

# Dickinson College Sexual Harassment and Misconduct Policy

Applies to All Forms of Sexual Harassment, Sexual Violence,  
Intimate Partner Violence and Stalking  
for Students, Staff, Faculty and Third Parties

December 10, 2018

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# Sexual Harassment and Misconduct Resource Page

## What To Do If You Are a Victim or a Survivor of Sexual Harassment, Sexual Violence, Intimate Partner Violence, or Stalking

Any student, employee, or member of the College community who has experienced any form of prohibited conduct under this policy is encouraged to immediately notify law enforcement and/or seek immediate medical assistance. Dickinson Public Safety will provide transportation upon request.

EMERGENCY ASSISTANCE		
Emergency Response	Health and Safety	Advocacy and Support
<ul style="list-style-type: none"> <li>③ 911</li> <li>▪ Dickinson Public Safety 717-245-1111</li> <li>▪ Carlisle Police Department 717-243-5252</li> </ul>	<ul style="list-style-type: none"> <li>▪ Holy Spirit Hospital Center 717-972-4300</li> <li>▪ Any Local or Regional Hospital</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dickinson Sexual Violence Resource Advocate 717-831-8850</li> <li>▪ YWCA Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County   1-888-727-2877</li> </ul>

Dickinson Public Safety is a full service campus police department serving all students, staff, faculty, and guests of the College. DPS operates twenty-four hours a day, seven days a week. DPS law enforcement personnel are commissioned under the Pennsylvania Special Officers statute (22 PA C.S.A. 501) and have complete police authority to apprehend and arrest anyone involved in illegal acts on or immediately adjacent to the college's property.

## Confidential Resources and Reporting Options

All individuals are encouraged to make a prompt report to law enforcement and to the College. An individual may seek confidential support and resources as designated below. Confidential resources will *not* share information with the College nor will speaking with a confidential resource initiate action by the College under most circumstances. We encourage all individuals to make a prompt report to the College using the reporting options below, but we recognize that individuals may choose to make a report of prohibited conduct to *any* College employee. With the exception of confidential resources, all other college employees, including designated student employees or volunteers, are trained to share the report with the Title IX Coordinator or a member of the Central Review Team of College administrators to ensure a prompt and equitable review, investigation and resolution.

CONFIDENTIAL RESOURCES AND SUPPORT	
On Campus	Off Campus
<ul style="list-style-type: none"> <li>▪ Dickinson Wellness Center   717-245-1663</li> <li>▪ Employee Assistance Program (EAP)   717-243-1896</li> </ul>	<ul style="list-style-type: none"> <li>▪ Holy Spirit Hospital Center   717-972-4300</li> <li>▪ YWCA Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County   1-888-727-2877</li> </ul>

REPORTING OPTIONS	
On Campus	Off Campus
<ul style="list-style-type: none"> <li>▪ <b>Dickinson Public Safety</b>   717-245-1111</li> <li>▪ <b>Vice President and Dean of Student Life</b>   717-245-1639</li> <li>▪ <b>Title IX Coordinator</b>   717-254-8316</li> <li>▪ <b>Director of Human Resources</b>   717-245-1503</li> <li>▪ <b>Prevention, Education and Advocacy Center</b>   717-245-1893</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Carlisle Police Dept.</b>   717-243-5252</li> <li>▪ <b>Holy Spirit Hospital Center</b>   717-972-4300</li> </ul>

## Review, Investigation and Resolution

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The College will support any Complainant or Respondent in understanding how to navigate the Complaint Resolution Procedures outlined in this policy. There are several options available to resolve a report of prohibited conduct. These options include both informal and formal resolution processes, and will vary slightly based upon whether the Respondent is a student or an employee. Upon receipt of a report, the College will conduct a Title IX Assessment. After consultation with the Complainant, the College may pursue voluntary resolution (in limited cases only) or formal resolution (which includes a thorough review or investigation).

## Interim Measures

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Regardless of a Complainant’s chosen course of action, the College will take reasonably available interim measures to protect the parties involved and ensure that safety, emotional and physical well-being concerns are being addressed. Interim measures, which may be available to both the Complainant and Respondent, include academic accommodations (changes in class schedule, the option to drop a course without penalty); housing accommodations (changes in living arrangements); employment accommodations (modifying work schedule to prevent interaction); the imposition of No-Contact Directives; voluntary leave of absences; counseling and other support services as needed. The College will not tolerate retaliation and will take immediate and responsive action to any report of retaliation or any violation of protective interim measures.

## Title IX

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Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federal funded education program or activity. Sexual and gender-based harassment, which includes sexual violence, is a form of sex discrimination.

The College will not tolerate any type of sexual harassment, sexual violence, intimate partner violence or stalking. For any information about Title IX compliance, please contact the Title IX Coordinator, **Kat Matic**, at 717-254-8316.

## § 304 of the Violence Against Women Reauthorization Act of 2013

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§ 304 of the Violence Against Women Reauthorization Act of 2013 prohibits sexual assault, dating violence, domestic violence and stalking. Under this policy, dating violence and domestic violence are collectively referred to as intimate partner violence. These behaviors are sometimes a form of sex discrimination or harassment, but will always be resolved under this policy even where not based on sex or gender.

## Protection of Minors Policy

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*Every* member of the Dickinson Community has a duty to report child abuse if he/she has reasonable cause to suspect that a child is a victim of child abuse based on information from the child, any other individual, first-person observations or personal knowledge. Under this policy, any Dickinson community member suspecting abuse is required to bring all suspicions or beliefs to the immediate attention of **Childline** by reporting directly to **800-932-0313 (TDD: 866-872-1677)**. Thereafter, the individual must immediately inform the Department of Public Safety. DPS, in turn, has the obligation to ensure that appropriate authorities have been notified, appropriate individuals are notified internally and appropriate investigations are initiated. Under

Pennsylvania law, a child is any individual under the age of 18. This may include Dickinson students and guests.

# Executive Summary

## Purpose

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The College will not tolerate any type of sexual harassment, sexual violence, intimate partner violence or stalking. The College is committed to taking all appropriate steps to eliminate this prohibited conduct, prevent its recurrence and address its effects. This policy outlines the College's institutional values, prohibited conduct, resources, reporting options, and Complaint Resolution Procedures for the review, investigation and resolution of reports of sexual harassment, sexual violence, intimate partner violence and stalking.

## Scope of Policy

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This policy applies to all members of the Dickinson College community, including students and employees. This policy also applies to vendors, independent contractors, guests and visitors.

This policy applies to conduct on campus or in the context of an education program or activity. This includes off-campus conduct that has continuing adverse effects on campus, in the context of an education program or activity, or where the conduct has the potential to adversely affect any member of the Dickinson College community or Dickinson College.

## Notice of Non-Discrimination

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The College does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation, or any other protected class.

## Title IX Coordinator

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The President of the College has appointed a Title IX Coordinator to oversee the College's central review, investigation and resolution of reports of sexual harassment, sexual violence, intimate partner violence and stalking under the College's Procedures for Resolution of Complaints. The Title IX Coordinator also coordinates the College's compliance with Title IX.

## Central Review Team

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The College is committed to assuring that all reports of sexual harassment, sexual violence, intimate partner violence or stalking are referred to the Title IX Coordinator and the Central Review Team, an inter-department team, which includes, as appropriate, the Title IX Coordinator, the Vice President and Dean of Student Life (or designee), the Director of Human Resource Services, the Provost (or designee), the Director of Physical Education and Athletics, and the Chief of the Department of Public Safety (or designee). This team, which is overseen by the Title IX Coordinator, is responsible for the prompt and equitable review and resolution of the report under the College's Complaint Resolution Procedures. The members of the team will vary based upon the roles of the parties to the complaint.

## Reporting

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The College will take immediate action in response to every report of sexual harassment, sexual violence, intimate partner violence or stalking to protect the safety of the community and individuals involved. The College encourages anyone who has experienced, witnessed or has information pertaining to a potential violation of the Sexual Harassment and Misconduct Policy to take an active role in reporting this behavior.

Students and employees are encouraged to report information regarding an incident of sexual harassment, sexual violence, intimate partner violence or stalking to designated employees of the College. These reporting options are: the Department of Public Safety, the Title IX Coordinator, the Vice President and Dean of Student Life (or designee), the Director of Physical Education and Athletics, the Provost (or designee), or the Director of Human Resource Services. The College recognizes, however, that an individual may choose to report to *any* College employee, even those not specifically designated as a reporting option. Consistent with this policy, any employee, including designated student employees or volunteers, who receives such a report is required to

share the report with the Title IX Coordinator or a member of the Central Review Team to ensure the consistent implementation of available College resources and resolution options as provided for by this policy.

The College encourages all community members to take reasonable and prudent actions to prevent or stop any act of sexual harassment, sexual violence, intimate partner violence or stalking. Community members who choose to exercise this positive, moral obligation will be supported by the College and protected from retaliation.

Any individual who provides intentionally or maliciously false information as part of a report or investigation under this Policy will be subject to discipline under the Community Standards or employee policies. This provision does not apply to a good faith report that is later not substantiated or proven by a preponderance of the evidence.

## **Statement Against Retaliation**

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It is a violation of College policy to retaliate in any way against a student or employee for making a good faith report of sexual harassment, sexual violence, intimate partner violence or stalking, or participating in the College's resolution of the report. The College will take immediate and responsive action to any report of retaliation.

## **Privacy Statement**

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In any report, investigation, or resolution of an allegation of sexual harassment, sexual violence, intimate partner violence or stalking, every effort will be made to protect the privacy and confidentiality interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation and the protection of the Complainant and broader campus community.

## **Confidential Resources**

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The College realizes that not every individual who makes a report is prepared to move forward with a complaint for informal or formal resolution. There are several legally-protected confidential resources available for both students and employees who are seeking assistance, but do not wish to make a report to the College.

## **Resources**

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The College is committed to providing on campus resources and support to Complainants and Respondents, whether or not an individual wishes to pursue formal disciplinary action. There are also many off campus resources available to victims and survivors of sexual harassment, sexual violence, intimate partner violence or stalking.

