Sexual Harassment and Misconduct Policy

*Updated: May 2020*
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Statement of Non-Discrimination
Dickinson College is an intellectual and social community that values justice, free inquiry, diversity, and equal opportunity. It is a fundamental policy of the college to respect pluralism, civility and mutual understanding within its community. 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.

Dickinson College prohibits sexual and gender-based misconduct in all of its programs and activities, including academics, employment, athletics, and other extracurricular activities.

Overview
This policy provides our campus community members with information and guidance to assist those who have experienced or been affected by sexual or gender-based misconduct.

This policy contains information regarding the procedures for information shared with or reported to the Title IX and Sexual Respect Office involving allegations of sexual discrimination, sexual harassment, sexual assault, non-consensual sexual contact, rape, dating and domestic violence (intimate partner violence), stalking, and retaliation. This policy prohibits a broad continuum of behaviors, all which constitute a form of sexual or gender-based discrimination or harassment. This document may use the term “sexual or gender-based misconduct” to refer to any or all those prohibited behaviors.

Title IX of the Education Amendments of 1972 states:
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.

The College is committed to taking all appropriate steps to eliminate sexual and gender-based harassment, sexual assault, non-consensual sexual contact, rape, intimate partner violence and stalking, prevent their recurrence and address their effects.
All College proceedings are conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), the Family Educational Rights and Privacy Act (FERPA), other applicable federal, state and local laws and regulations.

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

Title IX and Sexual Respect Office
Katharina Matic       matick@dickinson.edu
2nd Floor, Old West   titleix@dickinson.edu
(717) 254-8316
The College’s Title IX and Sexual Respect Office (“the Office”) serves as the central point of contact for all students and employees affected by sexual or gender-based misconduct. 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:

**U.S. Department of Education**
Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 800-877-8339
Email: OCR.DC@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,
8th Floor Harrisburg, PA 17101-2210
(717) 787-9780
(717) 787-7279 (TTY)

**Jurisdiction**
This policy applies to all members of the Dickinson community, including students, faculty, and staff, as well as third parties, such as but not limited to independent contractors, vendors, visitors and guests whenever the misconduct occurs:

1. On Dickinson College property;
2. Off Dickinson College property, if:
   - The conduct was in connection to a College or College-recognized program or activity; or
   - The conduct may have an adverse effect of creating a hostile environment for a member of the College Community.

This policy also applies to misconduct on social media sites that can subject an individual or group to allegations of violations of this policy.
The College processes all sexual or gender-based misconduct complaints regardless of where the conduct occurred to determine whether the conduct has continuing adverse effects on campus or in our educational programs or activities.

A third party is any individual who is not a College student or employee or a participant in any College-related program or activity. The College’s ability to take action against a third party will be determined by the nature of the relationship of the third-party to the College. Where the Respondent is a third-party, the College’s ability to take action may be limited. In those instances, when this policy does not apply, the College will offer resources and support services to the Complainant, and support in contacting external law enforcement if the Complainant chooses to make a report to law enforcement.

The procedures set forth in this policy will be used to resolve all reports made on or after the effective date of this policy, regardless of the date the incident was reported to occur.

**Coordination with Other Policies and Staff**
At all times it is within the College’s discretion to determine which policies apply and whether action will be taken under multiple policies through the same investigation and resolution process. Some Prohibited Conduct may result in separate investigations and separate sanctions under multiple policies.

While this policy and procedures typically identify the employee who is responsible for certain duties, the College can designate other College offices or employees to perform any roles or duties described in this policy.

**Statement on 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. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited conduct. The conduct must be sufficiently serious, pervasive or persistent to interfere with an individual’s ability to participate in employment or educational program and activities from both a subjective and objective perspective.

**Protection of Minors**
Every member of the Dickinson College Community has a duty to report child abuse or neglect if they have reasonable cause to suspect that a child is a victim based on information from the child, any other individual, first-person observations or personal knowledge.

Under this policy, any Dickinson College community member suspecting child abuse is required to immediately make a report to:
1. Childline by calling 1-800-932-0313 (TDD:866-872-1677)
   AND
2. The Department of Public Safety (DPS) at 717-245-1111

DPS has the obligation to ensure that appropriate authorities have been notified, appropriate individual 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, visitors and guests. For more information visit our Protection of Minors Policy.

Privacy and Confidentiality
The College is committed to maintaining the privacy of all parties. In any report, investigation, or resolution regarding sexual or gender-based misconduct 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:** Privacy generally means that information related to a report of sexual misconduct 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.

**Confidentiality:** Confidentiality means that information shared by an individual with campus or community professionals designated as confidential resources 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 who have experienced sexual or gender-based misconduct and wishing to seek complete confidential assistance without sharing information with or making a report to the College may do so by speaking with a confidential resource:

- Students may seek confidential assistance on campus through the Wellness Center
- Employees may seek confidential assistance through the Employee Assistance Program
- Students and Employees may seek a confidential Advocate and assistance through YWCA’s 24-7 Hour Hotline (YWCA’s dedicated phone line reserved for our Dickinson College Students and Employees) at 717-831-8850
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 or gender-based misconduct. 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 or gender-based misconduct is entitled to protection from any form of retaliation following a good faith report, even if the report is not later substantiated. Examples of retaliation include but are not limited to making a direct threat against an individual who reported in good faith, demoting advancement due to a filed complaint, or firing or losing benefits of College programs or activities due to a filed complaint.

Title IX Coordinator
Katharina Matic | Title IX Coordinator
Title IX and Sexual Respect Office
2nd Floor, Old West
(717) 254-8316
matick@dickinson.edu
Titleix@dickinson.edu

The Title IX Coordinator oversees the College’s central review, investigation and resolution of reports of sexual or gender-based misconduct under this policy. The Title IX Coordinator also oversees the College’s training, prevention and education efforts for employees and students. When information regarding alleged sexual or gender-based misconduct is reported to the Title IX and Sexual Respect Office, the Title IX Coordinator collaborates with various College officials and offices to ensure:

- Support and resources are offered to those involved;
- Every effort is made on behalf of the College to honor the wishes of the Complainant regarding the College’s resolution process;
- For resolutions, the process is fair, impartial and completed in a timely manner;
- The process follows and complies with federal law and College policy.

The Title IX Coordinator is available to advise any individual, including a Complainant or a Respondent about resources, resolution paths that are available at the College and what involvement that individual may or may not have in the process.

The Title IX Coordinator is not a confidential staff member, however, is sensitive to and upholds the privacy of all individuals involved in the process. The Title IX Coordinator can designate individuals to perform any roles or duties described in this policy.
Central Review Team
The Title IX Coordinator is supported by a Central Review Team. The Central Review Team is composed of individuals who are available to support the Title IX Coordinator’s initial assessment of allegations under this Policy, to support with the implementation of interim protective measures, support services, accommodations and to provide recommendations as to the appropriate resolution process. The Title IX Coordinator may consult with Central Review Team members as determined appropriate for specific cases and dependent on the Complainant’s or Respondent’s role at the College. Central Review Team members further support the College to ensure appropriate education and training efforts are conducted for students and employees.

You can contact any Central Review Team member (or their designees) to answer questions and assist you with reporting options and information on how to request support services or accommodations. Please note that these individuals are private, but not confidential resources. They can address your complaint with sensitivity and keep your information as private as possible and have a responsibility to refer to the Title IX Coordinator any information they learn of regarding allegations of sexual or gender-based misconduct.

