

Saint Charles Borromeo Seminary

Policy Against Sexual Violence, Sexual Harassment and Stalking

Introduction

Saint Charles Borromeo Seminary (“SCS”) is committed to promoting a safe and healthy environment for all members of its community. All students, faculty, staff and visitors have the intrinsic right to remain free from any form of sexual violence, sexual harassment and stalking at all times, but especially while on SCS property. SCS considers any form of sexual violence, sexual harassment and stalking, and any attempt to commit such acts, to be serious misconduct that may result in disciplinary action up to and including expulsion or termination of employment. In addition, acts of sexual violence, sexual harassment and stalking could violate federal, state and local laws, and perpetrators of such acts may be subject to criminal prosecution.

SCS has adopted this policy against sexual violence, sexual harassment and stalking (“Policy”) in order to educate its students, faculty, staff and visitors about the various forms of sexual violence, sexual harassment and stalking, and to prevent any such acts from taking place on campus or involving members of the SCS community. This Policy outlines the steps SCS takes to prevent and respond to any incidents of sexual violence, sexual harassment and stalking that occur within the campus community.

Prohibited Conduct and Definitions

SCS prohibits any form of sexual violence, sexual harassment and stalking from taking place on its campus.

- A. **Sexual Violence** can take many forms and includes a range of behaviors in which an act of a sexual nature is taken against another person without the individual's consent or when the individual is unable to consent. Examples of sexual violence include, but are not limited to: sexual assault, rape and sexual exploitation.
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- **Sexual Assault** is defined as having committed, or attempting to commit, any physical sexual contact through the use or threat of force, violence or any other form of coercion or intimidation. Sexual assault may also include physical sexual contact with an individual who cannot provide consent to engage in the contact due to incapacity or mental or physical impairment. An individual may be considered “incapacitated” or “impaired” if s/he is under the influence of alcohol or drugs or is too young to consent to the sexual contact.
 - **Rape** is a form of sexual assault that involves the forced penetration of another person’s oral, anal or genital opening with a body part or any object.

- **Sexual Exploitation** is an act or omission to act involving one person taking sexual advantage of another person in a non-consensual, unjust, humiliating or abusive manner, for the benefit of himself or for another individual, but not for the benefit of the victim.

Consent to any sexual contact must be explicitly communicated, through words or actions, by all parties involved. Consent must be informed, voluntarily and freely given by all parties. Consent may not be inferred from an individual's silence, passivity or lack of resistance, but instead must consist of an outward demonstration that an individual has freely chosen to engage in the sexual contact. Consent to any sexual contact may not be obtained through any form of coercion, intimidation and/or harassment.

An individual's consent to one form of sexual activity does not mean that s/he consents to other forms of sexual activity, nor does a current or previous dating, marital, or sexual relationship mean that an individual consents to any additional sexual activity. Assent shall not constitute consent if it is given by a person who because of youth, physical or mental disability, intoxication or other condition is unable to lawfully provide consent.

- B. **Sexual Harassment** consists of any form of unwelcome sexual conduct, including sexual advances, requests for sexual favors or any other behavior that is of a sexual nature. An individual engages in sexual harassment when s/he makes submission to such sexual conduct a term or condition of another person's employment and/or education. Sexual harassment encompasses sexual conduct that unreasonably interferes with a person's professional and/or academic performance, or creates a hostile work and/or learning environment for the individual.
- C. **Stalking** is when an individual engages in a repeated course of conduct that is directed at specific person(s) that would cause a reasonable person to fear for his or her safety or the safety of others, and/or suffer significant emotional distress. Stalking may be conducted face-to-face or through the use of electronic means such as email, the internet, social media, cellular telephones, blogs, or other similar applications and/or devices.