## **Interim Measures**

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Upon receipt of a report, the College will take reasonably available interim measures to protect the parties involved. Interim measures, which may be available to both the Complainant and Respondent, include academic accommodations (changes in class schedule, the option to drop a course without penalty); housing accommodations (changes in living arrangements); employment accommodations (modifying work schedule to prevent interaction); the imposition of No-Contact Directives; voluntary leave of absences; counseling and other support services as needed.

## **Complaint Resolution Procedures**

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Upon receipt of a report, the Title IX Coordinator will conduct an initial Title IX Assessment to address the safety and well-being of the Complainant and the College community. At the conclusion of the Assessment, the College will proceed with a Voluntary Resolution or Investigation and Formal Resolution.

## **Appendix: Definitions & Roles**

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The Appendix includes a list of definitions of terms used in this policy and defines the roles and responsibilities of the individuals involved in resolution of the report.

# I. Purpose and Scope of Policy

## A. Overview

Dickinson College is a community of inquiry committed to the free exchange of ideas that foster human connection and healthy relationships. Every member of our community is equally valuable and equally valued as an individual. Every member of our community is responsible to every other and to the entire community.

Sexual harassment, sexual violence, intimate partner violence and stalking pose a unique threat to the individual members of the community and to the community itself. An act of sexual harassment, sexual violence, intimate partner violence or stalking represents a fundamental failure by the offender to recognize and respect the intrinsic worth and dignity of other members of our community. Such acts are contrary to the values of the Dickinson community, against College policy, and in some instances, may be against Pennsylvania state law.

The College will not tolerate any type of sexual harassment, sexual violence, intimate partner violence or stalking. The College is committed to taking all appropriate steps to eliminate sexual harassment, sexual violence, intimate partner violence and stalking, prevent their recurrence and address their effects. The College recognizes that sexual harassment, sexual violence, intimate partner violence and stalking encompass a broad spectrum of conduct and will respond accordingly, considering both the severity of the conduct and the threat it poses to our community.

## B. Purpose of Policy

The purpose of this policy is to provide the Dickinson community with a clearly articulated set of behavioral standards, common definitions, and prohibited conduct. The policy is intended to guide students, employees and third parties who have experienced or been affected by sexual harassment, sexual violence, intimate partner violence or stalking, whether as a Complainant, a Respondent, witness or other participant in the process.

We recognize that an individual may choose to self-identify as a victim or a survivor. For consistency in the policy, the College uses the term Complainant to refer to the individual(s) who has been the subject of sexual harassment, sexual violence, intimate partner violence or stalking, regardless of whether that individual makes a report or seeks formal disciplinary action. A Respondent refers to the individual(s) who has been accused of sexual harassment, sexual violence, intimate partner violence or stalking.

The purpose of this policy is to:

- Define sexual harassment, sexual violence, intimate partner violence, stalking and other related forms of conduct that violate the standards of our community
- Identify resources and support for all members of the Dickinson community (students and employees)
- Identify the Title IX Coordinator and the scope of the role
- Provide information about where to obtain support or access resources in a confidential manner
- Provide information about how to make a report on campus or off campus
- Provide information about how a report will be investigated, evaluated and adjudicated under the College's Complaint Resolution Procedures.



## **C. Scope of Policy**

This policy applies to all members of the Dickinson community, including students, employees, and third parties (including independent contractors, vendors, visitors and guests). When used in this policy, employee generally refers to both staff and faculty members. Unless specifically noted, references to employee do not include student employees.

All students and employees of the College are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. As such, this policy applies to conduct on campus or in the context of an education program or activity. This includes off-campus conduct that has continuing adverse effects on campus, in the context of an education program or activity, or where the conduct has the potential to adversely affect any member of the Dickinson College community or Dickinson College. Education programs or activities include activities that take place at houses of fraternities or sororities recognized by the school, study abroad, internship programs and events for school clubs or organizations that occur off campus.

## **D. Coordination with Non-Discrimination Policy for Other Forms of Discrimination**

The College recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with conduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the College's Community Standards and Non-Discrimination Policy. Under these circumstances, the College will coordinate the investigation and resolution efforts to address Harassing Conduct related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability. Coordination of the investigation will not delay the prompt and equitable resolution of a report under this policy.

## **E. Reports to the College Community**

The Title IX Coordinator will report to the Dickinson community, no less than once each academic year, any incidents of sexual harassment, sexual violence, intimate partner violence and stalking that have reached a final resolution under this policy. That report, which may involve a delay in sharing aggregate data to better protect the privacy of the individuals involved, will include violations, findings, and sanctions imposed. The report may include the gender and year of the student found responsible for violating the Sexual Harassment and Misconduct Policy, but will not provide any other identifying information about the Complainant or Respondent. The report will be included in the Student Life administrative report for the faculty each year.

The College will also enter reports of certain acts of sexual violence, intimate partner violence and stalking into its daily crime log and share aggregate data in its Annual Security Report pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Reporting). No identifying information of any party involved will be shared in the daily crime log or the Annual Security Report. Clery reporting is limited to Clery campus geography and the definitions of Clery crimes and may not reflect all reports of sexual harassment, sexual violence, intimate partner violence and stalking made to the Title IX Coordinator as the scope of Title IX behaviors and geography is broader than the Clery reporting requirements.

## **F. Obligation to Provide Truthful Information**

All community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing false or misleading information in bad faith, with a view to personal gain or to cause intentional harm to another in connection with a report or investigation under this Policy is prohibited. A student who is found to have violated this provision may be found in violation of the Dishonesty provision of the Community Standards; an employee may be subject to appropriate discipline under the Employee Handbook or Academic Handbook. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

## II. Notice of Non-Discrimination

The College is committed to providing a safe and nondiscriminatory environment for all students and employees. The College does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation, or any other protected class.

The College reaffirms its long-standing philosophy and principles of non-discrimination, non-harassment, and non-retaliation for protected classes for all members of the College community. This policy addresses discrimination on the basis of sex. Please see the College's Non-Discrimination Policy for all other forms of discrimination.

The College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual harassment, including sexual violence as defined in this policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Intimate partner violence and stalking may also be a form of sexual harassment when based on sex or gender. Title IX requires that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, and other applicable statutes. The College's response to sexual violence, dating violence, domestic violence and stalking is also governed by § 304 of the Violence Against Women Reauthorization Act of 2013.

This policy prohibits sexual harassment, sexual violence, intimate partner violence and stalking involving Dickinson community members of any gender, gender identity, gender expression or sexual orientation.

This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, including hazing, stalking, and failure to provide equal opportunity in admissions, education, employment or athletics.

The College, as an educational community, will promptly and equitably respond to reports of sexual harassment, sexual violence, intimate partner violence and stalking in order to end the behavior, eliminate the harassment, prevent its recurrence and address its effects on any individual or the community.

Links to relevant federal laws are as follows:

<b>Title IX</b>	<a href="http://www.dol.gov/oasam/regs/statutes/titleix.htm">http://www.dol.gov/oasam/regs/statutes/titleix.htm</a> <a href="http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html">http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html</a>
<b>Clery Act</b>	<a href="http://www.cleryact.info/home.html">http://www.cleryact.info/home.html</a>
<b>FERPA</b>	<a href="http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html">http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a>
<b>VAWA</b>	<a href="http://www.cleryact.info/campus-save-act.html">http://www.cleryact.info/campus-save-act.html</a>

## III. Statement of Privacy and Confidentiality

The College is committed to maintaining the privacy of all parties. In any report, investigation, or resolution regarding sexual harassment, sexual violence, intimate partner violence or stalking, every effort will be made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough review of the conduct and the necessary steps to end the conduct, eliminate the harassment, prevent its recurrence and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of sexual harassment, sexual violence, intimate partner violence or stalking will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation and/or resolution of the complaint. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. The College designates which Dickinson employees have a legitimate need to know about individual conduct complaints pursuant to FERPA and will share information accordingly.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual who provided the information. The campus and community professionals include medical providers, mental health providers, ordained clergy, and rape crisis counselors, all of whom have privileged confidentiality recognized by law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor.

Students or employees wishing to seek completely confidential assistance without making a report to the College may do so by speaking with a confidential resource as identified in the Resources section of this policy. Students may seek confidential assistance on campus through the Wellness Center. Employees may seek confidential assistance through the Employee Assistance Program: [http://www.dickinson.edu/info/20083/human\\_resource\\_services/529/employee\\_assistance\\_program](http://www.dickinson.edu/info/20083/human_resource_services/529/employee_assistance_program)

**Reporting Options:** Students and employees are encouraged to report information regarding any incident of sexual harassment, sexual violence, intimate partner violence or stalking to *designated* employees of the College. These reporting options are: the Title IX Coordinator, the Vice President and Dean of Student Life (or designee), the Director of Human Resource Services, the Provost (or designee), the Director of Physical Education and Athletics, and the Department of Public Safety. The College recognizes, however, that an individual may choose to report to any other College employee, including designated student employees. An employee who receives such a report may not hold the matter in confidence, but will hold it privately as defined above. College policy provides that any employee who receives a report of sexual harassment, sexual violence, intimate partner violence or stalking is required to immediately share the report, and all known details, with the Title IX Coordinator or a member of the Central Review Team. The Title IX Coordinator will work with members of the Central Review Team, which may include the Vice President and Dean of Student Life (or designee), the Director of Human Resource Services, the Provost (or designee), the Director of Physical Education and Athletics, and the Chief of the Department of Public Safety (or designee), to facilitate a prompt and equitable review and resolution of the report under the Procedures for Resolution of Complaints.