Central Review Team members include:

Dee Danser | Assistant V.P., Compliance & Chief of Public Safety
Department of Public Safety | (717) 254-8317 | danserd@dickinson.edu

George Stroud | V.P. & Dean of Students
Student Life Office, HUB | (717) 245-1556 | stroudg@dickinson.edu

Angie Harris | Associate Dean of Students
Student Life Office, HUB | (717) 245-8805 | harrisa@dickinson.edu

Debra Hargrove | Associate V.P. Human Resources
55 N. West St. | (717) 245-1503 | hargrove@dickinson.edu

Neil Weissman | Provost & Dean of the College
Old West, 2nd Floor | (717) 245-1321 | weissmne@dickinson.edu

Joel Quattrone | Director of Athletics
Kline Center | (717) 245-1364 | quattron@dickinson.edu

Stephen Winn | Assistant Title IX Coordinator
2nd Floor, Old West | (717) 254-8316 | winnst@dickinson.edu
Amnesty for Student Complainants, Student Reporters, and Student Witnesses

Students who share information with the College about sexual or gender-based misconduct allegations will not face disciplinary action due to the personal ingestion of alcohol or other drugs.

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 experience or share information about prohibited conduct.

The College will not seek to hold any student who shares or reports information regarding sexual or gender-based misconduct allegations accountable for violating the College’s drug and alcohol policies due to their own personal ingestion of alcohol or other drugs at or near the time of the alleged incident. The College may choose, however, to pursue educational remedies, including assessment and counseling, for those individuals. Under limited circumstances, a student may be held accountable for other misconduct that resulted from personal ingestion of alcohol or other drugs and that was not directly related to the sexual or gender-based misconduct allegations in question; such violations will be reviewed in conduct proceedings separate from the proceedings under this policy.

Equitable Rights

The College supports an equitable, fair and impartial process for both the Complainant and Respondent:

- To make a report to local law enforcement and/or state police;
- To have an Advisor of choice present during any related meeting and throughout the resolution process;
- To make a decision about whether or not to disclose information and participate in the College process as a Complainant and/or criminal justice process free from pressure by the College;
- To choose to remain silent, without that choice being considered an admission of fault or otherwise held against the individual;
- To participate or to decline to participate in the investigation and resolution process (however, if a Complainant decides not to participate in the College’s resolution process this may prevent the process from proceeding, or can limit information the College can use to assess and resolve the matter; If a Respondent decides not to participate in the College’s resolution process, the College will continue the investigation and resolution process without the benefit of the Respondent’s input or response);
- To have disclosures of sexual or gender-based misconduct and retaliation be treated seriously;
- To participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
- To access reasonably available health care and counseling services;
• To appeal the determination made by the Review Panel under the Formal Resolution process;
• To receive notification, in writing, of the outcome of the Formal Resolution process, including any Appeal decisions.

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.

Advisors
A Complainant and Respondent may have an Advisor of their choice throughout the process. An Advisor is an individual chosen by the Complainant or Respondent who provides support and guidance. The Title IX and Sexual Respect Office staff and other need to know College officials will communicate directly with Complainants and Respondents. It is the parties’ responsibility to communicate with their Advisor.

During any meeting, the Advisor is present to observe and provide support to the participant. The Advisor may not present information on a party’s behalf, present argument, directly question parties or witnesses, disrupt, or otherwise obstruct the meetings or proceedings. While the Advisor can provide guidance and assistance throughout the process, all written submissions should be authored by the Complainant, Respondent or party engaged in the process.

An Advisor may not have a conflict in role in the process, such as being a witness to the allegations. The College (including any official acting on behalf of the College such as an Investigator, Panel Review member, or external Investigator or reviewer) has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor and to take appropriate steps to ensure the process/proceedings are not disrupted.

Know Your Options - for Support Resources and Reporting
After an incident of sexual assault, non-consensual sexual contact, rape, intimate partner violence, stalking or other sexual or gender-based misconduct, individuals have many options for taking care of themselves and addressing the incident. Dickinson College recognizes the sensitivity of such incidents and aims to support individuals and their choices regarding whether and where to report, and their request for any support services. The College endeavors to respect the wishes of the Complainant regarding how and if to move forward,
while providing written notification to them about existing support services both on and off-campus, including health, counseling, victim advocacy, and their rights throughout the process.

You have many options, such as:

- Notifying on-campus Public Safety and local police;
- Being assisted by campus officials in notifying law enforcement authorities;
- Only seeking medical attention and taking time to learn about and consider if you want to file a formal complaint;
- Speaking with a confidential resource, such as a health service practitioner or counselor about the incident and your options;
- Speaking with an Advocate/Counselor at the YWCA who if you request, can come to campus and meet with you;
- Asking for support services and/or accommodations, such as a no contact directive, Public Safety escort to and from areas on campus; emotional support through counseling services; academic, employment or residential modification;
- Filing a report only internally with the College;
- Filing a report only with law enforcement;
- Filing a report both internally with the College and also filing a report with law enforcement;
- Reporting the incident Anonymously, without disclosing your name or identity;
- Declining notifying the College/law enforcement of the incident.

Title IX and Sexual Respect Office – A Central Resource for Understanding Your Options
The Title IX Coordinator or designee is available to meet with any Dickinson campus community member considering filing a report with the College to provide them with information about available support services, accommodations, and resolution options. The Title IX Coordinator aims to provide as much information as possible to support an individual in making informed decisions about their options. Regardless of whether an individual chooses to file a report or disclose information about an incident(s), the Title IX Coordinator can assist an individual in connecting with other resources on or off-campus, including but not limited to counselors, advocates and health services.

The Title IX Coordinator does not press upon any victim to disclose information they are not comfortable with sharing. If an individual chooses to share information with the Title IX Coordinator, the Title IX Coordinator has the responsibility to assess the information and determine the appropriate path toward resolution. The Title IX Coordinator endeavors to respect the wishes of the individual regarding how and if to move forward with making a report and the preferred resolution process.

Confidential Resources/Confidential Resource Persons
Individuals are encouraged to seek information from a confidential resource person in deciding whether and how to proceed. Confidential resources will typically not share information with the college, nor will speaking with a confidential resource person trigger action by the College
under most circumstances. 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.

Confidential resources are medical providers, mental health providers, ordained clergy and rape crisis counselors who are functioning within the scope of their certification or license. Confidential resources can provide support to individuals, such as, but not limited to, assistance in navigating personal impact and assistance in connecting with other available support services and resources.

For Students

**On-Campus Wellness Center**
Health Services, Counseling and Psychiatric Services
717-245-1663

**Reverend Donna Hughes**, Director of the Center for Spirituality and Social Justice
717-245-1577

**Rabbi Marley Weiner**, Director of the Milton B. Asbell Center for Jewish Life
717-245-1636

Please note: if a complainant, respondent, or witness discloses an incident of alleged sexual misconduct to an above mentioned individual when that individual is not acting in their role that provides them privilege, such as when a counselor is serving as a professor rather than in their counseling role, the individual is required to make a report to the Title IX Coordinator.

**EMERGENCY CARE**
If you have a physical or mental health emergency which cannot wait until the Wellness Center reopens, contact DPS at 717-245-1111 and an officer will assist you with accessing care.

For Employees

Employee Assistance Program (EAP)
717-243-1896

For Students and Employees

**24/7 Advocacy Hotline** (an advocate from the YWCA can meet you on campus)
717-831-8850

The Advocacy Hotline is reserved for our Dickinson College Students and Employees. The hotline is staffed by professional licensed counselors at the YWCA who can provide support and information to individuals who have experienced sexual or gender-based misconduct.
Emergency Reporting Options
The first priority for any individual should be personal safety and well-being. All individuals are encouraged to make a prompt report to law enforcement and/or seek immediate medical treatment in response to an incident of sexual assault, non-consensual sexual contact, rape, intimate partner violence, or stalking in order to address immediate safety concerns and allow for the preservation of evidence and an immediate investigation response.

