

**WILKES-BARRE AREA CAREER AND TECHNICAL CENTER SCHOOL OF  
PRACTICAL NURSING**

**ANTI-HARASSMENT/VIOLENCE AND DISCRIMINATION POLICY**

The Wilkes-Barre Area Career and Technical Center (WBACTC) School of Practical Nursing is committed to providing a work and school environment free of unlawful harassment, violence or discrimination. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, the School prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and the School has jurisdiction over Title IX complaints.

The School's anti-harassment policy applies to all persons involved in the operation of the School, and prohibits unlawful harassment by any employee of the School, as well as students, customers, vendors or anyone who does business with the School. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

**Definitions**

**Sexual Harassment** is defined as unwanted sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature when made by any member of the school staff to a student, or a student to a staff member, or when made by any member of staff to another staff member. Or when:

1. Submission of such conduct is made either explicitly or implicitly, as a term or condition of an individual's employment or education.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or when
3. Such conduct has the purpose of the effect of substantially interfering with an individual's academic or professional performance or creating and intimidating, hostile or offensive employment or education environment.

Sexual harassment, as defined above, may include, but is not limited to the following:

1. Verbal harassment or abuse
2. Pressure for sexual activity
3. Repeated remarks to a person, with sexual or demeaning implications
4. Unwelcome touching
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threat's concerning one's grades, job or the creation of a hostile school climate.

**Sexual Offenses/Violence** is defined as any type of unwanted sexual contact, harassment, or exposure. This can include words and actions of a sexual nature against a person's will.

Sexual violence includes:

1. Rape- the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. Fondling- the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Incest- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape- Sexual intercourse with a person who is under the statutory age of consent.
5. Sexual assault, incest, child sexual assault, date and acquaintance rape, grabbing or groping, sexting without permission, ritual abuse, commercial sexual exploitation, sexual harassment, sexual or homophobic-based bullying, exposure and voyeurism, forced participation in the production or viewing of pornography, or any other unwanted sexual act, coercion; domestic violence; dating violence; and stalking.

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

**Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Sexual Assault** occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

**Stalking** is defined as a repetitive pattern of unwanted, harassing or threatening behavior committed by one person against another. Acts include: telephone harassment, social media, being followed, receiving unwanted gifts, and all other forms of intrusive behavior. It is willful, malicious, and repeated following and harassing of another person that threatens his or her safety.

**Consent** is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

## **Prohibited Conduct**

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or
- it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body.

Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

## **Complaint/Grievance Procedure**

If you believe that you have experienced or witnessed sexual harassment or sexual violence, notify the School Director, Instructor, Class Advisor, Student Services, Human Resources or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related or employee complaints. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved, including witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

### **Title IX and Section 504 Coordinator:**

Dr. Anthony Guariglia

Administrative Director

Wilkes-Barre Area Career and Technical Center

350 Jumper Road

Wilkes-Barre, Pa 18705-0699

Ph. # 570-822-4131

The School ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints can also be filed with an employee's supervisor, these employees also receive training on the School's grievance procedures and any other procedures used for investigating reports of sexual harassment.

### **Investigation of Complaints**

In response to all complaints, the School promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, the School will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning the School will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties may have one other person (including attorney if desired) present at any proceedings or meetings related to alleged offence. Both parties will receive written notice of the outcome of the complaint.

During the investigation, the School will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment or discrimination, including changing a victim's academic situation after an alleged sex offense, and the options for those changes if those changes are requested by the victim and are reasonably available

Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion. Students and Employees have the option to notify appropriate law enforcement agencies, and the school will assist as requested. To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the School's disciplinary process. A law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct and resolve complaints promptly and equitably. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. To the extent that an employee or contract worker is not satisfied with the College's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

### **Retaliation Prohibited**

The School will not retaliate against an individual filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

### **Reporting Requirements**

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status. The school must report, annually, all campus crime incidents.

Under the Violence Against Women Act, colleges and universities are required to:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel

The policy for reporting sexual assault can be found on-line at [www.wbpracnsg.com](http://www.wbpracnsg.com) "Disclosure tab." This tab also offers links to the WBACTC School of Practical Nursing "Jeanne Clery Campus Security Report" which provides three years of data and is updated yearly. Also, on the "disclosure tab" are links to the WBACTC School of Practical Nursing Anti-Harassment /Violence and Discrimination Policy and to various counseling opportunities and educational publications. The Clery report is also updated and made available to each student yearly. This report offers the campus crime statistics for three years prior.

The Clery Act requires that colleges inform students of procedures that victims should follow, such as preservation of evidence and to whom the offenses should be reported. The WBACTC School of Practical Nursing adds that institutional policies must also include information on:

1. Victim's options to, or NOT to, notify and seek assistance from law enforcement and campus authorities
2. Victims' right and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.

If you are a victim of sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Police Department strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault, whether it occurs on or off campus, should be reported to the WBACTC School of Practical Nursing Director. Filing a police report does

not obligate the victim to prosecute, nor will it subject the victim to scrutiny, negative repercussion or judgmental opinions from the School. The School administration will help file a police report, if requested. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing, prior to a medical/legal exam;
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Upon report of an alleged sex offense, the school will investigate immediately with the victim's confidentiality respected. The specifics of the assault and the names of the victim and the offender will be kept confidential to the extent that maintaining such confidentiality would not impair the ability to provide protective measures. The school has mandated protocol in place of reporting all sexual offenses to the School Director. The school will adhere to any legal sanctions or protective measures imposed as a result of a final determination of any sexual assault incidences. The school is also obligated to comply with a student's request for an academic situation change following an alleged sex offense, which includes a change in schedule, protection and precautions that the alleged offender not be permitted to have contact with the victim through classes or lab services.

Victims will also be referred to the appropriate victim's Resource Center for counseling services. Also, a listing of counseling opportunities can be found on the School of Practical Nursing website at [www.wbpracnsg.com](http://www.wbpracnsg.com) and state-wide listings can be found at the following website: <http://www.state.ia.us/government/aidmap/map.html>.

As part of the School's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **Additional Information**

Students may contact the Title IX Coordinator with any questions related to this policy. The school will also provide contacts to counseling, mental health or other services (health, victim advocacy, legal assistance) for victims of discrimination or sex offenses. The school will

also help obtain or enforce a no contact directive or restraining order. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: **<https://www.hhs.gov/ocr/index.html>**

## **RESOURCES**

Victims Resource Center- <https://vrcnepa.org/>

Domestic Violence Service Center- <https://www.domesticviolenceservice.org>

Not Alone: Together Against Sexual Assault-  
<https://obamawhitehouse.archives.gov/1is2many/notalone>

Pennsylvania Coalition Against Rape- <https://pcar.org/>

Sexual Assault Helpline- <https://safehelpline.org/>

Sexual Assault- <https://www.womenshealth.gov/>

Rape, Abuse & Incest National Network- <https://www.rainn.org/>