**Complainant’s Request Not to Pursue Investigation or Share Identifying Information with a Respondent:**

Where the College has received a report of sexual harassment, sexual violence, intimate partner violence or stalking, but the Complainant requests that their identity not be shared with the Respondent or that the College not pursue an investigation, the College must balance this request in the context of the College’s responsibility to provide a safe and non-discriminatory environment for all College community members. The College, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the Complainant’s request will be balanced against the following factors:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether there have been other complaints or reports of harassment or misconduct against the Respondent;
- The right of the Respondent to receive notice and relevant information before disciplinary action is sought;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence;
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the Respondent threatened further sexual violence or other violence against the student or others;
- Whether the sexual violence was committed by multiple individuals;
- Whether the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and,
- The Respondent’s right to receive information if such information is maintained in an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Central Review Team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

**Reporting on Campus:** With the exception of employees who have legally-protected confidentiality, all other College employees, including designated student employees, are required to share a report of sexual harassment, sexual violence, intimate partner violence or stalking with the College’s Title IX Coordinator or a member of the Central Review Team. This requirement is based on the Title IX requirement that the College take immediate and corrective action if a “Responsible Employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment or violence that creates a hostile environment. Under Title IX, a “Responsible Employee” includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Accordingly, *all* employees are considered by the College to be “Responsible Employees” and are required to immediately share all known detail of a report of misconduct with the Title IX Coordinator or a member of the Central Review Team.

In addition, some student employees have been designated as Responsible Employees. Student employees who are required to

report include, without fail, Resident Advisors and other Residence Life staff, students who hold supervisory positions over other students, or students who have been designated as Campus Security Authorities under Clery. Questions about the reporting responsibilities of student employees should be directed to the Title IX Coordinator.

The Title IX Coordinator will conduct an initial assessment of the incident or behavior at issue, the Complainant's expressed preference for course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community. Where possible, the Title IX Coordinator will seek a course of action consistent with a Complainant's request.

**Release of Information:** If a report of misconduct discloses a serious and continuing threat to the campus community, where timely notice must be given to protect the health or safety of the community, the College is required to issue a timely notification to the community under the Clery Act. Timely warnings are issued through the College Red Alert mass notification system using email, text messaging, and instant messaging paths. The timely warning will not provide any identifying information about the Complainant. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and continuing threat to the College students, faculty, administrators, staff, or visitors. The College may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, the Violence Against Women Act, state and local law, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy. Pursuant to the Clery Act, anonymous statistical information must be shared with the Chief of the Department of Public Safety (or designee). Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

It is generally the policy of the College to obtain consent from a student before releasing to parents information from a student's education record, including the student conduct proceedings of the College. However, where in the judgment of the College the release of such information to parents of dependent students is appropriate and is not otherwise prohibited by FERPA or other applicable laws, the College reserves the right to release information without student consent. The College's complete FERPA policy may be found in the [Student Handbook](#).

# IV. Prohibited Conduct and Definition

## A. Overview

The College recognizes that sexual harassment, sexual violence, intimate partner violence, and stalking encompass a broad spectrum of conduct. The following specific forms of conduct are prohibited under this policy:

- ` Sexual Harassment
- ` Sexual Assault
- ` Sexual Exploitation
- ` Stalking
- ` Harm to Others
- ` Retaliation
- ` Complicity
- ` Harassing Conduct

## B. Sexual Harassment

All prohibited conduct under this policy, when based on sex or gender, falls under the broader definition of sexual harassment.

### 1. Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct or communication of a sexual nature when one or more of the following conditions are present:

- a. Submission to or rejection of such conduct is an explicit or implicit condition of employment or academic success; or
- b. Submission to or rejection of such conduct is used as the basis for an employment or academic decision; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

### 2. Sexual Violence

Sexual harassment includes sexual violence and other acts of sexual misconduct, described in greater detail below under Prohibited Conduct. In general, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. A single or isolated incident of sexual harassment or sexual violence may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

### 3. Forms of Sexual Harassment

Sexual harassment can take many forms:

- It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contractor to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete).
- It can be committed by or against an individual, an organization or group.
- It can be committed by an acquaintance, a stranger, or someone with whom the Complainant has an intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It can include physical conduct, verbal conduct, visual conduct, written conduct and electronic conduct.

### 4. Gender-Based Harassment

The College also prohibits harassment based on gender, sexual orientation, gender identity or gender expression. Acts constituting such harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

### 5. Academic Integrity and Freedom of Speech

The College is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited conduct. The conduct must be sufficiently serious to interfere with an individual's ability to participate in employment or educational program and activities from both a subjective and objective perspective.

## C. Prohibited Conduct

The following behaviors are prohibited as a violation of Community Standards for students or potential grounds for discipline for employees:

- **Sexual Assault:** Having or attempting to have non-consensual sexual intercourse or non-consensual, non-accidental contact of a sexual nature with another person. This includes intercourse or sexual contact by force or threat of force, where an individual is unable to consent because of incapacitation, and where an individual does not consent to the sexual act.
  - **Related to Sexual Intercourse:** Sexual intercourse includes an act of oral, vaginal, or anal penetration, however slight, with an object or body part by any person upon another person.
  - **Related to All Other Forms of Sexual Contact:** Sexual contact can include, but is not limited to kissing or other physical contact, including touching the intimate parts of another, or causing the other to touch the harasser's intimate parts or causing another to touch their own intimate parts.

• **Sexual Exploitation:** An act or acts attempted or committed by a person for sexual gratification, financial gain, or advancement through the abuse or exploitation of another person's sexuality. *Examples include observing individuals without consent, non-consensual audio- or videotaping of sexual activity, unauthorized presentation or streaming of recordings of a sexual nature, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmittable infection or virus without their knowledge.*

• **Stalking:** A course (more than once) of conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person, or to a third party, such as a roommate or friend. The feared harm or injury may be physical, emotional, or psychological to the personal safety, property, education, or employment of that individual. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking and cyber-stalking may involve persons who are known to one another or have an intimate or sexual relationship, or may involve persons not known to one another. *Examples of stalking include repeated visual or physical proximity to a person, repeated oral or written threats, extortion of money or valuables, implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person. Examples of cyber-stalking include unwelcome/unsolicited emails, instant messages, and messages on on-line bulletin boards, unwelcome/unsolicited communications about a person, their family, friends, or co-workers, or sending/posting unwelcome/unsolicited messages with another username.*

• **Harm to Others:** Physical, verbal or psychological abuse, harassment, intimidation or other harmful conduct that threatens, endangers, or has the potential to endanger the health, well-being or safety of another individual. It can include but is not limited to threats, intimidation, assaulting another person, and/or purposefully injuring another individual. This behavior is typically treated as a violation of our Community Standards. Acts which constitute harm to others that are a form of intimate partner violence, are part of a course of conduct under stalking, or are based on sex or gender, will be resolved under the Sexual Harassment and Misconduct Policy.

• **Retaliation:** Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in that protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation or resolution of an alleged violation of this Policy; or (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated.

• **Complicity:** Assisting, facilitating, or encouraging the commission of a violation of the Sexual Harassment and Misconduct Policy.

• **Harassing Conduct:** The College recognizes that there are many forms of misconduct that could constitute sexual and gender-based harassment, and that it may not be possible to anticipate the specific forms such conduct could encompass. Although harassing conduct may take one of the forms already described under prohibited conduct, a student may also be found responsible for additional forms of harassing conduct. Harassing conduct may occur in a single egregious instance or may be the cumulative result of a series of incidents. Harassing conduct may include conduct typically thought of as bullying or hazing in nature, whether or not the Complainant consents to participate in the conduct. It may also include verbal or physical conduct which intentionally targets an individual or group based on the individual or group's sex, sexual orientation, or sexual identity, even if those acts do not involve conduct of a sexual nature. Harassing conduct may be pursued in addition to one or more of the prohibited acts outlined above, or it may be pursued as a stand-alone violation. If a Respondent is found responsible for both the more specific violation and harassing conduct based on the same incident or series of incidents, however, no additional sanction or enhancement will be applied for harassing conduct. Where a Respondent is found responsible for harassing conduct only, an appropriate sanction will be imposed.



## D. Consent and Related Concepts: Incapacitation, Alcohol, Intimate Partner Violence

Consent to engage in sexual activity must be informed, knowing, and voluntary. Consent to engage in sexual activity must exist from the beginning to the end of each instance of sexual activity. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. Each participant in a sexual encounter must consent to each act of sexual activity.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. In the absence of an outward demonstration, consent does not exist.

The responsibility of obtaining consent rests with the individual who wishes to engage in sexual activity. Prior to engaging in sexual activity, each participant should ask oneself the question, “has the other person consented?” If the answer is “no” or “I’m not sure,” then consent has not been demonstrated and does not exist. An individual who initiates sexual activity should be able to explain the basis for his/her belief that consent existed.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

Consent is not effective if it results from the use of physical force, threat of physical force, intimidation, coercion, incapacitation or any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual contact.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

**Coercion:** Coercion is the use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force, which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. This is something very different from the words of persuasion an individual might use to induce another to voluntarily consent to sexual activity. A person’s words or conduct cannot amount to coercion unless they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering or pressuring another to consume a drug, intoxicant, or similar substance with the intent to impair that person’s ability to consent prior to engaging in sexual activity.

**Incapacitation:** An individual who is incapacitated cannot consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/or physically helpless, unconscious, asleep or unaware that the sexual activity is occurring. Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness, intoxication or impairment. In assessing the impact of incapacitation, the College will consider whether a Respondent knew or should have known that the Complainant was incapacitated based on objectively and reasonably apparent indicators of incapacitation.

**Alcohol or Other Drugs:** The College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. From the perspective of the Complainant, the use of alcohol or drugs can limit a person’s ability to freely and clearly give consent or communicate non-consent. From the perspective of a Respondent, the use of alcohol or drugs can create an atmosphere of confusion over whether or not consent has been freely and clearly sought or given. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication or impairment. If there is any doubt as to the level or extent of the other individual’s intoxication or

impairment, the safest course of action is to forgo or cease any sexual contact or activity. Being intoxicated or impaired by drugs or alcohol does not diminish an individual's responsibility to obtain informed and freely given consent.

**Intimate Partner Violence:** Also referred to as dating violence, domestic violence and relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual or dating relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including, but not limited to threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. The College will not tolerate intimate partner violence of any form. For the purposes of this policy, the College does not define intimate partner violence as a separate form of prohibited conduct. Rather, the College recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, harm to others, harassing conduct and retaliation may *all* be forms of intimate partner violence when committed by a person who is or has been involved in a domestic, sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

## **E. Prohibited Relationships By Persons in Authority**

Sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees are prohibited. Faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates.

Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and they undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one party to the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other party in connection with employment, education or any other benefit.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment.

Relationships of this nature are strictly prohibited. If two parties contemplate beginning such a relationship, the person in a position of authority is required to immediately: 1) discontinue any supervising role or relationship over the other person; and, 2) report the circumstances to one's own supervisor. These two steps must be taken without delay. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the college.

Any individual may file a complaint alleging harassment or bias, including an aggrieved party outside the relationship affected by the perceived harassment or bias. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

# V. Resources for Complainants and Respondents

## A. Overview

The College offers assistance and non-judgmental support to any party involved in an incident of sexual harassment, sexual violence, intimate partner violence or stalking. Both Complainants and Respondents can expect to be treated with care and respect from the time the College becomes aware of an incident, through the entire investigation and resolution, and thereafter. The College understands that any party involved in an incident of sexual harassment, sexual violence, intimate partner violence or stalking will have questions and may need the support of on- and off-campus services. All parties are encouraged to utilize both on-campus and off-campus resources for assistance.

Any member of the College or the Dickinson community, including a Complainant and a Respondent, can expect:

- The opportunity to meet with the Title IX Coordinator, a member of the Vice President and Dean of Student Life's office, a member of the Provost's Office or the Director of Human Resource Services to answer questions regarding the College's Complaint Resolution Procedures.
- Notification of available on- and off-campus confidential resources, including medical assistance and counseling services.
- Information on the option to notify or decline to notify law enforcement authorities and the option to be assisted by the Department of Public Safety or other College officials in notifying and communicating with such authorities.
- The opportunity to request that the College take steps to prevent unnecessary or unwelcomed contact or proximity to another party. Such measures may include housing relocation of either party, the imposition of no contact orders on the parties, and adjustments to course or work schedules to prevent contact, if reasonably available and as determined appropriate by the Title IX Coordinator.
- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to the Department of Public Safety 24 hours a day.

## B. Confidential Resources and Support

Although the College has a strong interest in having individuals report sexual harassment, sexual violence, intimate partner violence and stalking, the College realizes that not every individual chooses to or is prepared to make a report to the College. The College provides confidential resources for students. The College also provides access to confidential resources for employees. Off-campus confidential resources are available to all individuals.

### Students: Confidential Resources

Students wishing to obtain confidential support or resources on-campus are encouraged to contact the Dickinson College Wellness Center. This center is staffed by medical, psychiatric and psychological professionals who are bound by state confidentiality laws and will not share the report with other members of the College under most circumstances (excluding, for example, circumstances that give rise to an imminent safety concern or involve suspected abuse of a minor).

On Campus	Off Campus
<ul style="list-style-type: none"><li>▪ <b>Dickinson College Wellness Center</b>   717-245-1663</li></ul>	<ul style="list-style-type: none"><li>▪ <b>Holy Spirit Hospital Center</b>   717-972-4300</li><li>▪ <b>YWCA Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County</b>   1-888-727-2877</li><li>▪ <b>Domestic Violence Services of Cumberland and Perry Counties</b>   717-258-4806   800-852-2102</li></ul>

## Employees: Confidential Resources

Employees wishing to make a confidential report are encouraged to contact the Employee Assistance Program, which is staffed by individuals who are bound by the same rules of confidentiality.

On Campus	Off Campus
<ul style="list-style-type: none"> <li>▪ <b>Employee Assistance Program</b>   717-243-1896</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Holy Spirit Hospital Center</b>   717-972-4300</li> <li>▪ <b>YWCA Carlisle’s Sexual Assault/Rape Crisis Services of Cumberland County</b>   1-888-727-2877</li> <li>▪ <b>Domestic Violence Services of Cumberland and Perry Counties</b>   717-258-4806   800-852-2102</li> </ul>

## C. Campus Resources

In addition to the confidential resources listed above, both students and employees have access to a variety of resources provided by the College that can provide crisis intervention services, counseling, academic support, and medical services. These resources are available regardless of whether an individual chooses to participate in an investigation or formal resolution; however, each of these campus resources are required to share information about sexual harassment, sexual violence, intimate partner violence or stalking with the Title IX Coordinator or a member of the Central Response Team.

Additional Campus Resources
<ul style="list-style-type: none"> <li>▪ <b>Prevention, Education and Advocacy Center</b>   717-245-1893</li> <li>▪ <b>Vice President and Dean of Student Life</b>   717-245-1639</li> <li>▪ <b>Title IX Coordinator</b>   717-254-8316</li> <li>▪ <b>Dickinson Public Safety</b>   717-245-1111 (emergency) or 717-245-1349 (non-emergency)</li> </ul>

## D. Community Resources

Students and employees may also access resources located in Carlisle and the surrounding community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance to individuals wishing to make a report to the College, but will not notify the College without the consent of the Complainant.

Additional Community Resources
<ul style="list-style-type: none"> <li>▪ <b>YWCA Carlisle’s Sexual Assault/Rape Crisis Services of Cumberland County</b> 717-243-3818   Hotline: 1-88-727-2877</li> <li>▪ <b>S.A.F.E. (Sexual Assault Forensic Examiner) units at local hospitals</b></li> <li>▪ <b>Domestic Violence Services of Cumberland and Perry Counties:</b> 717-258-4806   800-852-2102</li> <li>▪ <b>Borough of Carlisle Police Department:</b> 911   717-243-5252</li> <li>▪ <b>The Cumberland County Office of the District Attorney</b> 717-240-6210   717-240- 6211   888-697-0371 x6210 or x6211</li> </ul>

## VI. Reporting

The College has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, intimate partner violence and stalking and encourages all community members to report any incident of prohibited conduct. The College cannot take appropriate action unless a responsible employee of the College is informed of the allegation.

An individual who reports sexual harassment, sexual violence, intimate partner violence or stalking, whether the Complainant or a witness, can be assured that all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner. Similarly, a Respondent can expect to be treated fairly and respectfully.

Although the College has a strong interest in having individuals report sexual harassment, sexual violence, intimate partner violence and stalking, the College realizes that not every individual chooses or is prepared to make a report. The College also recognizes that not every individual who makes a report will decide to move forward with a complaint for informal or formal resolution. Each individual will decide if and how they choose to report and that decision may be influenced by a variety of factors. Even after making a report, a Complainant is not expected or required to pursue a specific course of action.

There are several confidential resources available through the College for both students and employees. There are also off-campus confidential resources available to all individuals. Information shared with these confidential resources will not be reported to the College. For more information about Confidential Resources, see Section V.B of this Policy (V. Resources for Complainants and Respondents, B. Confidential Resources and Supports).

The College provides resources to both Complainants and Respondents in making decisions, obtaining information about available resources, and assisting either party in determining how to proceed with on- and off-campus options for resolving the complaint. For more information about on- and off-campus resources, see Section V of this Policy (V. Resources for Complainants and Respondents.).

All reports of sexual harassment, sexual violence, intimate partner violence or stalking will be handled as privately as possible. The information reported will be shared only with those College employees who will assist in the investigation and/or resolution of the complaint. For more information, see the College's Statement of Privacy and Confidentiality in Section III of this Policy.

### A. Emergency Reporting Options

**The first priority for any individual should be personal safety and well-being. The College encourages all individuals to seek immediate assistance from 911 local law enforcement, on campus at x1111, and/or a medical facility. This is the best option to ensure preservation of evidence.**

All individuals are encouraged to make a prompt report to law enforcement and/or seek immediate medical treatment in response to an incident in order to address immediate safety concerns and allow for the preservation of evidence and an immediate investigative response. The College will assist in these reporting options by providing transportation to the hospital, coordination with local law enforcement, and information about the College's resources and Complaint Resolution Procedures.

### Where to Make a Report in the Event of an Emergency:

Any of the Following:	Other 24-hour Confidential Resources
<p>③ <b>911</b></p> <ul style="list-style-type: none"><li>▪ <b>Carlisle Police Department</b>   717-243-5252</li><li>▪ <b>Dickinson Public Safety</b>   717-245-1111 Officers of either gender are available.</li><li>▪ <b>Student Life &amp; Counseling On Call Team</b> Contact the on-call staff at DPS at 717-245-1111</li></ul>	<ul style="list-style-type: none"><li>▪ <b>Holy Spirit Hospital Center</b>   717-972-4300</li><li>▪ <b>YWCA Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County</b>   1-888-727-2877</li></ul>

## B. Campus Reporting Options

The College recognizes that a student or employee may choose to report sexual harassment, sexual violence, intimate partner violence or stalking to *any* employee of the College. For example, a student may choose to confide in a Resident Advisor, a faculty member, or a coach. An employee may choose to confide in a supervisor. While a report may come in through many sources, the College is committed to ensuring that all reports are shared with the Title IX Coordinator for consistent application of the policy to all individuals and to allow the College to respond promptly and equitably to eliminate the prohibited conduct, prevent its recurrence and address its effects. The Title IX Coordinator oversees the review, investigation and resolution of the report. The Title IX Coordinator may confer with the following individuals, as appropriate: the Vice President and Dean of Student Life, the Director of Human Resource Services, the Provost (or designee), the Director of Physical Education and Athletics, the Chief of the Department of Public Safety (or designee) and others as may be necessary. College policy provides that any employee, including designated student employees, who receives a report of sexual harassment, sexual violence, intimate partner violence or stalking is required to share the report with the Title IX Coordinator or a member of the Central Review Team.

Students and employees are encouraged to directly report information regarding any incident of sexual harassment, sexual violence, intimate partner violence, or stalking to any of the following reporting options:

### All Campus Reporting Options

- **Title IX Coordinator** | 717-254-8316
- **Dickinson Department of Public Safety** | 717-245-1111
- **Vice President and Dean of Student Life** | 717-245-1639
- ③ **Provost** | 717-245-1321
- **Director of Physical Education and Athletics** | 717-245-1320
- **Director of Human Resource Services** | 717-245-1877

## C. Anonymous Reporting

Anonymous reports of sexual harassment, sexual violence, intimate partner violence or stalking can be made to DPS at [http://www.dickinson.edu/info/20247/department\\_of\\_public\\_safety/1012/anonymous\\_tips](http://www.dickinson.edu/info/20247/department_of_public_safety/1012/anonymous_tips). Depending on the amount of information detailing the alleged incidents or identifying the alleged individual(s) responsible, the College's ability to respond may be limited.