The College will assist an individual by providing transportation to the hospital, coordination with local law enforcement, and information about the College’s resources and procedures.

Where to Make a Report in the Event of an Emergency
- If you believe you or anyone else is in immediate danger, call – 911
- Carlisle Police Department - 717-243-5252
- Dickinson College Public Safety - 717-245-1111

You can also call a Confidential Advocate 24/7 at 717-831-8850

Initial Options after an Incident of Sexual Assault, Non-Consensual Sexual Contact, Rape, Intimate Partner Violence or Stalking
- Talk to someone you trust. Ask a trusted friend, family member or counselor to be with you for support. You may call the YWCA 24/7 Hotline at 717-831-8850, and you will be connected with a confidential advocate who may support you in thinking about options, resources and support services.
- Preserve any physical evidence of the incident, if possible. If possible, avoid changing your clothing, bathing, showering, washing your hands or face or combing your hair. Avoid using a douche, using the bathroom, brushing your teeth, drinking or eating. If possible, do not disturb the location where the incident occurred, and do not clean
the room or remove anything. If you change clothes, evidence is best preserved in a paper (not plastic) bag. If you have any electronic communications or phone call logs that you believe may be useful, keep them.

- **Seek medical attention.** You may seek medical attention any time following sexual assault, non-consensual sexual contact, rape, sexual violence, but we strongly recommend that you do so within five days (120 hours). A medical professional will examine you, provide appropriate medical treatment and, if applicable, talk with you about the prevention of sexually transmitted infections and pregnancy.

### Medical Care

If you have experienced sexually assault, non-consensual sexual contact, rape or sexual intimate partner violence, medical care may treat or prevent illness or injury. It is also an important way to preserve evidence, if you decide to press charges or to obtain assistance in applying for a protection order.

Please note that the collection of evidence for use in a criminal prosecution related to unwanted sexual activity can only be performed by trained personnel at a hospital emergency room. Physical exams by other health care providers are likely to impede future legal remedies. **UPMC Pinnacle has specially trained forensic nurse examiners (SANEs) who will provide you with a compassionate, comprehensive medical examination.** When you arrive, a SANE will be summoned to provide your medical care. A representative from the YWCA will be notified, so you will also immediately have the option of using the services of an advocate.

**UPMC PINNACLE**  
**CARLISLE**  
361 Alexander Spring Rd.  
Carlisle, PA 17015  
717-249-1212

You can also seek care at Geisinger Holy Spirit Hospital Center, which is located in Camp Hill, PA. (SANE service available).  
**GEISINGER HOLY SPIRIT**  
503 N. 21st St.  
Camp Hill, PA 17011  
717-763-2757

### File a Report with Law Enforcement

You may choose to file a report with law enforcement, including on-campus and/or local police. If you would like support in notifying authorities, the College can assist you in doing so. You also have the option to decline notifying law enforcement.

**On Campus**  
**DEPARTMENT OF PUBLIC SAFETY**
**File a Report with the College**

An individual can file a report with the College regarding any incident of sexual or gender-based misconduct in person, electronically, or via phone by contacting the College’s Title IX Coordinator or Public Safety:

**Title IX and Sexual Respect Office**  
**Title IX Coordinator, Katharina Matic**  
2nd Floor Old West  
717-254-8316  
matick@dickinson.edu  
titleix@dickinson.edu

**Department of Public Safety**  
400 W. North Street, Carlisle, PA 17013  
717-245-1111

**File an Anonymous Report**

Any person can submit an anonymous report through our online reporting form at [dickinson.edu/titleix](http://dickinson.edu/titleix). If you wish to remain anonymous, do not include your name or contact information in the form.

The anonymous report should not be used for emergency situations needing an immediate Public Safety, law enforcement or medical emergency response. Online reports are not monitored 24 hours a day and in the event of an emergency, please call 911 or Public Safety at 717-245-1111.

The College conducts an initial assessment and investigation of all online reports, regardless of whether any identifying information is included. Once an anonymous report is submitted, the report is received by and accessible by the V.P., Compliance & Chief of Public Safety, the Title IX Coordinator and Assistant Title IX Coordinator. The Title IX Coordinator then begins the initial assessment process as detailed in this policy. Depending on the type of allegation(s) and Respondent’s role at the College, and if known through the report, the Title IX Coordinator may inform and share the information with other staff members who have a need to know the information in order to support the resolution of the matter.
Any individual that submits an anonymous report is directed to review the Support Services and Accommodations section of this Policy for information on both on- and off-campus resources. Depending on the amount of information detailing the reported incident or identifying the alleged individual(s) responsible, the college’s ability to respond in a specific manner may be limited.

Responsible Employees

With the exception of employees who have legally protected confidentiality (confidential resources), all other College employees, including designated student employees, are required to immediately share all known details of a report of sexual misconduct, intimate partner violence, domestic violence or stalking with the Title IX Coordinator.

A responsible employee (including designated student employees) includes any employee who:

- Has the authority to take action to redress sexual violence;
- Has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX Coordinator; or
- A student or employee could reasonably believe has this authority or duty to take action.

Responsible Employees and Reporting

When a responsible employee knows or reasonably should have known of possible sexual misconduct, they are required immediately to report the information to the Title IX Coordinator. A responsible employee should file a report online: dickinson.edu/titleix.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, "survivor speak-outs" or other public forums in which individuals may disclose incidents of prohibited conduct; or during a student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"). Even in the absence of such obligation, all employees subject to these exceptions are encouraged to contact the Title IX Coordinator if they become aware of information that suggests a safety risk to any member(s) of our College community. The College may provide information about students' procedural rights, College support services and/or community resources at public awareness events. Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

Questions about reporting responsibilities should be directed to the Title IX Coordinator.
Time Frame for Reporting

Individuals are encouraged to report alleged sexual or gender-based misconduct 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 provide reasonably available support services or accommodations for a Complainant, assist the Complainant in identifying external reporting options, and taking reasonably available steps to end the harassment, prevent its recurrence, and address its effects.

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 can 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 this Policy differ from those of the civil and criminal justice systems, under circumstances which give rise both to alleged violations of this policy and to possible 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 or gender-based misconduct, for purposes of this policy, has occurred.

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.

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 shares information or reports to the Title IX and Sexual Respect office alleged sexual or gender-based misconduct by an individual who is not a member of the College community, the Complainant can speak with the Title IX Coordinator and/or DPS to discuss options such as contacting outside law enforcement authorities and/or removing the individual(s) from campus.

Prohibited Conduct and Definitions
The College recognizes that sexual and gender-based misconduct covers a broad spectrum of conduct, including sexual assault, non-consensual sexual conduct, rape, intimate partner violence, and stalking. The following forms of conduct are prohibited under this policy.

Sexual Harassment, Gender-Based Harassment, and Harassing Conduct

Sexual Harassment
Sexual harassment is any unwelcome or unwanted conduct on the basis of sex that is so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the College’s education program, activity, or employment; or when submission to or rejection of such conduct is used as the basis for an employment or academic decision; or the conduct rises to the level of sexual assault, non-consensual sexual contact or rape.

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.

Sexual harassment can include physical conduct, verbal conduct, visual conduct, written conduct and electronic conduct including, but not limited to:
- Physical contact that is sexual in nature, such as touching, pinching, patting, grabbing or brushing against another person’s intimate body parts;
- Unwanted sexual advances, comments, or propositions, such as pressure for unwanted sexual activities; sexual jokes, remarks, comments or questions about a person’s sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile environment;
- Threats or non-consensual disclosure of a person’s sexual orientation;
- Displaying pictures, objects, reading materials or other materials that are sexually pornographic in nature or demeaning.
Gender-Based Harassment
Gender-Based Harassment is behavior consisting of verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, that is so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the College’s education program, activity, or employment.

