



culinaryarts.edu
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Dating Violence, Domestic Violence, Sexual Assault, and Stalking Policy Statement

If you or someone you know has experienced dating violence, domestic violence, sexual assault, or stalking, JNA Institute (the “School”) is here to help. You have the right to live, learn, and/or work in a safe and welcoming environment. Violence is unacceptable, and School policy prohibits dating violence, domestic violence, sexual assault, and stalking (DVSAS). This document outlines steps to take depending on what services you want or need. DVSAS are significant experiences and can be traumatizing. Each person’s experience is unique and numerous options are available for support and reporting at the School. It is important to note there is no one correct response — simply different options to access support and different reporting options. Your immediate and long-term safety is what’s most important. The resources and options outlined below may be helpful as you decide what next steps are a good fit for you.

This Policy is designed to ensure a safe educational and work environment and to meet legal requirements, including: Article XX-G and Article XX-J of the Public School Code. It does not preclude application or enforcement of other School policies.

It is the policy of the School:

- to provide educational, preventative and training programs regarding DVSAS;
- to encourage reporting of incidents;
- to make accommodations or provide protective measures, as necessary and reasonable available, at the victim’s request, to prevent incidents of DVSAS from denying or limiting an individual’s ability to participate in or benefit from the School’s programs, regardless of whether the victim chooses to report the crime to local law enforcement and regardless of where an incidence occurred;
- to make available information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report DVSAS to School authorities and local law enforcement; to promise discretion and dignity;
- to promise confidentiality for victims of DVSAS to the extent allowable by law; and
- to provide information regarding confidential resources and services available for victims of DVSAS.

Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the School.

A witness or victim of an incident of DVSAS who reports the incident in good faith will not be sanctioned by the school for admitting in the report to a violation of the school’s student conduct policy on the personal use of drugs or alcohol. Submitting a report that is not in good faith or providing false or misleading information in any investigation is prohibited.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the School's educational mission.

As you read the following document, please address all questions or concerns to the School's Campus Security Authority (CSA):

- Nicole DiGironimo, 215-468-8800, director@jna.edu

DEFINITIONS FROM THE CLERY ACT

The Clery Act defines the crimes included in the Violence Against Women Act (VAWA), which includes domestic violence, dating violence, sexual assault and stalking, as follows:

DOMESTIC VIOLENCE

- A Felony or misdemeanor crime of violence committed
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

DATING VIOLENCE

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

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition-
 - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

SEXUAL ASSAULT

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape is defined as 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.
- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

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.
- For the purposes of this definition-
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

JURISDICTION

This Policy applies to DVSA that is committed by students, faculty, staff, School appointees, or third parties, whenever the misconduct occurs:

1. On School property; or
2. Off School property, if:
 - the conduct was in connection with a School or School-recognized program or activity; or
 - the conduct may have the effect of creating a hostile environment for a member of the School community.

VIOLATIONS OF OTHER RULES

The School encourages the reporting of all concerns regarding DVSA. Sometimes individuals are hesitant to make a report because they fear they may be charged with other policy violations, such as underage alcohol consumption. Any witness or victim of an incident of sexual harassment or sexual

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violence who reports the incident in good faith will not be sanctioned by the school for admitting in the report to a violation of the school's student conduct policy on the personal use of drugs or alcohol.

UNSURE OF WHERE TO START?

You may want more information or to talk to someone confidentially as you decide what you'd like to do moving forward. You can access crisis counseling, information, and support by connecting with the resources listed below.

- Women Against Abuse (womenagainstabuse.org) 24-Hour Crisis Hotline: **1-866-723-3014**
- Philadelphia Center Against Sexual Violence (woar.org) 24-Hour Hotline: **215-985-3333**

REPORTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING: THINGS TO CONSIDER

ARE YOU IN DANGER?

If yes, call 911.

DO YOU NEED MEDICAL ATTENTION?

You can receive medical attention at any medical facility; however, certain facilities have specially trained staff to help survivors of sexual assault and/or have the ability to offer a sexual assault forensic exam (SAFE). Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy.

Immediately following an assault, you will be faced with many emotional, medical, and legal decisions. Philadelphia Center Against Sexual Violence (WOAR) crisis advocates are available to help you, 24-hours a day. Crisis advocates support you during the sexual assault exam and evidence collection procedure (also known as "Rape Kits"). Crisis advocates can also explain the reporting process, provide information about the criminal justice system, and connect victim/survivors to WOAR services and outside services as needed.

Call the 24-hour WOAR crisis hotline at 215-985-3333 to request a Sexual Assault Counselor trained Crisis Advocate or Volunteer Advocate for in-person Forensic Exam/ Medical Accompaniment

PRESERVATION OF EVIDENCE

It is important to preserve evidence that may be useful in obtaining a protection order or in proceeding with a criminal investigation or a disciplinary process should you choose to do so. Completing a forensic exam does not require you to file a police report or report to the institution, although we encourage these reports if you are comfortable doing so.

To preserve evidence, it is recommended you do not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. Save items you were wearing, sheets, or towels in a paper bag. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of dating violence, domestic violence, sexual assault, or stalking.

TO REPORT AN INCIDENT

To report an incident involving DVSA, contact the School CSA. The purpose and authority of the School employees is limited to the enforcement of campus rules and regulations. Incidents that go beyond this scope may be referred to and investigated by the Philadelphia Police Department.

If someone wishes to make an anonymous report, they can do so via the Student Services area of the School's LMS or at: www.CulinaryArts.edu/Clery

A law enforcement officer who investigates an alleged DVSA incident shall:

- Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.
- Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
- Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.

The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed in conjunction with the Philadelphia Police Department. The notice will include the resource listing, including telephone number, for the area certified rape crisis center as designated by the State.