The Anonymous Tips site should not be used for emergency or crisis situations needing an immediate Public Safety, law enforcement or medical emergency response. While DPS regularly follow ups on all information or messages sent through the Anonymous Tips site, this site is not monitored 24 hours a day. In the event of an emergency, individuals are advised to call 911.

## D. Time Frame for Reporting

Individuals are encouraged to report alleged sexual harassment, sexual violence, intimate partner violence and stalking immediately in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, the College will meet its Title IX obligation by providing reasonably available accommodations or measures for a Complainant, assisting the Complainant in identifying external reporting options, and taking reasonably available steps to end the harassment, prevent its recurrence, and address its effects. Those steps may be limited if the Respondent is no longer affiliated with the College.

## **E. Coordination with Law Enforcement**

The College encourages Complainants to pursue criminal action for behaviors that may also constitute crimes under Pennsylvania law. The College, through the Department of Public Safety, will assist a Complainant in making a criminal report and will cooperate with local law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

Because the goals and objectives of the College's Sexual Harassment and Misconduct Policy differ from those of the civil and criminal justice systems, under circumstances which give rise both to violations of the Sexual Harassment and Misconduct Policy and to violations of local, state or federal law, student conduct proceedings and employee disciplinary proceedings generally move forward without regard to pending civil or criminal proceedings. In addition, because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations are not determinative of whether sexual harassment, sexual assault, intimate partner violence or stalking, for purposes of this policy, has occurred. The College may pursue an investigation and resolution regardless of the existence or outcome of any criminal charges, and conduct may constitute a violation under this policy even if law enforcement agencies decline to prosecute or if a Respondent has been found not guilty in the legal system.

Proceedings under the College's Sexual Harassment and Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. On-campus resolution does not preclude or limit a student's or employee's access to the state and federal justice systems.

If an individual reports sexual harassment, sexual violence, intimate partner violence or stalking committed by an individual who is not a member of the College community, the Complainant can speak with the Title IX Coordinator and DPS to discuss options such as contacting outside law enforcement authorities and/or removing the individual(s) from campus. If an individual accused of violating this policy is a guest, the host may be held accountable for the guest's behavior.

## **F. Amnesty for Conduct Violations for Complainants and Witnesses**

The College encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward, by prohibiting retaliation and by providing amnesty for individuals who report prohibited conduct. The College will generally not seek to hold any student who reports sexual harassment, sexual violence, intimate partner violence or stalking accountable for their own conduct at or near the time of the event which may have constituted a violation of the Community Standards, provided that any such violations did not and do not place the health and safety of any person at risk. This means, for example, that students reporting sexual harassment, sexual violence, intimate partner violence or stalking will generally not face disciplinary action due to the personal ingestion of alcohol or other drugs. The College may choose, however, to pursue educational remedies including assessment and counseling, for those individuals. Under limited circumstances, a reporter may be held accountable for their own misconduct; such violations will be reviewed in conduct proceedings separate from the proceedings under this policy.

## **G. Bystanders**

The College encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual harassment, sexual violence, intimate partner violence or stalking. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, reporting the incident to campus officials or seeking assistance from a person in authority. Community members who choose to exercise this positive, moral obligation will be supported by the College and protected from retaliation.

The College provides ongoing training programs and opportunities for students and employees to learn more about bystander intervention.

## **H. Statement Against Retaliation**

It is a violation of College policy for any person, organization or group to retaliate in any way against a student or employee because he or she raised allegations of sexual harassment, sexual violence, intimate partner violence or stalking. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Respondent or witness may also be the subject of retaliation by another individual, including the Complainant. The College will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate.

An individual reporting sexual harassment, sexual violence, intimate partner violence or stalking is entitled to protection from any form of retaliation following a good faith report, even if the report is not later substantiated.



# VII. Interim Measures

## A. Overview

Upon receipt of a report of sexual harassment, sexual violence, intimate partner violence or stalking, and potentially through the completion of any appeals, the College will take reasonable and appropriate interim measures to protect the parties involved. The Title IX Coordinator, or designee, will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Interim measures may be imposed at any time regardless of whether formal disciplinary action is sought by the Complainant or the College in order to ensure the preservation of the Complainant's educational experience and the overall college environment. Interim measures will be kept private to the extent that maintaining privacy would not impair the ability of the College to provide the interim measures.

A Complainant or Respondent may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process. A decision to arrange for such separation or other protection need not be based on a finding of responsibility, and shall not be interpreted as a finding of fault. Interim measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered.

Where the report of sexual harassment, sexual violence, intimate partner violence or stalking poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the campus community, the College may place an individual student or organization on Interim Separation. Pending resolution of the complaint, the individual or organization may be denied access to campus. During Interim Separation, a student may continue their coursework as outlined in the Interim Separation letter. Similarly, the College may impose leave for employees. Such leave will be structured (paid vs. unpaid) at the College's discretion. When Interim Separation or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution (but not appeal), within an expedited time frame.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

## B. Range of Measures

Interim measures will be implemented at the discretion of the College, and will be established by the Title IX Coordinator and the Central Review Team. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Imposition of No-Contact Directive for all parties
- Change in class schedule, including the ability to transfer course sections or drop a course without penalty
- Rescheduling of exams and assignments
- Change in work schedule or job assignment
- Change in living arrangements
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities

- Providing counseling services and assistance in setting up initial appointment
- Providing medical services
- Providing academic support services, such as tutoring
- College-imposed leave or separation
- Interim suspension or interim separation
- Any other remedy which can be tailored to the involved parties to achieve the goals of this policy.

# VIII. Review, Investigation and Resolution of Complaints

## A. Role of the Title IX Coordinator

The President of the College has appointed a Title IX Coordinator to oversee the College's central review, investigation and resolution of reports of sexual harassment, sexual violence, intimate partner violence and stalking under the College's Procedures for Resolution of Complaints. The Title IX Coordinator also coordinates the College's compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, intimate partner violence and stalking involving students, staff and faculty;
- Informed of all reports and complaints of sexual harassment, sexual violence, intimate partner violence and stalking involving students, staff and faculty reported to responsible employees;
- Responsible for evaluating a Complainant's request that their name not be shared with the Respondent or that no investigation go forward in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all;
- Responsible for tracking patterns and assessing the impact of individual incidents on climate and culture;
- Responsible for determining appropriate interim measures;
- Responsible for monitoring process to ensure that requirements for prompt and equitable review are met;
- Knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as College policy and procedure;
- Available to advise any individual, including a Complainant, a Respondent or witness, about the courses of action that are available at the College, both informally and formally, and in the community, and what involvement that individual may or may not have in the process;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, intimate partner violence or stalking;
- Available to provide assistance to Chief of the Department of Public Safety (or designee) employees regarding how to respond appropriately to reports of sexual violence;
- Responsible for coordinating policies and procedures with local law enforcement, and victim advocacy and service providers;
- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this policy; and
- Responsible for overseeing training, prevention and education efforts and annual reviews of climate and culture.

Trained Title IX Deputy Coordinators who can also offer assistance are available in the following offices:

- Chief of the Department of Public Safety
- Vice President and Dean of Student Life
- Director of Physical Education and Athletics
- Provost and Dean of the College
- Director for Human Resource Services

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator:

**Title IX Coordinator**  
Kat Matic

(717) 254-8316  
Email: [matick@dickinson.edu](mailto:matick@dickinson.edu)

It is the College's intention that through these procedures, any complaints will be resolved internally. However, a complaint can also be filed with the following agencies:

**Office for Civil Rights**

Philadelphia Office  
United States Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
(215) 656-8541  
(800) 368-1019  
(800) 977-8339 (TDD)  
(215) 656-8605 (fax)  
OCR.Philadelphia.ed.gov

**U.S. Equal Employment Opportunity Commission**

801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127  
(800) 669-4000  
(800) 669-6820 (TTY)  
(215) 440-2606 (fax)

**Pennsylvania Human Relations Commission**

Harrisburg Regional Office  
333 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101-2210  
(717) 787-9780  
(717) 787-7279 (TTY)

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to Dickinson; however, if the Respondent is no longer a student or employee, the College's authority to pursue disciplinary action may be limited.

## **B. Central Review Team to Assist in Investigation and Resolution**

Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Central Review Team and the Title IX Coordinator, who will ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence and eliminate its effects.

The Title IX Coordinator is supported by a Central Review Team. Members of this interdepartmental team may include: the Vice President and Dean of Student Life, the Director of Human Resource Services, the Provost (or designee), the Director of Physical Education and Athletics, the Chief of the Department of Public Safety and others as may be necessary. Composition of the team will be determined by the Title IX Coordinator on a case-by-case basis and shall be limited to a small circle of

individuals who “need to know” in a particular situation in order to implement procedures under this policy. The members of this team support the Title IX Coordinator in facilitating reports and the resolution of reported harassment or misconduct through the College’s Complaint Resolution Procedures. The Title IX Coordinator will consult with members of Central Review Team individually or collectively as she or he deems it appropriate to discharge the Title IX Coordinator’s responsibilities under this policy and to assure that there is appropriate representation based on the status of the Complainant and the Respondent.

The Complaint Resolution Procedures are guided by principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Throughout the investigation and resolution of a complaint, the Complainant and Respondent have the right to be assisted by an advisor of their choice. Additional guidance about the role of the advisor is contained in the Appendix at Section X.

### **C. Time Frame for Resolution**

Dickinson College will make every effort to successfully resolve all reports (through the imposition of sanction or final remedies) within 60 days. The time allotted for the appeal process is not included in the 60 days. In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. However, any timeframe expressed in this policy, including the 60 days, may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may exist for a variety of factors, including the complexity of the circumstances of each case, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for College breaks or vacations, or to address other legitimate reasons.

Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the investigation and resolution of the complaint and any subsequent appeal. Where the Respondent is a second semester senior, the College may withhold that student’s Dickinson College degree pending conclusion of the student conduct proceedings.