Harassing Conduct
The College recognizes that there are many forms of misconduct that could constitute sexual or 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 or employee 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.

Sexual Assault, Non-Consensual Sexual Contact and Rape

Sexual Assault is attempted or actual penetration of the vagina, anus, or mouth, however slight, by an object or body part (e.g., penis, finger, hand or tongue) without consent. Sexual assault includes incest or statutory rape.

Non-Consensual Sexual Contact is intentional sexual contact of the breasts, genitals, buttocks, or groin of another, or intentional contact of another with any of these body parts; or making another touch you or themselves with or on any of these body parts without consent.

Rape Offense Defined as per PA State Law – A person commits a felony of the first degree when the person engages in sexual intercourse with a Complainant:

1. By forcible compulsion.
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
4. Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
5. Who suffers from a mental disability which renders the complainant incapable of consent.

Sexual Intercourse Defined as per the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act – is the penetration, or attempted penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person.

Important Related Information – Consent, Force, Incapacitation, Coercion

Consent is:

- Informed - parties have information and understanding of sexual activity;
- Freely given - there is no pressure, coercion, intimidation, threat, or force;
- Actively given - there is engagement in sexual activity; and
- Mutually understandable - parties express in words or actions their willingness or agreement to sexual activity.

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 their belief that consent existed.

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.

Consent may be withdrawn by either party at any time. When both parties are freely and mutually engaging in sexual activity and a party wishes to stop that sexual activity, withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. This will provide clarity to another person the desire to end that sexual activity that was initially consensual. Once withdrawal of consent has been expressed, sexual activity must stop. Parties may re-engage in sexual activity as long as both parties understand and agree to the sexual activity.
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.

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. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent.

*Force*

Force refers to the use or threat of physical violence to compel someone to engage in sexual activity. Examples of physical violence include, hitting, punching, slapping, kicking, choking, restraining and or threat or use of any weapon.

*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. Being intoxicated or impaired by drugs or alcohol does not diminish an individual’s responsibility to obtain informed and freely given consent. Alcohol and drugs impair a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. 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. 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 and cease any sexual contact or activity.

*Coercion*

Coercion is the use or attempted use of pressure and/or oppressive behavior, including expressed 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.
Intimate Partner Violence/Dating Violence
Also referred to as dating 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 oneself, one’s sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

Domestic Violence includes crimes of violence committed against a person by either a current or former spouse or intimate partner of the person; a person with whom the individual shares a child; a person who is or has cohabitated with the complainant as a spouse; a person similarly situated to a spouse of the complainant; or any other person (adult or child) against whom the complainant is protected under Pennsylvania’s domestic and family violence laws.

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, but are not limited to:
- Observing individuals without consent, non-consensual voyeurism;
- Allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties;
- Non-consensual visual or audio recording of sexual activity;
- Non-consensual distribution of photos or video-recordings of an individual’s intimate body part or sexual activity;
- Unauthorized presentation or streaming of recordings of a sexual nature;
- Prostituting another person;
- Exposing one’s genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
- Knowingly exposing an individual to a sexually transmissible 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 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 contact 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, including those made electronically or via social media, 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**
Any adverse action or threatened action, taken or made, personally or through a third-party against any individual who engages with the Title IX and Sexual Respect Office or the resolution process. For example, any threatened or adverse action taken or made by groups or an individual against a reporting party, Complainant, Respondent, or Witness is strictly prohibited. Retaliation includes threatening, intimidating or harassing conduct that would discourage a reasonable person from seeking services or accommodations, reporting sexual or gender-based misconduct, or participating in the resolution process as a reporting party, Complainant, Respondent, Witness or Advisor.

Reports of sexual or gender-based misconduct made in good faith, even if the allegations are determined to be inaccurate or are not substantiated, are not considered retaliation.

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

**Prohibited Relationships by Persons in Authority**
Sexual and/or other intimate relationships between faculty and students, staff and students, or supervisors and subordinate 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.

Response Process - Initial Assessment, Intake Meeting, Interim Measures and Support Services

When information or a report of alleged sexual or gender-based misconduct is received by the Title IX and Sexual Respect Office, the Title IX Coordinator will conduct an initial assessment of the reported information and respond to any immediate health or safety concerns. The Title IX Coordinator will evaluate whether the information received provides identifying information for the Complainant, Respondent, and/or witnesses regarding the allegation(s) reported. The Title IX Coordinator can gather additional information from the Complainant, Respondent, and/or witnesses regarding the allegation(s) of sexual or gender-based misconduct reported in order to assess the need for interim measures by the College.
Outreach to the Complainant and Intake Meeting

After the Title IX and Sexual Respect Office receives information or a report of sexual or gender-based allegations, the Title IX Coordinator or designee typically contacts the Complainant first, if identified in the report, in order to provide the Complainant with written information. This step in the initial assessment is called outreach and is most commonly done in an email to the Complainant, with information about on- and off-campus resources and their options regarding the College process. The email includes an invitation for the Complainant to meet in-person with the Title IX Coordinator or designee to review information about on- and off-campus resources and accommodations, review resolution options, and to provide an opportunity for the Complainant to share additional information regarding the allegation(s) and their preferred manner of resolution.

Initial Assessment

After review of the information received or reported to the Title IX and Sexual Respect Office, and if available, any additional information gathered after outreach to and an intake meeting with the Complainant, the Title IX Coordinator will evaluate, whether, if substantiated, the conduct could constitute a policy violation, and whether there is reasonable basis to engage in a resolution process. For allegations that are severe, pervasive, or persistent, the Title IX Coordinator can consult with Central Review Team members, as appropriate, for their resolution process recommendations and designate members to support the College with the implementation of support services, accommodations or interim measures.

As part of the initial assessment, outreach and intake meeting(s), 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;
- 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;
- 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 support services and accommodations;
- Provide the Complainant with an explanation of the procedural options and an opportunity to provide their account and any related information;
- Notify the Respondent of the allegation(s) and provide an opportunity for the Respondent to provide their account and any related information;
- 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 related meeting or proceeding under this policy;

- Assess for pattern evidence or other similar conduct by the Respondent;
- Explain the College’s policy prohibiting retaliation to the Complainant, and if appropriate, to the Respondent.

**Interim Measures**

Interim measures are protective actions, accommodations and/or services that the College puts in place after receiving information of alleged sexual or gender-based misconduct, but before any final outcomes or results of a resolution process.

The College will put in place interim measures, accommodations and/or support services as needed to provide for the safety and well-being of individuals or members of the campus community.

The College will maintain private interim measures, accommodations and support services to the extent possible and where such privacy would not impair the ability of the College to provide the service.

At its discretion and as deemed appropriate, the College can impose interim protective measures to ensure the safety of all parties or the broader College community. Protective measures are initiated based on initial information gathered during an initial assessment by the Title IX Coordinator, or as additional information is gathered through the College process.

Interim protective measures imposed by the College are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. Interim protective measures may also become permanent when included as a sanction by the Review Panel as part of a formal resolution process. Where the report of sexual or gender-based misconduct 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 or organization on Interim Separation. Pending resolution of the complaint, the individual or organization may be denied access to campus.