EMOTIONAL AND PHYSICAL IMPACT

EMOTIONS ARE TO BE EXPECTED.

Dating violence, domestic violence, sexual assault, and stalking are significant and can be traumatizing. Though each person's experience is unique, there are a wide range of emotions that may be felt over the days, weeks, months and even years following a traumatic experience. These reactions may change over time and it may be helpful to address them with the assistance of a trained counselor or therapist, victim/ survivor advocate or even a trusted friend or family member.

Possible physical effects may include:

- Pain and soreness
- Injuries, Nausea
- Vomiting
- Headaches
- Panic attacks
- Sleep pattern disturbances
- Insomnia or sleeping more than usual
- Loss of appetite or change in eating habits (overeating or under-eating, etc.)

Possible psychological and/or emotional effects may include:

- Impaired memory
- Shock, Denial
- Irritability and anger
- Sadness and grief
- Social withdrawal
- Apathy (detachment, loss of caring)
- Hypervigilance (always on guard)
- Sleep disturbance (including nightmares)
- Flashbacks
- Difficulty concentrating
- Loss of trust in self or others
- Guilt, shame or embarrassment
- Thoughts of suicide or death

- Diminished interest in activities or sex
- Increased interest in sexual activity

CONFIDENTIALITY

Individuals considering making a disclosure to the School should make sure they have informed expectations concerning privacy and confidentiality. The School is committed to providing all possible assistance in understanding these issues and helping individuals to make an informed decision.

If someone wishes to make an anonymous report, they can do so via the Student Services area of the School's LMS or at: www.CulinaryArts.edu/Clery

Should individuals desire to discuss an incident or other information only with persons who are subject to a legal confidentiality obligation or prohibition against reporting, they should ask School officers for information about such resources.

It is important to understand that while the School will treat information it has received with appropriate sensitivity, School personnel can only maintain confidentiality to the extent allowable by law. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that the School can track incidents and identify patterns; and that, where appropriate, the School can take steps to protect the School community.

Information will be disclosed in this manner only to those at the School who, in the judgment of the Title IX Officer or School, have a need to know.

REQUESTING ACCOMMODATIONS/SUPPORTIVE MEASURES

Regardless of whether or not you choose to report to local police or to the School, there are specific options available to you, if requested and reasonably available. These options and who to contact to access them are outlined below.

Area Requiring Assistance

Academic accommodations

Transportation/escort accommodations

Working accommodations

Financial assistance accommodations

Who/How to Contact

Dean of Academic Affairs

Dean of Academic Affairs

School Director

Financial Aid Office

PROTECTION FROM ABUSE ORDER

The School complies with State law in recognizing orders of protection for DVSA. Any person who obtains an order of protection from the State or any reciprocal state should provide a copy to the School Director. A petitioner should then meet with the School Director to develop a Safety Action Plan, which is a plan to reduce

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risk of harm while on campus, or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or other measures to assist the petitioner.

An individual can file for a Protection from Abuse Order (“PFA”) at the following locations and times:

Family Court - Domestic Violence Intake Unit

1501 Arch St.

8th floor

Phone: (215) 686-3512

Hours: 8 a.m. to 5 p.m.

Criminal Justice Center

1301 Filbert St.

Room B-03

Hours: Open for emergency requests 5 p.m. to 8 a.m. on weekdays, and 24 hours on weekends.

A PFA can set limits on the contact that the abusive person can have with you, and can include any of the following:

- Stopping the abuser from further acts of abuse
- Evicting the abuser from your household
- Keeping the abuser from going to your home, school, or job
- Giving you or the other parent temporary custody of, or temporary visitation, with your child or children

A PFA is not a guarantee of safety—it is one tool that can be used to deter one person from abusing another, and is only one part of a comprehensive safety plan.

If you would like assistance or information on other steps you can take to increase your safety, please call the Philadelphia Domestic Violence Hotline at (866) SAFE-014, or contact the Victim/Witness Services Unit at (215) 686-8027. If you are in immediate danger, please call 911.

To the extent of the victim’s cooperation and consent, all School offices will work cooperatively to ensure that the petitioner’s health, physical safety, work and academic status are protected, pending the outcome of a formal School investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating or adjudicating the complaint or delivering resources or support services to the complainant. The School does not publish the name of crime victims nor publish any identifiable information regarding victims in the crime logs.

CAMPUS DISCIPLINARY PROCESS

To make a report in-person against a student or an employee, contact the School’s CSA.

To make an anonymous report, please do so via the Student Services area of the School’s LMS or at: www.CulinaryArts.edu/Clery

You have the right to:

- A prompt, fair, and impartial process from the initial investigation to the final result (completed within the timeframes laid out by our policy in a manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and the respondent, and conducted by officials without a conflict of interest or bias for either party that receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability)
- Have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice*
- Notification, in writing, of:
 - The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking
 - The institution's procedures to appeal the results [only if such procedures are available]
 - Any change to the results
 - When the result become final*

*Also afforded to the respondent

SAFETY TIPS: HELP REDUCE YOUR RISK AND AVOID POTENTIAL ATTACKS

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

WARNING SIGNS OF ABUSIVE BEHAVIOR

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe.

Warning signs of dating and domestic violence include, but are not limited to:

- Being afraid of your partner.
- Constantly watching what you say to avoid a "blow up."
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work, or school.
- Being forced to do things you don't want to do.

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If you are being abused or suspect that someone you know is being abused, speak up or intervene. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

To make an anonymous report, please do so via the Student Services area of the School's LMS or at: www.CulinaryArts.edu/Clery

SEXUAL ASSAULT PREVENTION (FROM RAINN.ORG)

When in public places and other off-campus locations:

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

When traveling to and from JNA Institute:

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.