# IX. Complaint Resolution Procedures

## A. Overview of Options

The College is committed to providing all members of the College community with a safe place to live, learn and work. Consistent with this priority, the College will respond promptly and equitably to all allegations of sexual harassment, sexual violence, intimate partner violence or stalking. Any individual may make a report under the Sexual Harassment and Misconduct Policy which will initiate a review of the complaint as outlined in this section.

The College's response to reports of sexual harassment, sexual violence, intimate partner violence and stalking under this policy is pursued in multiple stages: report, assessment, investigation, resolution and appeal. At each of these stages, the College is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Title IX Coordinator and the Central Review Team, who will ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and address its effects. The Title IX Coordinator will only consult with members of the Central Review Team and others that "need to know" in order to implement procedures under this policy.

Upon receipt of a report, the Title IX Coordinator will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment, sexual violence, intimate partner violence and stalking. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the Complainant's expressed preference for resolution, and the necessity for any interim measures to protect the safety of the Complainant or the community.

Following the initial assessment, the College may, at the discretion of the Title IX Coordinator: 1) seek Voluntary Resolution that does not involve disciplinary action against a Respondent; or, 2) seek formal resolution by initiating an investigation to determine if disciplinary action is warranted. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to move the report forward to a complaint for resolution.

Each resolution process is guided by the same principles of fairness and respect for all parties. Any individual who violates these standards will be held accountable for their behavior through a process that protects the rights of both the Complainant and the Respondent. Resources are available for both students and employees, whether as Complainants, Respondents or witnesses, to provide support and guidance throughout the investigation and resolution of the complaint.

## B. Title IX Assessment

When a report is made, the Title IX Coordinator will conduct an initial Title IX assessment. The first step of this assessment will usually be a preliminary meeting between the Complainant and appropriate member of the Central Review Team. In the course of this assessment, the College will consider the interest of the Complainant and the Complainant's expressed preference for manner of resolution. Where possible and supported by an assessment of the facts and circumstances, the College will seek action consistent with the Complainant's request.

As part of the initial assessment of the facts, the College will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety & emotional well-being

- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding
- Notify the Complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist them with notifying law enforcement
- Notify the Complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
- Notify the Complainant of the importance of preservation of evidence
- Enter the report into the College's daily crime log if required by the Clery Act
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the Complainant with information about on- and off-campus resources
- Notify the Complainant of the range of interim measures
- Provide the Complainant with an explanation of the procedural options, including voluntary resolution and formal resolution
- Inform the Complainant and the Respondent they may seek an advisor of their choosing to assist them throughout the investigation and resolution of the complaint, and that the advisor may accompany them to any meeting or proceeding under this policy. Additional guidance about the role of the advisor is contained in the Appendix at Section X.
- Assess for pattern evidence or other similar conduct by the Respondent
- Explain the College's policy prohibiting retaliation

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the College has sufficient information to determine the best course of action.

At the conclusion of the Title IX Assessment, the Title IX Coordinator will determine the appropriate manner of resolution, which may include Voluntary Resolution or the initiation of an investigation to determine if disciplinary action is warranted. It is at the discretion of the Title IX Coordinator to determine which method of resolution is appropriate. Any individual wishing to explore alternative resolution methods is encouraged to discuss these options with the Title IX Coordinator.

Where the Complainant requests that their identity not be shared with the Respondent or that the College not pursue an investigation, the College must consider this request in the context of the College's responsibility to provide a safe and non-discriminatory environment for all College community members. The College, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the Complainant's request will be balanced against the following factors:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether there have been other complaints or reports of harassment or misconduct against the Respondent;
- The right of the Respondent to receive notice and relevant information before disciplinary action is sought;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual

violence or other violence;

- Whether the Respondent has a history of arrests or prior conduct violations (at Dickinson or elsewhere) indicating a history of violence;
- Whether the alleged Respondent threatened further sexual violence or other violence against the student or others;
- Whether the sexual violence was committed by multiple individuals;
- Whether the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and,
- The Respondent's right to receive information if such information is maintained in an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99.

The College will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Central Review Team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

At the conclusion of the initial Title IX assessment, the Complainant will receive a written notice of the determination about how the College plans to proceed. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict the Respondent's movement on campus, the initiation of an investigation or the decision to request the Respondent's involvement in Voluntary Resolution.

### **C. Voluntary Resolution**

Voluntary Resolution is an alternative approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that Voluntary Resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational, extracurricular and employment activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section XI. B above. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of Voluntary Resolution used, it may be possible for a Complainant to maintain anonymity.

The College will offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of Voluntary Resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. The decision to pursue Voluntary Resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation is voluntary, and a Complainant or Respondent can request to end Voluntary Resolution and initiate an investigation at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for Voluntary Resolution, which will typically be completed within sixty (60) days of the conclusion of the initial Title IX assessment.



## **D. Investigation**

### **1. Overview of Investigation**

Where the initial Title IX assessment concludes that disciplinary action may be appropriate, based on the request of the Complainant or the College's determination that an investigation should be pursued based on the potential risk of harm or threat to public safety, the Title IX Coordinator will initiate an investigation. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

Throughout the investigation and resolution, a Complainant or Respondent may have an advisor of their choosing present at any meeting or proceeding. Additional guidance about the role of the advisor is contained in the Appendix at Section X.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the College campus community, and take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

### **2. Notice of Investigation**

Both the Complainant and the Respondent will receive written notice that an investigation has been initiated. The notice will include the description of the complaint, the potential policy violations at issue, the name and contact information of the assigned investigative team and an overview of the investigation procedures.

### **3. Investigative Team**

The College will designate an investigative team who has specific training and experience investigating allegations of sexual harassment, sexual violence, intimate partner violence and stalking. The investigative team may be comprised of employees of the College, external investigators engaged to assist the College in its fact gathering or both. The College will typically use a team of two investigators with one individual having primary responsibility for the investigation. Any investigator chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

### **4. Investigative Steps**

The investigative team will conduct the investigation in an appropriate manner in light of the circumstances of the case. The investigative team will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination. The investigative team may consider prior or subsequent conduct that is relevant to evaluating the current conduct. The investigative interviews may be audio-recorded and notes of the interview will be maintained by the College until the parties have had the opportunity to review and comment on the draft investigation report. The investigative team will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate and as described more fully below. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information.

### **5. Complainant and Respondent Interviews**

The investigative team will interview the Complainant and Respondent separately. Each party will be asked to participate in an initial interview and may be asked to participate in a follow up interview(s) as needed.

### **6. Other Sexual History**

The sexual history of a Complainant or Respondent will never be used to prove character or reputation. An

investigation under this policy may consider prior or subsequent sexual history between the parties if the investigative team, with the agreement of the Title IX Coordinator, determines that there was a prior or ongoing relationship between the Complainant and the Respondent and the investigative team is asked to determine whether consent was sought and given. As noted in other sections of the policy, whether someone consented on a prior or subsequent occasion is not evidence that the person consented on this occasion, and consent must be sought and given each time. Any prior or subsequent sexual history between the parties will only be used to help understand the manner and nature of communications between the parties and the context of the relationship.

If the investigative team and Title IX Coordinator determine that prior or subsequent sexual history should be considered, both the Complainant and Respondent will be notified and have the opportunity to provide any additional relevant information to the investigative team.

## **7. Witness Interviews**

The investigative team will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the College. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The investigative team may also interview any other individual he or she finds to be potentially relevant to the allegations of the complaint. The investigative team will inform each witness or other individual interviewed that they are prohibited from retaliating against the Complainant and Respondent or other witnesses, and request that the witnesses respect the privacy of the parties and the integrity of the process.

## **8. Experts**

The investigative team may contact any expert they determine is necessary to ascertain the facts related to the complaint. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

## **9. Document/Records Review**

In addition to reviewing any documents submitted by the Complainant and Respondent, the investigative team will try to obtain such other physical or medical evidence relevant to the investigation as the investigative team determines, in their judgment, to be necessary, including but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, records or other relevant information. In obtaining such information, the investigative team will comply with applicable laws and Dickinson College policies. A party's medical or mental health records are confidential under law. If a party voluntarily decides to share such records with the investigative team, the relevant portions of the records will be shared with the opposing party and included in the investigation report.

## **10. Site Visits**

The investigative team may visit relevant sites or locations and record observations through written or electronic documentation, such as videos or photographs.

## **11. Consolidation of Investigation and Consideration of Other Conduct by a Respondent**

The investigative team and Title IX Coordinator have the discretion to consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant in reaching a determination in the other incident. In addition, in gathering the facts, the investigative team may consider similar prior or subsequent allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant.

Evidence of an occurrence or occurrences of sexual or other relevant behavior so distinctive and so closely resembling

either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be admissible. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of a policy violation by the Respondent for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and assigning of a sanction.

## **12. Concurrent Law Enforcement Investigation**

If there is a concurrent criminal investigation, at the request of law enforcement, the College may agree to defer its Title IX fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant and Respondent regarding Title IX rights, procedural options and the implementation of interim measures to assure the safety and well-being of all affected individuals. The College will promptly resume its Title IX fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

## **13. Investigation Report**

### **a. Contents**

At the conclusion of the investigation, the investigative team will prepare a written investigation report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts, and analyzes the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigation report may include summaries of interviews with the Complainant, Respondent, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence.

In preparing the report, the investigative team will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigative team may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigative team may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

### **b. Review of Investigation Report**

Before the report is finalized, the Complainant and Respondent will be given the opportunity to review the information that will be used in reaching a determination of whether the policy has been violated. Consistent with FERPA or safety concerns, identifying information about the Complainant or witnesses may be redacted at the discretion of the Title IX Coordinator. A Complainant and Respondent may submit any additional comment or evidence to the investigative team within five (5) days of the opportunity to review the report. A Complainant and Respondent may also raise concerns about the inclusion of any evidence, even if relevant, that the party believes may be more harmful than probative.