Interim Separation will be tailored to balance the ability of a student Respondent to complete their academics/employment duties while considering the safety of the Complainant and College community. 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 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.
Potential interim measures include, but are not limited to:

- Imposition of No-Contact Directives*
- Moving a student’s residence
- Change in work schedule or job assignment
- Restricting access to College property, areas, or buildings
- College-imposed leave or separation
- Temporary suspension from specified activities and/or leadership positions

*College administrators will impose a No Contact Directive (NCD) to prohibit contact that contributes to a hostile environment and presents a reasonable risk of physical harm, emotional abuse, or gender-based harassment. A NCD may be imposed by the college without an individual’s request, including if there is an ongoing investigation. No Contact Directives will be removed only when both parties request in good faith that it be discontinued. A NCD is not meant to be punitive, and the College will endeavor to prepare terms that are fair and equitable to both parties.

NCD Violations
Any violations of the NCD should be reported immediately to the Department of Public Safety (24/7). DPS officers will follow ordinary protocols for investigating, assessing and responding to campus safety concerns, consulting as necessary with the on-call staff (dean, mental health counselor). Allegation(s) that the NCD has been violated will be investigated by the Department of Public Safety.

Contact determined to be incidental will be addressed through advisory meetings with the Respondent and/or modification to the specific terms of the NCD. For example, establishing schedules for the use of shared campus spaces/programs/activities.

Contact determined to be intentional will be addressed in accordance with Community Standards or Human Resources policies. Contact determined to be intentional and any disciplinary measures/outcomes imposed and determined by Community Standards or Human Resources, while a Title IX Investigation is pending, will be included in a pending Title IX determination process. The range of possible sanctions for students includes those found in Community Standards, including but not limited to Warning, Housing Restriction, Housing Relocation, Restriction on Participation or Use, Probation, Stayed Suspension, Suspension and Expulsion.

Support Services and Accommodations
Support services and accommodations are put in place in order to support the safety and well-being of individuals affected by sexual or gender-based misconduct or individuals involved with the College process or criminal justice system. Individuals who have experienced sexual or gender-based misconduct can request support services or accommodations by contacting the Title IX Coordinator.
The College recognizes that Respondents who have been contacted by the Title IX and Sexual Respect Office or are engaged in a resolution process may be affected as well and can request support services or accommodations by contacting the Title IX Coordinator.

Support Services and Accommodations can be requested at any time by a Complainant or Respondent, including after a report has been made to the Title IX and Sexual Respect Office, during a resolution process, and after the outcome of a resolution process. Even in cases where an investigation is not undertaken or either party has declined to participate in the process, support services and accommodations can be requested. Support services and accommodations can be temporary services, can be designated for a specific period, or can become permanent. The Title IX Coordinator may also, upon request, re-evaluate whether support services and accommodations can be modified or withdrawn.

The Title IX Coordinator evaluates requests for support services and accommodations in light of the information available at the time of the request. In some instances, additional information may be needed to sufficiently evaluate the request and provide reasonably available support services or accommodations. If requested accommodations cannot be granted, the Title IX Coordinator or designee will provide an explanation to the individual and can provide other services if those requested are not reasonably available. The College provides notice about accommodations only to those who need to know in order the make them effective.

**Support Services and Accommodations can include, but are not limited to:**
- Mutual No-Contact Agreement
- Imposition of No-Contact Directive
- Providing counseling services and assistance in setting up an initial appointment
- Providing medical services
- 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
- Providing an escort to ensure safe movement between classes and activities
- Voluntary leave of absence

**To Request Support Services or Accommodations contact the Title IX Coordinator:**

**Title IX and Sexual Respect Office**

Katharina Matic

2nd Floor, Old West

(717) 254-8316

matick@dickinson.edu

titleix@dickinson.edu
Request to Remain Anonymous
Where the Complainant or Reporting party requests that their identity not be shared with the Respondent or that the College not pursue further action, 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 review 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.

Under these circumstances, the Complainant’s request will be balanced against a number of factors including the seriousness of the conduct; whether there have been other reports of misconduct against the Respondent; the right of the Respondent to receive notice and relevant information before any action that affects the Respondent is taken; whether the circumstances suggest there is an increased risk of future acts of sexual misconduct under similar circumstances; fair treatment of all involved individuals and the College’s obligation to provide a safe and non-discriminatory environment for all its community members.

Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution.

Process Determination after an Initial Assessment
The initial assessment 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 Initial Assessment, the Title IX Coordinator will determine the appropriate manner of resolution, which may include Adaptable Resolution or Formal Resolution. The Title IX Coordinator may also dismiss the report if it is determined that the report does not allege facts that, if substantiated, would constitute a violation(s) of the policy. The Title IX Coordinator can consult with an appropriate member(s) of the Central Review Team in making this determination.

The College endeavors to respect the wishes of the Complainant regarding how and if to move forward. In some circumstances, the College will need to move forward with a different process. If a decision is made as to how to resolve the matter that is different from what the Complainant prefers, the Title IX Coordinator will inform the individual(s) as appropriate. The Title IX Coordinator has the discretion to determine which method of resolution is appropriate. When the Title IX Coordinator decides to impose interim measures, initiate an investigation, or take any other action that impacts a Respondent, the Title IX Coordinator will also ensure that the Respondent is notified of the allegations, and receives information on available support services and resources through the College, the Respondent’s right to an Advisor of choice, the College’s prohibition against retaliation and how to report acts of retaliation; and the
opportunity to meet with the Title IX Coordinator to answer questions they may have about the policy or Sexual Harassment and Misconduct procedures.

**College Intervention or Other Educational Remedies**
Some allegation(s) of sexual or gender-based misconduct may be appropriately addressed by the College through intervention prior to, during, or after a resolution process. Intervention is a remedies-based, non-disciplinary approach designed to address reported sexual or gender-based misconduct, prevent recurrence, and remedy effects.

Examples of interventions that that Title IX Coordinator may implement include but are not limited to targeted or broad-based educational programming/training, request for Public Safety patrols of a specific area on campus, direct confrontation of the Respondent, and/or direct or indirect action by the Title IX Coordinator or the College. Depending on the form of intervention used, it may be possible to maintain anonymity of the Reporting Party and/or Complainant. Intervention will never require the Reporting Party and/or Complainant to directly confront the Respondent.

**Available Resolution Options**

**Adaptable Resolution – Voluntary Process**
After the initial assessment, the Title IX Coordinator or designee can proceed with an Adaptable Resolution process, which is a process that can be adjusted to fit the interests of the Complainant and the interests of the College to address alleged violations of this policy. The Adaptable Resolution process does not involve an investigation or Review Panel proceeding. This is a voluntary process to which both the Complainant and Respondent agree and is approved as appropriate by the Title IX Coordinator.

*Adaptable Resolution remedies include, but are not limited to the following:*  
- No Communication/No Contact Agreements  
- Agreements to adjust work schedule, housing assignment  
- Agreement to restrict oneself from accessing certain areas, buildings on campus  
- Agreement not to attend certain clubs/organizations  
- Facilitated Dialogue/ Meeting(s) with Title IX Coordinator, or designee  
- Agreement to engage in a Restorative Meeting  
- Agreement to Training/Educational assignment  
- Agreement to engage in Counseling

The Adaptable Resolution approach can be useful to address concerns when a Complainant does not want a Formal Process, when a Formal Process would not result in a satisfactory resolution (such as when a report is made anonymously or conditions exist that would not violate policy but if left unattended could lead to policy violations), or when education or training or other outcomes could be appropriate to resolve the matter. Although there are some restrictions to Adaptable Resolution, a number of different types of allegation(s) can be
resolved in this manner. Typically, the Adaptable Resolution process is used in cases where the Respondent acknowledges their actions and the allegation(s) do not include rape.

Adaptable Resolution – Initial Assessment
Before an Adaptable Resolution process is initiated, the TIX Coordinator will typically hold initial separate meetings with each party to identify their interests and needs, and to determine if this process is appropriate based on the allegation(s) and willingness of parties to voluntarily engage in this resolution process.

