDIX E

PENNSYLVANIA STATE LAW DEFINITIONS

Pennsylvania State law defines specific crimes, including sexual assault, as set forth below. **These definitions are provided as a reference. The Pennsylvania Crimes Code applies to criminal complaints whereas the definitions set forth in Section II.A. apply to Villanova's Policy.**

§ 3124.1. Sexual assault.

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 deviate sexual intercourse with a complainant without the complainant's consent.

§ 3121. Rape.

- (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.
- (b) **Rape of a child.**--A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.
- (c) **Rape of a child with serious bodily injury.**--A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

§ 3122.1. Statutory sexual assault.

- (a) Felony of the second degree.--Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:
- (1) four years older but less than eight years older than the complainant; or
 - (2) eight years older but less than 11 years older than the complainant.
- (b) Felony of the first degree.--A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older

than the complainant and the complainant and the person are not married to each other.

§ 3123. Involuntary deviate sexual intercourse.

- (a) Offense defined.--A person commits a felony of the first degree when the person engages in deviate 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 him or her incapable of consent; or
 - (6) (Deleted by amendment).
 - (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.
- (b) Involuntary deviate sexual intercourse with a child.--A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.
- (c) Involuntary deviate sexual intercourse with a child with serious bodily injury.--A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

§ 3125. Aggravated indecent assault.

- (a) Offenses defined.--Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:
- (1) the person does so without the complainant's consent;
 - (2) the person does so by forcible compulsion;
 - (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
 - (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
 - (5) 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;

- (6) the complainant suffers from a mental disability which renders him or her incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

(b) Aggravated indecent assault of a child.--A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

§ 3126. Indecent assault.

(a) Offense defined.--A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) 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;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

§ 4302. Incest.

(a) General rule.--Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.

(b) Incest of a minor.--A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and:

- (1) is under the age of 13 years; or
- (2) is 13 to 18 years of age and the person is four or more years older than the complainant.

(c) Relationships.--The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

§ 2709.1. Stalking.

- (a) Offense defined.--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.
- (b) Venue.—
- (1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
 - (2) 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.
- (c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"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.

"Emotional distress." A temporary or permanent state of mental anguish.

"Family or household member." 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.

DOMESTIC VIOLENCE AND DATING VIOLENCE

The Pennsylvania Crimes Code does not define "Dating Violence" or "Domestic Violence," but does provide the following "General Rule" regarding probable cause for arrest in domestic violence cases. This "probable cause" standard is different from the standard set forth in this policy, which requires a preponderance of the evidence.

The Pennsylvania Crimes Code states:

§ 2711. Probable cause arrests in domestic violence cases.

- (a) General rule.--A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term "family or household member" has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

SEXUAL VIOLENCE

42 Pa.C.S. §62A03

Conduct constituting a crime under any of the following provisions between persons who are not family or household members:

18 Pa. C.S. Ch. 31 (relating to sexual offenses), except 18 Pa. C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

18 Pa. C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

18 Pa. C.S. § 6301 (a) (1) (ii) (relating to corruption of minors).

18 Pa. C.S. § 6312 (b) (relating to sexual abuse of children).

18 Pa. C.S. § 6318 (relating to unlawful contact with minor).

18 Pa. C.S. § 6320 (relating to sexual exploitation of children).

CONSENT

"Consent" is not specifically defined as related to sexual activity. However, it is defined in the Crimes Code as follows:

§ 311. Consent.

- (a) General rule.--The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.
- (b) Consent to bodily injury.--When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:
- (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
 - (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).
- (c) Ineffective consent.--Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

- (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
- (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.