Reporting Procedures

If you feel that you have been the victim of sexual violence, sexual harassment and/or stalking, then you are strongly encouraged to report the incident to the SCS Department of Safety and Security at 610-785-6238 immediately. Victims of sexual violence, sexual harassment and/or stalking are also strongly encouraged to preserve any evidence related to the incident. SCS encourages and recommends that all victims of sexual violence, sexual harassment and/or stalking to report the incident(s) to local law enforcement or to the District Attorney in the county in which the unlawful act took place.

All SCS employees who bear a responsibility for student welfare and/or who are in a position of authority are required to report any incident of sexual violence, sexual harassment and/or stalking that involves a SCS student, employee, faculty member or visitor to the Director of Security who will refer it to the Director of Investigations for the Archdiocese, whether or not the alleged act took place on or off campus. This reporting requirement does not apply if the

individual who learns of the alleged incident is required to maintain the confidentiality of the communication by law. Additionally, employees who have been advised that they are considered “campus security authorities” under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) are also required to report any such incidents to the Department of Safety and Security.

All SCS personnel are expected to comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in any investigation that follows from the making of such a report. SCS expressly prohibits retaliation against any individual who makes a good faith report of suspected child abuse or neglect in accordance with this policy and applicable state law. In addition to mandatory reporting required by Pennsylvania law, all SCS personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Archdiocese of Philadelphia's Director of Investigations, unless the information is received by a priest within the Sacrament of Reconciliation. Other clerics and religious working at the SCS are expected to cooperate with the process. The Archdiocese shall take all appropriate steps to protect the good name and reputation of all persons involved in this process.

- a) Child abuse consists of a variety of wrongful acts committed upon children that include but are not limited to sexual abuse, physical injury, mental injury, and neglect. The term “child abuse” as used in this Policy shall have the same definition as set forth in the Pennsylvania Child Protective Services Law. See 23 Pa.C.S. §§ 6303 and 6304.
- b) A child is any individual under the age of 18. In all cases of suspected child abuse, mandated reporters, as defined below, are required to report the suspected abuse to ChildLine, the 24-hour statewide system operated by the Pennsylvania Department of Public Welfare to receive such reports (**1-800-932-0313**) (toll free). In addition to the telephonic report, a CY 47 form must be submitted to the Children and Youth services in the county where the suspected abuse occurred within 48-hours of making any report to ChildLine.
 - *In **all cases** of suspected child abuse, Pennsylvania law and Archdiocesan policy state that mandated reporters are required to:*
 - Immediately call ChildLine toll free at **1-800-932-0313**.
 - Within 48-hours of the telephonic report, submit a CY 47 (Appendix F) to the Children and Youth services in the county where the suspected abuse occurred. A CY-47 may be completed electronically at <https://www.compass.state.pa.us/CWIS>
 - Notify the person in charge of the institution, unless that person is the suspected abuser. If the person in charge of the institution is the suspected abuser, then the mandated reporter must contact the Archdiocesan Office of Investigations toll free at 1-888-930-9010.

In cases where the suspected abuser is a member of the clergy or is a Church official, employee or volunteer:

- Immediately Call ChildLine toll free at **1-800-932-0313**.
- Within 48-hours of the telephonic report, submit a CY 47 (Appendix F) to the Children and Youth services in the county where the suspected abuse occurred. A CY-47 may be completed electronically at <https://www.compass.state.pa.us/CWIS>
- Notify the person in charge of the institution, unless they are the suspected abuser.
- The person in charge of the institution must notify the Archdiocesan Office of Investigations toll free at 1-888-930-9010. If the person in charge of the institution is the suspected abuser the mandated reporter must contact the Office of Investigations.

You may also contact the Office of Investigations by writing to:

Office of the Director of Investigations
222 North 17th Street
Philadelphia, PA 19103

It is Archdiocesan policy to immediately refer any conduct that could constitute a crime (such as suspected child abuse) to law enforcement. Victims reporting abuse will be assigned a Victim Assistance Coordinator to work with them who will explain available mental health services.