Facilitated Dialogue
A voluntary individual conversation between the Title IX Coordinator and the Complainant, Respondent, and/or other community members. The focus of the meetings is to provide a space for individuals to share their accounts and experience(s). Depending on the stated interests of individuals, the Title IX Coordinator may simply provide guidance, support services, or can support working towards the development of a shared agreement between individuals. This process does not require direct interaction between parties.

Restorative Meeting
A voluntary facilitated meeting between the Respondent and affected individual(s) designed to provide a space where a Respondent can acknowledge accountability and assume responsibility for repairing harm (to the extent possible), parties can discuss individual or community impact, and there can be an apology, or development and agreement by the Respondent for learning, education, or repairing harm to individual(s) or the community.

Depending on the form of Adaptable Resolution used, it may be possible for a Reporting Party or Complainant to remain Anonymous.

The Complainant or Respondent may elect, at any time, to end the Adaptable Resolution process. At any point, the Title IX Coordinator can also determine that the Adaptable Resolution is not appropriate and will re-evaluate and make a decision as to any further steps or other appropriate resolution process.

For cases of rape, the Adaptable Resolution process will not be utilized.

Formal Resolution Process
A Formal Resolution process will occur when either the Complainant seeks a Formal Resolution and the Title IX Coordinator determines the Formal Resolution process appropriate; or when the Title IX Coordinator determines the College proceed with a Formal Resolution because there is reasonable cause to believe that the Respondent poses a significant threat of harm to the health, safety and welfare of an individual or others; or determines a formal process appropriate as the allegations as severe, pervasive or persistent. The Title IX Coordinator can
determine the College proceed with a Formal Resolution even if the Complainant does not wish to engage in this process. The Complainant and Respondent will be explicitly given the option at the start of their investigation to receive weekly updates on the progress of their investigation and case. Parties have the option to opt in at any time to receive updates even if they initially decline. These updates will continue until either a party requests a change in the frequency of the updates or the case concludes.

**Formal Resolution - Acceptance of Responsibility/No Contest**

At any time prior to the start of a formal investigation process, the Respondent may elect to acknowledge their actions and accept responsibility, or not contest the allegation(s).

During the initial meeting(s) with the Title IX Coordinator, if a Respondent elects to accept responsibility or does not contest the allegation(s), they can submit a written statement to the Title IX Coordinator accepting responsibility/not contesting the allegation(s) and the Title IX Coordinator may waive the investigation process.

If the Title IX Coordinator determines there is additional information or allegation(s) discovered through the initial meeting(s) with Complainant, Respondent or Witnesses for which the Respondent does not accept responsibility/contests, the Title IX Coordinator can refer the matter to the Investigation and Review Panel resolution process.

If the Respondent accepts responsibility/does not contest the allegation(s), the Title IX Coordinator can waive the investigation process. The Title IX Coordinator will complete a summary report of the information gathered during the initial assessment and any related materials, including the acceptance of responsibility/no contest information from the Respondent and include the policy finding(s). This summary report will be shared with the Complainant and Respondent typically within ten (10) college business days from the date the Respondent accepted responsibility/did not contest the allegation(s).

The Title IX Coordinator will then forward to the Review Panel the Title IX Coordinator’s summary report and any relevant materials that will be considered by the Review Panel to make a sanction determination. Once the Review Panel determines the sanction(s), both the Complainant and Respondent will receive notice of the decision. For a list of sanctions, please refer to the sanction section of this policy.

Both the Complainant and Respondent may appeal the Review Panel’s decision only on the basis that the sanction(s) is either too severe or too lenient. The appeal process is detailed in the appeal section of this policy.

**Formal Resolution - Investigation and Review Panel Resolution**

The investigation is designed to provide a reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity. The investigation will be conducted in a manner that is respectful of individual privacy concerns.
Title IX Coordinator will designate an Investigator(s) who has specific training and experience investigating allegations of sexual or gender-based misconduct. The Investigator(s) may be comprised of employees of the College, external investigators engaged to assist the College in its fact gathering, or both. Investigations involving an employee will include a member of human resource services on the assigned investigation team.

For the purpose of the investigation, any relevant information gathered during the initial assessment or Adaptable Resolution process can be referred by the Title IX Coordinator, or designee to the Investigator(s).

Investigation Steps

The Investigator(s) will conduct the investigation in an appropriate manner in light of the circumstances of the case. The Investigator(s) will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination. The Investigator(s) may consider prior or subsequent conduct that is relevant to evaluating the current conduct. The investigative interviews may be audio-recorded.

The Investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, to submit questions to be asked of the other party to the Investigator(s), and to identify witnesses who may have relevant information and who the Investigator(s) may decide to interview for the purpose of the investigation.

In general, a person’s medical and counseling records are confidential and not accessible to the Investigator(s) unless the person voluntarily chooses to share those records with the Investigator(s). In those instances, the information, if relevant, will be included in the Investigation Packet for both parties’ review.

Witness Interviews

The Investigator(s) can decide to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the College. Witnesses should have either observed the acts in question or have other potentially relevant information regarding the allegation(s) of the complaint. The Investigator(s) may also interview any other individual he or she finds may have potentially relevant information regarding the allegation(s) of the complaint. The Investigator(s) 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.
Experts
The Investigator(s) 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.

Document/Records Review
In addition to reviewing any documents submitted by the Complainant and Respondent, the Investigator(s) may determine, in their judgment, that it is necessary to obtain other physical or medical information, 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 Investigator(s) 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 Investigator(s), the relevant portions of the records will be shared with the opposing party and included in the Investigation Packet.

Site Visits
The Investigator(s) may visit relevant sites or locations and record observations through written or electronic documentation, such as videos or photographs.

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 Investigator(s), 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 Investigator(s) 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.

Consolidation of Investigation and Consideration of Other Conduct by a Respondent
The Investigator(s) 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 Investigator(s) may consider prior or subsequent allegations of, or findings of responsibility for, misconduct 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(s). 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.

Investigation Packet
The Investigator(s) will draft an Investigation Packet that may include but is not limited to summaries of interviews with the Complainant, Respondent, witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence. The Investigation Packet will further synthesize areas of agreement and disagreement between the parties. The Investigative Packet will not include a recommendation as to prohibited conduct, if any, because the Investigator(s) is not a decision-maker and does not decide any formal resolution of the allegation(s).

In preparing the draft Investigation Packet, the Investigator(s) will review all facts gathered to determine whether the information is relevant and material to the allegation(s). In general, the Investigator(s) may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Investigator(s) may also redact statements that a reasonably prudent person would deem not germane to the ultimate goal of determining the facts and a potential policy violation. Consistent with FERPA or safety concerns, identifying information about the Complainant or witnesses may be redacted at the discretion of the Title IX Coordinator.

The Title IX Coordinator will review the draft Investigation Packet. The Title IX Coordinator will either approve the draft Investigation Packet becoming the final Investigation Packet or recommend to the Investigator(s) to conduct further information gathering or make revisions to the Packet to support a fair and thorough process.

Review of Draft Investigation Packet
Once the Title IX Coordinator approves the draft Investigation Packet, the Complainant and Respondent will be given the opportunity to review the draft Investigation Packet. Within five (5) business days of the opportunity to review the draft Investigation Packet, the Complainant and Respondent have an opportunity to submit any additional comment or information to the Investigator(s), request changes to the report, request further investigation and submit any additional question(s) they believe should be asked of the other parties or witnesses. In consultation with the Title IX Coordinator, the Investigator(s) may make revisions or adjustments to the Investigation Packet and may
conduct further investigation, as deemed appropriate. The Investigator(s) will conduct
any further investigation and incorporate any revisions or new information into a final
Investigation Packet typically within ten (10) college business days.

