

TITLE IX: Sex Discrimination

FOR REPORTING AND RESOURCES



TITLE IX COORDINATOR
Amy Salsgiver
EXECUTIVE DIRECTOR OF EQUITY AND TITLE IX
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What is Sex Discrimination?

Sex Discrimination is discrimination on the basis of sex that includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This includes discrimination based on perceived identity whether that perception is accurate or not. Sex-Based Harassment is a form of Sex Discrimination.

SEX-BASED HARASSMENT

Sex-Based Harassment is a form of Sex Discrimination, which includes Sexual Harassment and other harassment on the basis of sex.

SEXUAL MISCONDUCT DEFINITIONS

1. **Quid Pro Quo Harassment** – An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. **Hostile Environment Harassment** – Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the Complainant's ability to access the University's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other Sex-Based Harassment in the University's education program or activity; or
 - f. Specific sexual offenses including: 1) Sexual Assault, both forcible and nonforcible sex offenses; 2) Dating Violence; 3) Domestic Violence; and 4) Stalking.

3. **Sexual Assault** – An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as Forcible and Nonforcible Sex Offenses.
- a. **Sex Offenses Forcible** – Any sexual act directed against the Complainant without the Consent of the Complainant including instances where the Complainant is incapable of giving Consent; including the following:
 - i. **Forcible Rape** – Vaginal sexual intercourse with the Complainant without the Complainant’s Consent.
 - ii. **Forcible Sodomy** – Oral or anal sexual intercourse with the Complainant without the Complainant’s Consent.
 - iii. **Sexual Assault With An Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant without the Complainant’s Consent.
 - iv. **Forcible Fondling** – The touching of the private body parts of the Complainant for the purpose of sexual gratification without the Complainant’s Consent.
 - b. **Sex Offenses, Nonforcible** – Unlawful, nonforcible sexual intercourse, including the following:
 - i. **Incest** – Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
 - ii. **Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent. The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual statute, 18 Pa.C.S.A. § 3124.2.
 - c. **Dating Violence** – 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 will be determined based on a consideration of the length and type of relationship and the frequency of interaction between the parties involved in the relationship.
 - d. **Domestic Violence** – Violence committed by a person who:
 - i. Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the Complainant;
 - ii. Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
 - iii. Shares a child in common with the Complainant; or

- iv. Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 - e. **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.
4. **Retaliation** – Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit or service under the University’s education program or activity, (a) for the purpose of interfering with any right or privilege secured by Title IX, or (b) because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and any other actions taken by the University.

Peer Retaliation is retaliation by a student against another student.

Nothing precludes the University from requiring an employee or other person authorized by the University to provide aid, benefit or service under the University’s education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

5. **Consent** – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. In order to be valid, Consent must be knowing, voluntary, active, present and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination.

When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

6. **Pregnancy or Related Conditions** – Includes: 1) pregnancy, childbirth, termination of pregnancy, or lactation; 2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or 3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related conditions.

7. **Sex Characteristics** – A person’s anatomy, hormones, and chromosomes associated with male or female bodies.
8. **Sex Stereotypes** – Fixed or generalized expectations regarding a person’s aptitudes, behavior, self-presentation, or other attributes based on sex.
9. **Gender Identity** – An individual’s sense of their gender, which may or may not be different from their sex assigned at birth.

^[1] The text of Chapter 31 of the Pennsylvania Crimes Code is available at <https://bit.ly/305G9pu>

If You Have Experienced Sexual Violence, Interpersonal Violence or Stalking

IMMEDIATE STEPS

Contact the police, who can put you in touch with resources, coordinate medical attention if necessary, and collect physical evidence of the crime for possible criminal prosecution if you choose to pursue criminal charges (even if this is determined later, the collection of evidence is important for presentation of the case).



Get more info

If you do not wish to contact the police immediately, it is suggested that you do the following:

- Go to a safe place. Your community assistant’s room, a friend’s room, or any open offices on campus.
- Seek medical attention, if needed.
- Call someone you trust. A friend, family member, or advocate are good resources. You do not have to go through this alone.
- Preserve evidence. After sexual violence, do not shower until you have considered whether to have a no-cost forensic sexual assault examination at the hospital and save the clothes you were wearing (unwashed) in a paper or cloth bag. After sexual violence, interpersonal violence or stalking, take photos of any damage or injury and keep communication records.

WITHIN 24 HOURS

- Seek out confidential support. You may want to turn to a confidential advocate or counselor for support and advice. They will talk with you about your options for additional support services and reporting.
- After unwanted physical contact, get medical attention. A medical provider can check for and treat physical injury, sexually transmitted infections, and pregnancy. You do not need to make a report or press charges to receive medical care.

AT ANY TIME

- Consider making a report. You are encouraged to report what happened to both the police and the Title IX Coordinator, Amy Salsgiver. You can decide how much you would like to participate in any investigation process.
- PennWest California can help. Campus-based resources can help you with supportive measures such as changes to your housing, classes, work and more. You do not need to make a report or press charges to receive help from PennWest California.

PennWest California's Commitment to a Safe and Supportive Community

PennWest California is committed to creating and maintaining a campus environment free from all forms of Sex Discrimination, including Sex-Based Harassment. All reports are taken with the utmost seriousness.

You are not alone. You do not have to make a report or press criminal charges to receive medical and academic support. The resources listed in this brochure, for both on and off campus, can help.

EMPLOYEE REPORTING

Under our Sex Discrimination and Sex-Based Harassment Policy, most employees who witness or receive a report of sexual violence, interpersonal violence, or stalking must report the incident to the Title IX Coordinator. Exceptions include employees in the Health and Wellness Center as listed in the Sex Discrimination and Sex-Based Harassment Policy.