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- c) Mandated reporters.--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse¹:
- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
 - (2) A medical examiner, coroner or funeral director.
 - (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
 - (4) A school employee.

¹ 23 Pa.C.S. § 6311(a).

- (5) An employee of a child-care service who has direct contact with children in the course of employment.
 - (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
 - (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
 - (8) An employee of a social services agency who has direct contact with children in the course of employment.
 - (9) A peace officer or law enforcement official.
 - (10) An emergency medical services provider certified by the Department of Health.
 - (11) An employee of a public library who has direct contact with children in the course of employment.
 - (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
 - (13) An independent contractor.
 - (14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
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- (15) A foster parent.

If any other member of the SCS community, such as students or visitors, learns of such an incident involving a minor, they are also encouraged to report the matter to ChildLine. This reporting requirement does not apply where the SCS employee is a priest and he learned about the alleged abuse in the course of a confidential communication.

The Department of Safety and Security will take every measure possible to ensure that it responds to all complaints of sexual violence, sexual harassment and/or stalking promptly and thoroughly. Any individual who feels that his or her complaint did not receive a prompt and/or adequate response should contact the Office or the Rector at (610) 785-6200.

Rights of Complainants and Confidentiality

At the time a report is made to SCS, the complaint need not specify the course of action that s/he wishes SCS to take in response to his or her complaint. SCS supports a complainant's right to report an alleged incident of sexual violence, sexual harassment and/or stalking to either the Department of Safety and Security or local law enforcement. SCS is committed to providing the complainant with an environment in which s/he feels safe and free to make an informed choice among the available options and services. As such, complainants may contact SCS counselors, clergy and/or health care personnel who will respect the complainant's confidentiality and anonymity in accordance with their professions and to the extent permitted by law.

When a complaint of sexual violence, sexual harassment and/or stalking is made, SCS will make every effort to maintain the confidentiality of the complainant to the extent permitted by law. While SCS may be able to maintain the confidentiality of the complainant in some instances, it may be required to disclose the fact that such an incident took place for statistical reporting in accordance with the requirements of the Clery Act and other applicable laws. Complainants should be aware that their desire to maintain confidentiality may limit SCS's ability to conduct a thorough investigation, and to pursue disciplinary action against the alleged perpetrator.

Policy Against Retaliation and Making of False Reports

SCS expressly prohibits retaliation against any student, faculty, staff and/or visitor who makes a good faith report of sexual violence, sexual harassment and/or stalking in violation of this Policy. Members of the campus community who take any adverse action against, intimidate, threaten or otherwise engage in any act of retaliation against someone who has made a good faith report under this Policy will be subject to disciplinary action, up to and including termination of their employment or expulsion from SCS.

Additionally, SCS prohibits members of the campus community from making a false report of a violation of this Policy. Members of the campus community who knowingly and intentionally make a false report of an alleged act of sexual violence, sexual harassment and/or stalking in violation of this Policy will be subject to disciplinary action, up to and including termination of their employment or expulsion from SCS.

Resources for Victims of Sexual Violence, Sexual Harassment and Stalking

SCS Department of Safety and Security	610-785-6238
Office of the Rector	610-785-6200
ChildLine	800-932-0313
Lower Merion Police Department	610-649-1000

Victim's Assistance Unit, Montgomery County District Attorney	610-278-3144
Montgomery County Rape Crisis Hotline	610-277-5200 888-521-0983
Montgomery County Office of Children and Youth	610-278-5800
Women's Center of Montgomery County	800-773-2424

Acknowledgment of the Saint Charles Borromeo Seminary
Policy against Sexual Violence, Sexual Harassment and Stalking

I acknowledge that I have received a copy of the Saint Charles Borromeo Seminary Policy against Sexual Violence, Sexual Harassment and Stalking. I also acknowledge that I have read the policy, have been given the opportunity to ask questions about the policy, and understand its contents.

PRINT NAME

SIGNATURE

DATE