Once the final Investigation Packet is completed, the Complainant and Respondent will
be provided an opportunity to review any new information that is added to the
Investigation Packet and that will be used in reaching a final determination by the
Review Panel. No further requests for revisions will be accepted at this point.

Review Panel/Reviewer

Following the investigation, the Title IX Coordinator will designate the Review Panel
members/Reviewer for determination of whether policy was violated, and if so, to
determine appropriate sanction(s).

The Review Panel is composed of three College employees (faculty and staff) trained to
resolve allegation(s) of sexual or gender-based misconduct against students/student
organizations. A Reviewer is one College employee (staff member) trained to resolve
allegation(s) of sexual or gender-based misconduct against employees.

The Title IX Coordinator will refer the Investigation Packet to the Review Panel/Reviewer
who typically have five (5) college business days to review the Investigation Packet. The
Review Panel/Reviewer do not meet with Complainant, Respondent or other parties
during the resolution process. The Review Panel/Reviewer may elect to meet with the
Investigator(s) prior to making a determination.

The Title IX Coordinator and Assistant Title IX Coordinator may be present for the
Review Panel/Reviewer to answer any questions and provide procedural guidance, but
not to give an opinion or otherwise participate in the decision-making process.

The Review Panel/Reviewer will review the final Investigation Packet to determine
whether:

1. the investigation was conducted in a fair, impartial and reliable manner,
2. the information is sufficient to make a determination as to whether policy was
   violated or not, and
3. there is a rational basis, applying a preponderance of the evidence standard, for
   the finding(s) of responsibility or no responsibility.

In conducting this review, the Review Panel/Reviewer, in consultation with the Title IX
Coordinator may request that further investigation be undertaken by the same or
another investigator, and/or may request that a de novo investigation be conducted.

After the Review Panel/Reviewer have concluded their review of the Investigation
Packet and any additional information requested, the Review Panel or Reviewer shall
find either that the Respondent(s)/Organization(s):
1. Not Responsible for Policy Violation: If the Review Panel or Reviewer determines that there is insufficient information to find, by a preponderance of the evidence, that a policy violation occurred, the Review Panel or Reviewer will render this decision, and both parties will receive notice of the decision in writing.

Or

2. Responsible for Policy Violation(s) & Imposition of Sanction(s): If the Review Panel or Reviewer determines that there is sufficient information to find, by a preponderance of the evidence, that the Respondent/Organization committed a policy violation(s), the Review Panel/Reviewer will render this decision.

Sanctions

If the Review Panel/Reviewer finds the Respondent responsible, the matter will proceed to the sanctioning stage. The Review Panel/Reviewer is responsible for determining the appropriate sanction(s) 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/Reviewer will also consult with the Title IX Coordinator or designee with respect to sanction guidelines and remedy. In general, the imposition of sanctions will take effect immediately.

For students, the sanctions may include disciplinary action up to and including 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 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. A more detailed list of the range of sanctions for employees is contained later in this policy.

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, the sanction may include any permissible sanction from the Sexual Harassment and Misconduct Policy, up to and including termination from their employment.
Possible Student Sanctions
Disciplinary Sanctions for student violations of this policy include, but are not limited to, warning, probation, stayed suspension, suspension, and permanent expulsion. The College reserves the right to impose other sanctions in addition to those listed below in response to the specific circumstances of a case.

**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.

**No Contact Directive:** Notice requiring the Respondent to have no contact with the Complainant.

**Restitution/Restoration:** Restitution includes the reimbursement for damages to or the misappropriation of property. Restoration includes the performance of appropriate services to repair or otherwise compensate for damages.

**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, requirement to move on-campus at your own expense, removal of guest privileges, and/or restriction from autonomous housing options.

**Housing Relocation:** Housing relocation includes the involuntary relocation of a student from one residence hall to another residence hall on campus. If a student is relocated, they may be restricted from the prior residence.

**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, 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 Title IX Coordinator, Provost and Dean of the College (or designee), the Vice President and Dean of Student Life (or designees), or Vice President for Human Resources (or designee) for the period of time specified in written notice). 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, or the release of academic transcripts, 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.

### Standard Sanctions for Students

<table>
<thead>
<tr>
<th>Violation</th>
<th>Standard Sanctions</th>
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<tbody>
<tr>
<td>Rape</td>
<td>Expulsion*</td>
</tr>
<tr>
<td>Incest</td>
<td>Expulsion*</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>Expulsion*</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>One-Year Suspension to Expulsion*</td>
</tr>
<tr>
<td>Non-Consensual Sexual Contact</td>
<td>One-Year Suspension to Expulsion*</td>
</tr>
<tr>
<td>Sexual Exploitation</td>
<td>Probation to Expulsion</td>
</tr>
<tr>
<td>Intimate Partner Violence/Dating Violence/Domestic Violence</td>
<td>Warning to Expulsion</td>
</tr>
<tr>
<td>Stalking</td>
<td>Probation to Expulsion</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>Warning to Suspension</td>
</tr>
<tr>
<td>Gender-Based Harassment</td>
<td>Warning to Suspension</td>
</tr>
<tr>
<td>Harm to Others</td>
<td>Stayed Suspension to Expulsion</td>
</tr>
<tr>
<td>Harassing Conduct</td>
<td>Warning to Suspension</td>
</tr>
<tr>
<td>Retaliation</td>
<td>Probation to Expulsion</td>
</tr>
<tr>
<td>Complicity</td>
<td>Warning to Suspension</td>
</tr>
<tr>
<td>Prohibited Relationships by Persons in Authority</td>
<td>Warning to Suspension/Dismissal</td>
</tr>
<tr>
<td>No Contact Directive</td>
<td>Warning to Suspension</td>
</tr>
</tbody>
</table>

The above chart showcases the sanction range for specific types of violations, under this policy. However, the College reserves the right to impose other sanctions, and sanctions outside of this range in response to specific circumstances of a case. *Expulsion is the sanction for any individual found responsible for one incident of rape and more than one incident of sexual assault or non-consensual sexual contact. One incident of sexual assault or non-consensual sexual contact may also result in expulsion.

### Possible Employee Sanctions

For employees, the sanction may include any form of responsive action and/or discipline as set forth in the Staff or Faculty Handbook, including but not limited to 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. These standard sanctions are specific to the employee’s status at the institution. The College reserves the right
to impose other sanctions in addition to these listed in response to specific circumstances of a case.

**Verbal Warning:** Minor infractions and rule violations may result in the issuance of a verbal warning.

**Written Warning:** Formal documentation regarding the infraction/violation and expected corrected or improved behavior will be provided in the form of a written warning.

**Suspension:** Should events compel the college to take immediate action when discharge appears possible, the college may immediately suspend the employee for a specific period of time. Normally, this period will not be for longer than three days, but in certain situations and due to the complexity or seriousness of the investigation, the suspension may be longer. The suspension may be with or without pay, and the employee will be required to leave the premises immediately.

**Termination:** Upon investigation, the suspension may lead to discharge. The college maintains that certain activities are so harmful to the successful operation of the college that anyone involved in them will be subject to discharge. In situations involving major infractions, continued failure to respond appropriately to prior counseling, or continued negative or inappropriate behavior, discharge may be the appropriate recourse.

**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 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, sanction(s) if applicable, and the rationale for the result. 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 any resulting remedies put in place that directly relate to Complainant. 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.
Appeal

Either party may appeal the outcome and/or sanction(s). The appeal letter must be submitted within five (5) college business days of the date of the outcome letter. The appeal should consist of a plain, concise, and complete written statement outlining the specific ground(s) for the appeal. The appeal letter should be submitted to the Title IX Coordinator at matick@dickinson.edu.