Upon receipt of any additional information or comments by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the investigative team will prepare the final investigation report. In completing the report, the investigative team, in consultation with the Title IX Coordinator, will determine whether any information included in the report should be excluded. After any adjustments are made in response to the comments and information received, the investigative team shall determine whether there is sufficient information to find, by a preponderance of the evidence, that a policy

violation occurred.

The investigative team will submit a final report and investigative finding to the Title IX Coordinator or designated member of the Central Review Team. The final report will include all investigation materials subject to the guidelines set forth in the preceding section, the Complainant and Respondent responses, the finding of whether this policy and any additional policies being explored through this investigation have been violated, and the investigative team's rationale. The finding will be based on the standard of preponderance of the evidence, i.e., whether it is more likely than not that the policy was violated.

## **E. Formal Resolution**

The Title IX Coordinator or designated member of the Central Review Team will assign the matter to a Review Panel (for complaints against students) or Reviewing Authority ( "Reviewer" ) (for complaints against employees, including faculty). The Reviewer and members of the Review Panel are fair and impartial decision-makers, and the Reviewer and Review Panel are separate and distinct entities from the Central Review Team. The Reviewer and members of the Review Panel have received appropriate training to participate as informed and impartial decision-makers. The Review Panel is comprised of three College employees (faculty and staff). The Review Panel members and Reviewer must have no prior experience with the parties, witnesses or incident(s) in question that would present any actual conflict of interest. The Complainant and Respondent will be informed of the composition of the Review Panel or the identity of the Reviewer and may raise a challenge for bias or conflict to the Title IX Coordinator before the review begins.

The Review Panel or Reviewer will review the final investigation report to determine whether (1) the investigation was conducted in a fair, impartial and reliable manner, (2) the information is sufficient to support the factual findings, and (3) there is a rational basis, applying a preponderance of the evidence standard, for the recommended finding(s) of responsibility or no responsibility. In conducting this review, the Review Panel or Reviewer may accept or reject the investigative team's finding in whole or in part, may request that further investigation be undertaken by the same or another investigator, and/or may request that a de novo investigation be conducted. In reaching a determination, the Review Panel or Reviewer may elect to meet with the investigative team, but the Review Panel or Reviewer may not conduct its own investigation or hearing.

After the Review Panel or Reviewer have concluded their review of the final investigative report and any additional information requested, the Review Panel or Reviewer shall either affirm or reject the investigative team's finding(s).

### **1. Determination of Insufficient Information That a Policy Violation Occurred**

If the Review Panel or Reviewer, in consultation with the Title IX Coordinator, determines that the investigator properly concluded that there is insufficient information to find, by a preponderance of the evidence, that a policy violation occurred, the Review Panel or Reviewer will affirm the finding of no responsibility and render a decision, in writing, to both parties.

### **2. Determination of Sufficient Information That a Policy Violation Occurred & Imposition of Sanction**

If the Review Panel or Reviewer, in consultation with the Title IX Coordinator, determines that the investigator properly concluded that there is sufficient information to find, by a preponderance of the evidence, that the Respondent committed a policy violation, the Review Panel or Reviewer will consider the imposition of a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The Review Panel or Reviewer is responsible for determining the appropriate sanction. In reaching this determination, the Review Panel or Reviewer will provide the Complainant, the Respondent and other affected parties, as appropriate, the ability to provide a written impact or mitigation statement for consideration. Both parties will be permitted to submit character references prior to the imposition of sanctions by the Review Panel or Reviewer. The Review Panel or Reviewer will also consult with the Title IX Coordinator with respect to sanction and remedy.

The Review Panel or Reviewer may impose any sanction deemed appropriate after a consideration of all of the relevant information. In general, the imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

For students, the sanctions may include disciplinary action up to and including suspension from the College or expulsion. A full list of the range of sanctions for students is contained later in this policy. For employees, the sanction may include any form of responsive action or progressive discipline as set forth in the Staff Handbook, including training, referral counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.

Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by Respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

In situations where it is determined that the conduct was motivated by bias, insofar as a Complainant was selected on the basis of his or her race, color, ethnicity, national origin, religion, age, disability or other protected class, the sanction imposed may be enhanced to account for the bias motivation.

For a student employee who is acting within the scope of his/her employment at the time of the incident, the sanction may include any permissible sanction from the Sexual Harassment and Misconduct Policy or the personnel policies for employees.

### **3. Possible Student Sanctions:**

- **Warning:** Notice to a student or organization that continuation or repetition of conduct found to be in violation of the Sexual Harassment and Misconduct Policy and/or Community Standards may result in further disciplinary action.
- **Housing Restriction(s):** Housing restrictions include, but are not limited to, restricted access to any or all parts of residence halls, the loss of room selection/lottery privileges, the loss of off-campus lottery participation, relocation to another College residential facility, requirement to move on- or off-campus, as appropriate, at an individual's own expense, removal of guest privileges, and/or restriction from specific housing options.
- **Assessment and Treatment:** Referral to the Wellness Center or approved off-campus agency for assessment and/or treatment. This includes, but is not limited to, services from certified programs who offer: counseling for sex offenders, for sexual awareness and sensitivity, for substance use, for intimate partner violence and for violence risk.
- **Restrictions on Participation or Use:** Restrictions on participation include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student's ability to participate in certain College-approved activities, including, but not limited to, varsity sports, clubs, organizations (including but not limited to Greek organizations), or leadership positions with such sports, clubs, and organizations. Restrictions on use include the denial of access to or use of certain College facilities, programs, or equipment for a stated period of time or under a stated set of conditions.
- **Probation:** A specified period of time requiring maintenance of exemplary conduct. Further violations during this time may result in more serious sanctions than are imposed in the absence of probationary status. During a probationary period, the terms imposed on an organization will also be binding on its members.

**Stayed Suspension:** A student or organization on stayed suspension has been found responsible for conduct that warrants suspension from the College. In the exercise of its discretion, the College has determined to withhold immediate imposition of suspension and to allow the individual or organization to remain on campus, usually with additional terms of compliance. If a student or organization is found in violation of any aspect of the Sexual Harassment and Misconduct Policy and/or the Community's Standards or of terms of compliance during the period of the stay, the stay on this suspension may be lifted and the suspension will become effective immediately, resulting in separation from the College for the remainder of the suspension period. In addition, any other sanctions for the new violation(s) will be imposed. During a period of stayed suspension, the terms imposed on an organization will also be binding on the members of the organization.

**Suspension from the College:** A student suspended from the College may not participate in classes or other College activities and may not be on College property (except by appointment, arranged in advance with the Provost and Dean of the College (or designee) or the Vice President and Dean of Student Life (or designees) for the period of time specified in the notice of suspension. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters and/or summer sessions. In no case shall the suspension terminate prior to the end of a semester. Courses taken at another institution during this period of suspension will not be accepted for transfer at the College. Conditions for resuming active status on campus following suspension may be imposed by the College. A sanction of immediate suspension will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter and shall remain in effect throughout any appeal process. An organization that is suspended shall be required to forfeit its ability to conduct group-sponsored activities or to participate in College-sponsored activities, and any College support for the organization will be withdrawn, during the period of suspension.

**Revocation or Withholding of Diploma and Degree:** If a student has graduated from the College, or has otherwise satisfied the requirements for earning a degree, before violations of the Sexual Harassment and Misconduct Policy are discovered or before a determination of violations is complete, the College reserves the right to revoke the diploma and/or degree conferred, or to withhold the conferring of a degree or diploma otherwise earned for a specified period of time or indefinitely.

**Expulsion:** For an individual, permanent termination of student status, which includes exclusion from any College property, College sponsored, or College affiliated events. A person expelled from the College is denied the rights and privileges of inclusion in the Dickinson College community both as a student and as an alumnus/alumna. Expulsion will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter, and shall remain in effect throughout any appeal process. For an organization, permanent termination of the organization's relationship and status with the College, which includes termination of access to facilities, funding, and/or right to assemble as an organization on College property and at College-sponsored or affiliated events. An organization expelled from the College is denied the rights and privileges of inclusion in the Dickinson College community as an organization.

**Other:** Such other sanctions as may be appropriate in the judgment of the College. The College identifies the following as standard sanctions for violating the Sexual Harassment and Misconduct Policy when a formal hearing is utilized. These standard sanctions are specific to the student's status at the institution. A Respondent can expect to have additional sanctions to assist in his/her learning and/or the safety of the campus and Complainant.

#### 4. Violations and Standard Range of Sanctions for Students

Violation	Standard Sanction Range
Sexual Assault (Related to Intercourse)	One-Year Suspension to Expulsion
Sexual Assault (Not Related to Intercourse)	Probation to Expulsion
Sexual Exploitation	Probation to Expulsion
Stalking	Probation to Expulsion
Harm to Others	Stayed Suspension to Expulsion
Harassing Conduct	Warning to Stayed Suspension
Retaliation	Probation to Expulsion
Complicity	Warning to Stayed Suspension

#### 5. Notice of Outcome

Both the Respondent and the Complainant will simultaneously receive written notice of the outcome, the sanction and the rationale for both.

To provide notice of outcome, College-issued email is the primary means of communication. Alternative methods may include:

- In person by the Review Panel, the Title IX Coordinator, or designated College administrator. This in person communication will be followed by a written communication;
- Through the U.S. Mail or equivalent mailing to the local or permanent address of the individual as indicated in official College records

The notice of outcome will include the finding as to whether there has been a policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. The notice of outcome will also include the sanction and the rationale for the sanction. The Respondent will be informed of the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Complainant will be fully informed of any sanctions and remedies that directly relate to Complainant, including information about the Respondent's presence on campus (or in a shared class or residence hall), that may help a Complainant make informed decisions or work with the University to eliminate harassment and prevent its recurrence. The notice of outcome will also provide each party with their appeal options.

The College may also notify appropriate College officials, such as the Chief of the Department of Public Safety, faculty members, residence life staff, coaches, as necessary, to implement the outcome and/or sanctions.

#### 6. Appeal

Either party may appeal the outcome and/or sanction. The appeal will be conducted in an impartial manner by an Appeal Officer, designated by the Title IX Coordinator.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appeal Officer shall consider the merits of an appeal only on the basis of the three grounds for appeal.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Dissatisfaction with the outcome of the investigation is not grounds for appeal.

