

# **Rosemont College Sexual Assault Confidentiality Policy**

Rosemont College encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and Rosemont College can respond appropriately.

Different employees on campus have different abilities to maintain a victim's confidentiality. Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

Other employees may talk to a victim in confidence, and generally only report to the Rosemont College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a Rosemont College investigation into an incident against the victim's wishes.

Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "Responsible Employees") constitutes a report to Rosemont College – and generally obligates Rosemont College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students and staff aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. Rosemont College encourages victims to talk to someone identified in one or more of these groups.

## **Privileged and Confidential Communications / Professional and Confidential Communication**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the College Community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission.

## **Off-Campus Counseling Services**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Rosemont College unless the victim requests the disclosure and signs a consent or waiver form. All services are voluntary, confidential, and free of charge to all students and staff. Following is contact information for these off-campus resources

Please note Rosemont College has entered into an agreement with Victim Services Center of Montgomery County to provide confidential counseling and support services for victims of sexual abuse.

Victim Services Center of Montgomery County  
325 Swede Road, Norristown, PA 19401  
(610) 277-0932  
24 Hotlines: (610) 277-5200, (610) ASSIST-1, (888) 521-0983  
Website: [www.victimservicescenter.org](http://www.victimservicescenter.org)  
All services are free and confidential

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The Women's Center of Montgomery County  
24 hour Hot Line: 1-800-773-2424  
Bryn Mawr Office: 610-525-1427

Women Organized Against Rape (WOAR)  
One Penn Center  
1617 John F Kennedy Blvd.  
Suite 1100  
Philadelphia, PA 19103  
24 hour Hot Line: 215-985-3333  
Website: [www.woar.org](http://www.woar.org)

Bryn Mawr Hospital for medical treatment  
130 S. Bryn Mawr Avenue  
Bryn Mawr, PA 19010  
484-337-3000

Philadelphia Sexual Assault Response Center  
300 East Hunting Park Avenue  
Philadelphia, PA 19124  
215-800-1589  
Hotline: 215-425-1625

### **On-Campus Counseling Services**

#### **Directors of Counseling/Wellness**

Lower level of Immaculate Conception Chapel  
610-527-0200, x2416  
Monday - Friday, 9 a.m. to 4 p.m., Special drop-in times are also available

In the event of an emergency and the Counseling Center is closed, contact Public Safety at x2555 or go to the Bryn Mawr Hospital Emergency Room.

The Counseling Center at Rosemont College is committed to promoting the personal growth and development of our students and to assisting them in overcoming obstacles that may interfere with their academic success. The Center offers a safe atmosphere for students to discuss any personal concerns or difficulties. All services are voluntary, confidential, and free of charge to all students.

#### **Non-professional Counselors and Advocates**

Individuals who work or volunteer in the Counseling Department, 610-527-0200, x2417 can generally talk to a victim without revealing any personally identifying information about an incident to Rosemont College. A victim can seek assistance and support from these individuals without triggering a Rosemont College investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator.

This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, Rosemont College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

### **Reporting to “Responsible Employees”**

A “Responsible Employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a Responsible Employee about an incident of sexual violence, the victim has the right to expect Rosemont College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that Rosemont College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling Rosemont College’s response to the report. A Responsible Employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a Responsible Employee, the Responsible Employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the victim that Rosemont College will consider the request, but cannot guarantee that Rosemont College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for Rosemont College to fully investigate an incident. By the same token, Responsible Employees will not pressure a victim to make a full report if the victim is not ready to.

## **How Rosemont College Will Weigh the Request and Respond**

If a victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Rosemont College must weigh that request against Rosemont College's obligation to provide a safe, non-discriminatory environment for all students and staff, including the victim.

If Rosemont College honors the request for confidentiality, a victim must understand that Rosemont College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when Rosemont College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students. Rosemont College has designated the following individual to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged sexual violence:

Jane Federowicz - Assistant Vice President for Human Resources/ Title IX Coordinator

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:

- whether there have been other sexual violence complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether Rosemont College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or physical evidence);
- whether the victim'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 Rosemont College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, Rosemont College will likely respect the victim's request for confidentiality.

If Rosemont College determines that it cannot maintain a victim's confidentiality, Rosemont College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling Rosemont College's response.

Rosemont College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. Rosemont College will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;

- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

If Rosemont College determines that it can respect a victim's request for confidentiality, Rosemont College will also take immediate action as necessary to protect and assist the victim.

### **Protection from Abuse Order (PFA)**

Any student, staff or faculty needing assistance in obtaining a PFA should contact the Department of Public Safety at 610-527-1038.

### **Public Awareness Events**

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "Survivor Speak Out" or other forums in which students disclose incidents of sexual violence, are not considered notice to Rosemont College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and Rosemont College will provide information about students' Title IX rights at these events.

### **CLERY ACT**

The Clery Act and Title IX have reporting requirements in cases of sexual violence. To date, the Department of Education has not identified any specific conflicts between Title IX and the Clery Act. The Clery Act requires institutions to issue an annual report listing crimes of sexual nature and timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees.

Timely warnings are only required for Clery-reportable crimes that occur on Clery Geography although institutions are encouraged to issue appropriate warnings regarding other criminal activity that may pose a serious threat as well.

Timely Warning Reports and the Annual Report must withhold the names and other identifying information about victims/witnesses as confidential.

### **RETALIATION POLICY**

Title IX prohibits retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sex discrimination, sexual harassment, and sexual violence.

Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed by Rosemont College, and individuals who engage in such actions are subject to discipline up to and including suspension, exclusion, or dismissal from the College, consistent with College procedure.

Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator or to any Deputy Coordinator, who shall take appropriate actions to address such conduct in a prompt and equitable manner.