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## Title IX Training for Internship, Practicum, Student Teaching, Service Learning, Study Abroad

- Title IX is the federal law that protects every student's right to educational opportunities and benefits free from sexual harassment. Each student has the right to attend school without fear of sexual harassment, misconduct, and sexual violence. Title IX prohibits this conduct and provides an avenue to address these offenses.
- ESU takes very seriously its Title IX obligations and works to foster an environment that is free of sexual harassment, sexual misconduct, and sexual violence. ESU complies with Title IX and takes action to respond to acts of sexual harassment, misconduct, or violence against students and stop the behavior.
- One of your responsibilities under Title IX is a requirement to report incidents of sexual misconduct to the University Title IX Coordinator. Once the University has notice of the sexual misconduct, it must take immediate steps to investigate the report and take interim measures. The University must also take prompt and effective action to end the misconduct, remedy its effects, and prevent its recurrence.
- If you as a student experience sexual harassment, misconduct, violence while in an internship or other learning experience, the site where you are working has the responsibility to respond to a complaint. Also, through the University, students have the following rights:
  - A fair, impartial and prompt investigation of the complaint involving possible witness testimony;
  - Protection from further sexual discrimination, harassment, or misconduct;
  - Privacy and confidentiality to the greatest extent permissible by law through the investigative process;
  - To be notified of the status of the process, updates, and outcomes;
  - To appeal the outcome/imposed sanctions;
  - Protection from retaliation and awareness that reporting will not affect the student's standing;
  - Opportunity to resolve through formal or informal process;
- Likewise, if there is a reason to believe that an ESU student has subjected someone to sexual misconduct or assault, that will be investigated as well and the student may be referred to Student Conduct and Community Standards for possible disciplinary action, regardless of whether the case is pursued by the other party.

### Definitions of the Actions that Violate Title IX and that Require Being Reported:

- **Sexual Harassment:** Unwelcome conduct of a sexual nature, where either submission or rejection of such conduct is made, either implicitly or explicitly, a term or condition of the student's education or employment in any ESU program or activity, or that creates a hostile environment based on severe or pervasive actions.
- **Sexual Misconduct:** Broad term used to refer to all prohibited sexual violence and sexual harassing behaviors. Commonly, this refers to any intentional sexual touching or intercourse by a person towards another person without consent or under threat. This may involve sexual coercion which occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit.
- **Sexual Violence:** Sexual assault, relationship violence, domestic violence, stalking, including cyber-stalking, exhibitionism, voyeurism or verbal and/or physical abuse of a sexual nature or threats of this.
- **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 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.

- **Intimate Partner Violence:** An act of violence or threatened violence by or against a person who is, or has been, involved in a sexual, dating, domestic, or other intimate relationship with another person. This includes dating violence and domestic violence.
- **Sexual Assault:** As with all forms of sexual misconduct, this is a serious violation of the University's expectations and Student Code of Conduct. Includes statutory sexual assault (the age of consent for sexual activity in the state of Pennsylvania is 16) and sexual penetration and sexual contact, both without consent.
- **Sexual Exploitation:** Taking advantage of another person or violating the sexual privacy of another person when consent is not present. This includes, but is not limited to the following actions (including when they are done via electronic means, methods, or devices):
  - Sexual voyeurism or permitting others to witness sexual activity of a person without their consent;
  - Indecent exposure or inducing others to expose themselves when consent is not present;
  - Recording or distributing information, images, or recordings of a person engaged in sexual/intimate activity without that person's consent;
  - Prostituting another individual;
  - Knowing exposing another individual to a sexually transmitted disease without that person's knowledge;
  - Inducing incapacitation for the purpose of making them vulnerable for non-consensual sexual activity.
- **Stalking:** Engaging in a course of conduct or repeatedly communicating and/or committing acts toward another person under circumstances that demonstrate or communicate the intent to (1) place the other person in reasonable fear or bodily injury; or (2) cause substantial emotional distress to the other person. This includes the concept of cyberstalking.
- **Retaliation:** Any action which is aimed to deter someone from reporting sexual misconduct or participating in an investigation. Retaliation can be determined even if there is a finding that the underlying sexual misconduct did not occur. Retaliation will not be tolerated and will be addressed through the University Title IX process.

#### Real Life Examples of Actions that May Violate Title IX:

- Asking a student (who may perceive the authority figure to provide them with assignments, recommendations, references) for a date, personal phone number, or engage in out of classroom activities one-on-one;
- Trying to spend personal time after class hours with a student under the guise of completing "a work project";
- Asking questions such as "Do you have a boyfriend/girlfriend/significant other," "What are your plans for tonight?" or "Do you want to get a drink?";
- Inappropriate jokes of a sexual nature or related to gender specific traits, e.g. verbal, via email, or an email attachment, on posters, through text messaging, or any form of social media;
- Describing physical appearance as "hot" or asking questions such as "What do you wear to bed?" or to work out.
- Sexual innuendos including compliments on appearance, dress, or physique;
- Eye contacts, looks, glances, or leering of a sexual nature.
- Physical touching, e.g. hugs, back/shoulder rubs, flicking/patting lightly touching butt or breast, brushing up against a student who is typing or working.

Accommodations: Any individual, including reported offending party, participating in the Title IX process may request and utilize accommodations provided through the Title IX Office. Examples of accommodations may include counseling, medical services, no-contact directives, reassignments class schedules, academic programs, or dorms/residential living assignments, transportation arrangements, etc.

## University Title IX Coordinator:

Lonnie Allbaugh  
Sycamore Suites, Lower Level, Room 011  
P: (570) 422-2277  
lallbaugh@esu.edu

## Additional University Contact Information

### Vice President of Campus Life & Inclusive Excellence

Dr. Santiago Solis  
Reibman Administration Building, Room 121  
P: 570-422-3463  
ssolis@esu.edu

### Deputy Title IX Coordinators

Justin Amann  
Reibman Administration Building  
P: 570-422-2870  
[jamann@esu.edu](mailto:jamann@esu.edu)

Melissa Ciment  
University Center, Rm 227  
P: 570-422-3055  
[mciment@esu.edu](mailto:mciment@esu.edu)

Asia Wright  
Rec B Fitness Center  
P: 570-422-2972  
awright11@esu.edu

### University Police

Hemlock Suites, Smith Street, Ground Floor  
P: 570-422-3064, Emergencies: 911

### Lehigh Valley Hospital – Pocono

206 E. Brown Street, East Stroudsburg, PA 18301  
570-421-4000

### CAPS (Counseling and Psychological Services)

Sycamore Suites, Lower Level, Room 040  
P: 570-422-3277

### OASIS (Office of Accessible Services Individualized for Students)

Sycamore Suites, Lower Level, Room 017  
P: 570-422-3954

### Director of Human Resources Management

Tim Kresge  
Reibman Administration Building, Room 105  
P: 570-422-3146  
tkresge@esu.edu

### Gender & Sexuality Center

Ariel A. Tucci  
University Center, Lower Level. Room G-7  
P: 570-422-3614  
atucci@esu.edu