A review of the matter will be prompt and narrowly tailored to stated appeal grounds. The limited grounds for appeal are as follows:

- ` New information that could affect the finding of the investigative team or Review Panel and was not reasonably available through the exercise of due diligence at the time of the investigation;
- ` A deviation from College policy or procedures that materially affected the outcome; or
- ` Sanction is too harsh or too lenient.

The appeal must be submitted within five (5) days of the date of the outcome letter to the Title IX Coordinator. Failure to meet the deadline for appeal shall result in waiver of the right to appeal. An appeal should be addressed to Kat Matic, Dickinson Title IX Coordinator, and delivered in writing or via email to TitleIX@dickinson.edu. Once an appeal is received, the Title IX Coordinator will provide the other party notice of the appeal and a copy of the appeal. If the other party wishes to respond, that party must do so in writing to the Title IX Coordinator within five (5) days after receiving the appeal. In the event that both parties initially appeal the findings, each party will be provided notice, a copy of the other party's appeal and the opportunity to respond in writing. The Title IX Coordinator will forward all appeal materials to the appropriate Appeal Officer. An appeal regarding a student is referred to the V.P. and Dean for Student Life; an appeal regarding a staff member is referred to the V.P. for Finance and Administration; and an appeal regarding a faculty member is made to the Provost and Dean of the College. The Title IX Coordinator reserves the right to appoint an Appeal Officer(s) as appropriate to ensure there is no conflict of interest, and for example, in cases where the appeal is in regards to a third-party or in cases where the responding party can have multiple roles/affiliations at the College.

The Appeal Officer will review the written investigation report and all supporting documents. Appeals are not intended to be a full rehearing of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original investigation and outcome, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appeal Officer to substitute his/her judgment for that of the original reviewing body merely because s/he disagrees with its finding and/or sanctions. Appeal decisions are to be deferential to the original reviewing authority, making changes to the finding only where there is clear error based on the stated appeal grounds.

The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Appeal Officer can ask that a new investigation and/or imposition of sanctions occur.

In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the Review Panel to assess the weight and effect of the new information and render a determination after considering the new facts. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an investigation.

The Appeal Officer will communicate the result of the appeal to the Complainant and Respondent within ten (10) days from the date of receiving all appeal documents from the Title IX Coordinator. Appeal decisions are final.

For complaints against faculty which involved a sanction of dismissal, an Appeals Committee may determine whether or not adequate cause of dismissal has been established as outlined in the Dismissal Procedures for Adequate Cause (Chapter 4 of the Academic Handbook). The determination of the Appeals Committee may be appealed to the Board of Trustees via the President as set forth in the process outline in the Dismissal Procedures. In addition, when the College imposes a minor or major sanction, the Respondent may petition the Faculty Personnel Committee for such action as may be called for.



## **F. Additional Considerations**

### **1. Group Infractions**

When members of a student group, organization, team or individuals acting collusively act in concert in violation of the Sexual Harassment and Misconduct Policy, their conduct may be reviewed as a group or as individuals, and an investigation may proceed against the group as joint Respondents or against one or more involved individuals as appropriate given available information and the circumstances.

A student group, organization, or team's officers and membership may be held collectively and individually responsible when violations of this code by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organizations leaders or officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will consider the sanctioning considerations below, as well as the proportionality of the involvement of each individual.

### **2. Advisors**

Throughout the investigation and resolution of a complaint, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The advisor may be any person, including an attorney engaged at the party's expense, who is not otherwise a party or witness in the investigation. The advisor may accompany the Complainant or Respondent to any meeting or related proceeding with an investigator or a College employee. While the advisor may confer quietly with the Complainant or Respondent to provide advice or support, the advisor may not speak on behalf of the Complainant or Respondent or otherwise actively participate in, or in any manner disrupt, the meeting or proceeding. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process in accordance with the College's objective of completing the resolution process in sixty (60) days or less. To serve as an advisor, the individual will be required to meet with the Title IX Coordinator in advance of participating in the investigation to understand the expectations of the role, privacy, and appropriate decorum. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. No copies of written materials or any other evidence will be given to an advisor, although the parties may share such information with an advisor as necessary to assist them in the proceedings.

### **3. Records**

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, Voluntary Resolution, or Formal Resolution. In general, records will be maintained for the duration of the Respondent's enrollment or employment at the College and may be retained for no less than seven years following the Respondent's departure from the College.

#### **a. Students**

Findings of responsibility in matters resolved through Formal Resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record.

Complaints resolved by Title IX assessment or Voluntary Resolutions are not part of a student's conduct file or academic record. The conduct files of students who have been suspended, expelled or who withdrew pending disciplinary action from the College are maintained in the Vice President and Dean of Student Life Office for seven years after their departure from the College.

Further questions should be directed to the Assistant Dean of Students. Records of disciplinary action involving organizations are maintained in the Vice President and Dean of Student Life Office indefinitely. Students who declare an interest in studying abroad through the Center for Global Study and Engagement are subject to a conduct record check. Information that will be shared with the Office of Global Education includes, but is not limited to, determination of sexual misconduct violations. It is within the sole discretion of the College, through the Office of Global Education, to determine whether a student who has violated College policy is eligible to study abroad. Consideration and qualification for study abroad are not disciplinary determinations but may be affected by a student's disciplinary record.

#### **b. Employees**

The Title IX Coordinator and Human Resource Services will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, voluntary resolution, or Formal Resolution. Findings of responsibility in matters resolved through Formal Resolution are part of an employee's personnel file. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of an employee's personnel file.

Complaints resolved by Title IX assessment or voluntary resolutions are not part of an employee's personnel file but may be used to assure that no retaliation occurs and in the case that there are further incidents involving either the Complainant or Respondent. Access to these records will only be granted with the consent of the individual(s) involved, or as required by law in a legal proceeding.

Records will be maintained for the duration of the Respondent's employment at the College, and may be retained for no less than seven years following the Respondent's departure from the College. For allegations involving child abuse or misconduct by employees warranting termination, the records may be kept indefinitely.

## X. Appendix: Roles of Individuals | Definitions of Terms

**Advisor:** Throughout the investigation and resolution of a complaint, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The advisor may be any person, including an attorney engaged at the party's expense, who is not otherwise a party or witness in the investigation. The advisor may accompany the Complainant or Respondent to any meeting or related proceeding with an investigator or a College employee. While the advisor may confer quietly with the Complainant or Respondent to provide advice or support, the advisor may not speak on behalf of the Complainant or Respondent or otherwise actively participate in, or in any manner disrupt, the meeting or proceeding. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process in accordance with the College's objective of completing the resolution process in sixty (60) days or less. To serve as an advisor, the individual will be required to meet with the Title IX Coordinator in advance of participating in the investigation to understand the expectations of the role, privacy, and appropriate decorum. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. No copies of written materials or any other evidence will be given to an advisor, although the parties may share such information with an advisor as necessary to assist them in the proceedings.

**Character Witness:** An individual(s) attesting to the character of either the Complainant or Respondent. Character witnesses provide information in written form for use by the Review Panel or Reviewer, for determining sanctioning, only if there is an affirmative decision regarding responsibility for the violation(s) in question. A character statement must be requested by the party it is written to support and must be submitted in advance of the Review Panel or Reviewers meeting to the Title IX Coordinator.

**Complainant:** An individual who invokes the College's investigation and resolution process to determine if the sexual misconduct policy has been violated and identifies him or herself as a victim of the alleged misconduct. In some circumstances, the College may assume the role of Complainant.

**Employee:** An individual who provides services or labor for the College for wages or other remuneration. This includes faculty, administrative, professional, and other staff. For the purposes of this policy, employee status begins when an employee has accepted an offer of employment at the College and ends when the employee has been terminated or otherwise separated permanently, whether voluntarily or involuntarily, from the College.

**Impact Statement:** A statement written by a Complainant to the Review Panel or Reviewer that outlines how s/he has been affected by the events in question. The Review Panel or Reviewer reviews impact statements only after an affirmative decision regarding responsibility for the violation(s) in question has been reached. Impact statements can be used to assist the Review Panel or Reviewer in determining the most appropriate sanctions under the circumstances. An Impact Statement must be submitted to the Title IX Coordinator in advance of the Review Panel or Reviewer's meeting.

**Mitigation Statement:** A statement written by the Respondent to be read by Reviewer if a decision is made that the Respondent is responsible for violations of the Sexual Harassment and Misconduct Policy. The Reviewer reviews the mitigation statement only after an affirmative decision of responsibility for the violation(s) in question has been reached. Mitigation statements can be used to assist the Reviewer in determining the most appropriate sanctions under the circumstances. A Mitigation Statement must be submitted to the Title IX Coordinator in advance of the Review Panel or Reviewer's meeting.

**Parties:** A term referring collectively to the Complainant and Respondent.

**Respondent:** Any individual(s) or organization(s) alleged to have violated the Sexual Harassment and Misconduct policy and against whom a complaint has been brought to the attention of the College.

**Student:** Any student enrolled at the College at the time of the alleged sexual misconduct. For the purposes of this policy, student status begins when a student has accepted an offer for admission to the College and ends when the student has graduated, withdrawn, been expelled, or otherwise separated permanently from the College.

**Survivor:** Any individual who has been harmed by an act or acts of sexual misconduct.

**Title IX:** Title IX refers to the Educational Amendments of 1972 (Title IX), 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. The College is required to comply with Title IX. Sexual harassment of students, which includes acts of sexual misconduct described in this policy, is a form of sex discrimination prohibited by Title IX.

**Title IX Coordinator:** A senior administrator at the College appointed by the President to oversee the College's compliance with Title IX. The Title IX Coordinator can be contacted by any member of the Dickinson community with questions. The Title IX Coordinator is **Kat Matic**. She can be contacted with questions regarding this policy or Title IX via e-mail at [matick@dickinson.edu](mailto:matick@dickinson.edu) or by phone at 717-254-8316.

**Victim:** Any individual who has been harmed by an act or acts of sexual misconduct.

**Witness:** Any individual who has seen, heard, or otherwise knows or has information about a violation or attempted violation of the Sexual Harassment and Misconduct Policy.