Once the Title IX Coordinator receives the appeal letter, the Title IX Coordinator will provide the other party notice and a copy of the appeal letter, and the opportunity to respond in writing to the appeal. That response to the appeal letter must be submitted within five (5) college business days from notice of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party’s appeal and both parties will have the opportunity to respond. Upon receipt of the appeal letter and any response(s), the Title IX Coordinator will forward all relevant materials to the Appeal Official.

The appeal will be conducted in an impartial manner by the Appeal Official or their designee:

- For Student Respondents/student Organizations - the Vice President and Dean of Student Life is typically the Appeal Official;
- For Faculty Respondents – the Provost and Dean of the College is typically the Appeal Official;
- For Staff Respondents - the Vice President for Finance and Administration is typically the Appeal Official.

A review of the matter will be prompt and narrowly tailored to the stated appeal grounds. For cases of Acceptance of Responsibility/No Contest the Complainant and/or Respondent can only appeal based on the grounds that the sanction(s) imposed are either too harsh or too lenient.

Dissatisfaction with the outcome of the investigation is not grounds for appeal. For cases resolved through the Review Panel, the limited grounds for appeal are as follows:

- New information that could affect the finding of the Investigator(s) 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; and
- Sanction is too harsh or too lenient.

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 Official shall consider the merits of an appeal only on the basis of the grounds for appeal. The Appeal Official
will review the Investigation Packet and all relevant documents and may consult with both parties, Investigator(s), and the Title IX Coordinator.

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 hearing and pertinent documentation regarding the grounds for appeal. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error based on the stated appeal grounds.

The Appeal Official 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 Official can ask that a new investigation and/or imposition of sanctions occur. In the case of new and relevant information, the Appeal Official 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 Appeal Official will communicate the result of the appeal to the Complainant and Respondent within ten (10) college business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

**Appeals Committee for Faculty**

For complaints against faculty which involved a recommendation of dismissal/termination, 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 pursuant to the procedures outlined in Chapter 4 of the Academic Handbook.

**Time Frame for Resolution**

Best efforts will be made to complete the process in a timely manner while balancing principles of thoroughness and fundamental fairness with promptness.

Dickinson College will endeavor to the best of its ability to complete all Title IX cases within 60 calendar days. For a Title IX case to last longer than 60 days, extenuating circumstances beyond the control of Dickinson College should exist that support a decision to delay. If due to these extenuating circumstances completion within the 60-day timeframe is not possible, Dickinson College agrees it will inform the Complainant(s) and Respondent(s) in writing. Dickinson College agrees that no Title IX investigation should last longer than 100 calendar days and will make all best efforts to complete each case within that extended time period.

Circumstances may arise that require the expedition or extension of time frames. Such circumstances may include, but are not limited to, the severity or complexity of the allegations,
the number of witnesses involved, the effect of a concurrent criminal investigation, and any intervening College breaks, or other circumstances.

Additional Information

Hold on Record
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.

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 organization’s 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/or individually. The range of sanctions in this policy will be considered, as will be the proportionality of the involvement of each individual.

College Records - Maintenance of Documentation

Title IX Investigation and Determination Records
Complainants and Respondents can request and receive a copy of materials related to their Title IX investigation and determination, including, but not limited to a copy of any audio recordings and transcripts of interviews provided by either party during the investigation. Complainants and Respondents will be permitted to request and receive a copy of materials that the requesting Party provided and interview transcripts from interviews with which the requesting Party participated – subject to the College records retention policy. Note, however, that Parties and witnesses will be given an opportunity to object to disclosure of any material, and may be required to sign a document authorizing release of their information.

Complainants and Respondents may request a copy of these materials by contacting the Title IX Coordinator and by signing a release form for the Title IX Investigation and outcomes in the Title IX Coordinator’s Office. The College maintains the right to redact personally identifiable information from any document or record, and to refrain from disclosing drafts and work
product that are not the final investigative report, and any other document or record in order to maintain compliance with applicable laws.

These records are maintained in compliance with the College’s Records Retention Policy. The rights of Parties to cases currently ongoing or previously adjudicated will be governed by the Policy then in effect at that specific time the case was initiated, unless both Parties agree to be governed by a later amendment to the Policy.

Study Abroad and Student Conduct Records
Students who declare an interest in studying abroad are subject to conduct record checks. Information that will be shared with the Center for Global Study and Engagement includes, but is not limited to, notice of a pending investigation and determination of a violation(s) of the Sexual Harassment and Misconduct Policy. It is within the sole discretion of the College 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 conduct record.

Employee Personnel Files
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 the Title IX Coordinator through initial assessment or Adaptable Resolutions are noted in an employee’s personnel file and are used to assure that no retaliation occurs and in cases where there are similar further incidents involving either the Complainant or Respondent.

Records will be maintained for the duration of the Respondent’s employment at the College and will be retained in accordance with the College’s Records Retention Policy.

Terminology
Advisor: 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. 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 a prompt manner. College Officials have the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.
**Complainant(s):** An individual(s) who is reported to have been subject to alleged sexual or gender-based misconduct and seeks a resolution process. The College can also serve as the Complainant in a Formal Resolution process when the Title IX Coordinator determines it appropriate.

**Employee:** An individual who provides services or labor for the College for wages or other remuneration. This includes faculty, administrative, professional, authorized volunteers, 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.

**Mutual No-Contact Agreement:** A mutual agreement between a Complainant and Respondent in which parties agree from having direct contact and/or direct communication with each other.

**No-Contact Directive:** An order issued by the College mandating two or more individuals refrain from having contact with one another. Restricted forms of contact include but are not limited to in person, by telephone, email, text message or other electronic means of communication, or through a third party.

**Preponderance of the Evidence:** Preponderance of the evidence means that the evidence on one side outweighs the evidence on the other side or is more likely than not. Preponderance of the evidence is the applicable standard for demonstrating facts and reaching conclusions in the resolution process conducted by Dickinson College.

**Reporting Party:** Any person who reports alleged prohibited conduct but who is not the individual who is alleged to have experienced the prohibited conduct. A reporting party can be a student, faculty, staff member, or any other person. The reporting party can also be a non-campus community member, such as a parent or guardian of a student, spouse/partner of an employee, or a witness.

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

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

**Responsible Employee:** is a person who has the authority to take an action to redress sexual or gender-based misconduct:
- a person who has been given the duty of reporting incidents of sexual or gender-based misconduct to the Title IX and Sexual Respect Office or other appropriate designee; or
- a person who a student reasonably believes has the authority or duty to take action to redress sexual or gender-based misconduct.
Under Title IX, the College must 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 misconduct that creates a hostile environment.

**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.

**Third-party:** is any individual who is not a College student or employee or a participant in any College-related program or activity. Third parties may include, but are not limited to, independent contractors, vendors, visitors and guests

**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 Katharina Matic. She can be contacted with questions regarding this policy or Title IX via email at matick@dickinson.edu or by phone at 717-254-8316.

**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.

**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.

**Amendments**
The College may amend the policy or procedures periodically. Nothing in the policy or procedures shall affect the inherent authority of the College to take actions such as it deems appropriate to further the educational mission or to protect the safety or well-being of the campus community.

**History/Revision Information**

- **Responsible Office/Division:** Title IX and Sexual Respect Office/President’s Office
- **Effective Date:** 5/1/20
- **Last Amended Date:** 4/29/20
- **Last Amended Date:** 2/13/20
- **Last Amended Date:** 10/17/19
- **Last Amended Date:** 12/10/2018
- **Next Review Date:** 8/1/2020