Under the Clery Act, many employees also have a duty under federal law to report crimes to Pennsylvania Western University Police. The report includes the date, time and place of the incident; the report does not require the identity of the reporting party should they wish to remain anonymous.

Reporting and Investigating

Individuals reporting sex discrimination are strongly encouraged to make a report to both the police and the Title IX Coordinator for assistance and investigation.

Reporting can help to ensure the safety of the reporting party and the campus community. Reporting parties may choose not to participate further in any internal University investigation. Reports to PennWest California Police are investigated and the survivor has the option for the police to stop the criminal investigation of the accused at any time.

PENNWEST CALIFORNIA POLICE

Available 24 hours a day, 7 days a week

Building B, 420 Hickory St.

724-938-4299 or 911

- PennWest California Police are responsible for all criminal investigations for on-campus crimes.
- State or local police are responsible for investigations for off-campus crimes.
- If you are unsure where to call, start with PennWest California Police.

TITLE IX

Title IX Intake

408 Dixon Hall (California Campus)

724-938-5758

Title IX Coordinator

423 Becht Hall (Clarion Campus)

814-393-2109

- Investigates Student Code of Conduct violations through the Dean of Students Office when the responding party is a PennWest student.
- Investigates incidents that occur on campus (California, Clarion, Edinboro) which fit the definition for a Title IX complaint.
- All other reports involving unwanted or unwelcomed acts of a sexual nature falling outside the purview of the Title IX process, and involving students, will be referred to the student conduct process to be investigated and addressed under the Student Code of Conduct.
- Students and employees who violate University policies and conduct codes may be subject to discipline as outlined in the Student Code of Conduct or applicable University policies and procedures.

CONFIDENTIAL RESOURCES (ON CAMPUS)

HEALTH AND WELLNESS CENTER

Student Health Services

G53 Carter Hall

724-938-4232

Counseling Center

G53 Carter Hall

724-938-4056

- Provides medical care for reporting parties as well as counseling services. Health and Wellness Center may also be able to assist connecting a student with off-campus resources.
- While reporting party's conversation with any University employee will be kept private (not shared unnecessarily with others), only a conversation with a confidential resource can be kept confidential (will not be shared with anyone without express consent of the reporting party).

CAMPUS MINISTRY

123 Natali Student Center

724-938-4573

CONFIDENTIAL RESOURCES (OFF CAMPUS)

THE C.A.R.E. CENTER/STARS PROGRAM

75 E. Maiden St., Washington, PA 15301

724-229-5007

Hotline: 1-888-480-7283

DOMESTIC VIOLENCE SERVICES OF SOUTHWESTERN PA

371 Low Hill Rd., Brownsville, PA 15417

724-223-9190 (Washington Co.)

724-852-2463 (Greene Co.)

724-439-9500 (Fayette Co.)

Hotline: 1-800-791-4000

PAAR-PITTSBURGH ACTION AGAINST RAPE

81 S. 19th St., Pittsburgh, PA 15203

412-431-5665

Hotline: 1-866-363-7273

- Respond, educate and advocate to end sexual violence. Provides confidential assistance, advocacy and support in local emergency rooms, legal advocacy, counseling, prevention, outreach and training.

WOMEN'S CENTER & SHELTER OF GREATER PITTSBURGH

412-687-8005

Hotline: 877-338-8255

- Services related to intimate partner violence in the greater Pittsburgh area.

NON-CONFIDENTIAL RESOURCES (ON CAMPUS)

PENNWEST CALIFORNIA POLICE

Building B, 420 Hickory St.

724-938-4299 or 911

TITLE IX COORDINATOR

Amy Salsgiver

423 Becht Hall, Clarion Campus

814-393-2109

OFFICE OF SOCIAL EQUITY

423 Becht Hall, Clarion Campus

814-393-2109

ASSOCIATE DEAN OF STUDENTS

311 Natali Student Center

724-938-4439

Resources

Emergency 911

CAMPUS RESOURCES

PennWest California Police..... 724-938-4299

Counseling Services..... 724-938-4056

Amy Salsgiver
(Title IX Coordinator) 814-393-2109

Health Center724-938-4232

International Programs.....724-938-4404

Associate Dean
of Students.....724-938-4439

Student Accounts.....724-938-4431

Behavioral Intervention
TeamPennWest.edu/cal-bit

MEDICAL AND PSYCHOLOGICAL ASSISTANCE

Mon Valley Hospital..... 724-258-1000

Adagio Health,
Uniontown 724-437-1582

Mon Valley Crisis Hotline 724-225-3584

Southwestern PA Human Services
Crisis Hotline 1-877-225-3567

LEGAL ADVOCACY

Legal Aid..... 724-225-6170

Protection from Abuse Assistance
Washington724-223-8349

OFFENDER RESOURCES

FAACT, Inc. 814-922-4858

Forensic Counseling Services
Washington 724-309-8083

LAW ENFORCEMENT

California Borough
Police 724-938-3233 or 911

PennWest California
Police 724-938-4299 or 911

Pennsylvania State Police
(Belle Vernon)..... 724-929-6262

To learn about sexual misconduct violations and your rights as a student,
visit the Dean of Students website at

PennWest.edu/_resources/docs/about/policies/sa003-student-conduct.pdf.



*This resource was jointly published by the
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Pennsylvania Western University (PennWest California, PennWest Clarion, PennWest Edinboro, PennWest Global Online) is an inclusive and equal opportunity academic community and does not condone any form of unlawful discrimination. For more information, visit PennWest.edu/equity-title-ix. 9/24