

## Title IX Agreement Updates

1. Amend our sexual harassment and misconduct policy and procedures, on or before February 17, 2020, as follows:

a. Expulsion for any individual found responsible for more than one incident of sexual assault or found responsible for one incident of rape. For clarity sake, rape will be defined according to PA statutory law until such time any other definitions are developed pursuant to

Completed and Revised (February 17, 2020).

1.b. All types of sexual assault and misconduct will be defined in Dickinson's sexual misconduct policy and procedures (hereafter referred to as 'Policy'), including but not limited to intimate partner/dating violence, emotional and verbal abuse, rape, (all of which will be LGBTQ+ inclusive and multiculturally aware) and for each type of sexual assault and misconduct there will be a recommended range of sanctions for those found responsible. Due to the complexity of deliberating and crafting these types of sexual assault and corresponding definitions, the President's Working Group on Sexual Harassment, Sexual Misconduct and Title IX (hereafter referred to as 'Working Group') will have until May 1, 2020 to develop them and update the Policy accordingly.

Completed (May 1, 2020). Reviewed the Sexual Harassment and Misconduct policy (SMP) to ensure that all types of sexual and gender-based misconduct are clearly defined. We are fully in compliance with federal regulations and certain sections of our policy, for example, our definition of what is and what is not Consent exceeds that which is provided as guidance by VAWA regulations. We have also confirmed that our policy is clear and that it applies to and protects all persons against sexual and gender-based discrimination on our campus and in our programs, and thus we provide inclusive and equitable procedures for all persons engaging with the Title IX and Sexual Respect Office. The recommended sanction range for persons found responsible for all types of prohibited sexual and gender-based misconduct as defined in the SMP was updated.

c. After the changes outlined in this Agreement have been made, no substantive changes will be made to the Policy until there has been a minimum 30-day review and comment period. The Working Group will determine whether any proposed change made to the Policy is considered substantive. Proposed changes to the Policy will be provided to the Student Senate, Enrollment and Student Life Committee, and the Working Group for input and recommendations before the College makes a final decision on implementation. A system will be established so anonymous online comments can be submitted by all faculty, staff, and students. If one-third or more of the comments received object to the proposed Policy changes, further review will be deemed warranted, with such review being conducted by the Working Group. The Office of Institutional Effectiveness will determine how to best implement the anonymous system, and the Working Group, in concert with Institutional Effectiveness, will develop a system on how to

track, record and report out to campus on the comments made in the system. The Working Group will report on their progress on or before May 1, 2020.

[The Presidential Working Group formed Subcommittees to bring forward recommendations \(February 27, 2020\).](#) [The development of an anonymous online comment system is in progress.](#)

d. Dickinson College agrees it 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) (hereafter referred to as 'Parties') 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.

[Completed & Policy Revised \(February 17, 2020\).](#) [While the federal regulations do not specify a timeframe for the duration of cases, we have updated our policy to reflect our commitment to ensuring these cases are expedited in a timely and equitable manner.](#)

e. The Parties in all Title IX cases will be explicitly given the option at the start of their investigation to receive weekly updates on the progress of their investigation and case. These updates will continue until either the case concludes or a party requests that they receive updates less frequently or that no additional updates be given.

[Completed & Policy Revised \(February 17, 2020\).](#) [We have revised our Sexual Harassment and Misconduct policy to include weekly updates to parties if they choose to receive updates. If a party declines to receive weekly updates, we will uphold their decision.](#)

f. Parties involved in Title IX cases that are initiated after the signing of this Agreement will be permitted to request and receive a copy of any and all 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. Any Party to a case, whether past or present, 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. Both Parties will also be permitted to keep a copy of the final investigation report. 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. The Policy will link to the Dickinson document retention policy, allowing Parties to quickly access information pertaining to how long the College will maintain records before destroying them. 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.

Completed & Policy Revised (February 17, 2020). We have revised our Sexual Harassment and Misconduct policy that details how to make a request and the copies that can be released to the requesting party.

g. No Contact Directives will not be removed, even after a case has been completed, unless agreed to in writing by the Parties. A range of possible sanctions will be listed for those found in violation of No Contact Directives.

Completed & Policy Revised (February 17, 2020). We have revised our Sexual Harassment and Misconduct policy.

2. Amend our sexual harassment and misconduct reporting process, on or before May 1, 2020, as follows: a. The Title IX office annual report will include in the report the specific allegation, the outcome (of responsibility or not), the sanction applied (if applicable), and the duration of each investigation, as well as available aggregated demographic data (race, color, national origin, gender identity, sexual orientation, disability status, religion, and sex). Dickinson may at times need to omit information from the publicly available report to protect personally identifiable information.

Completed. Our current Annual Title IX Report has been reformatted to include information on duration and aggregated relevant and verified demographic information.

b. A Clery Committee will be formed to ensure accuracy of reported data on the annual security report; the Committee will include members of all facets of the College (faculty, staff, and students). The Institutional Effectiveness office will also be involved with reviewing and vetting the accuracy of the data.

Completed. The committee has been formed and includes all relevant partners across the college (faculty, staff, students). Will continue to work during summer to allow for the on-time publication of the 2020 Annual Security Report in September 2020.

c. An external consultant or agency will be engaged to annually review all data included in the College's Title IX office annual report and any and all filings or reports created in compliance with the Clery Act.

Completed. We have contracted with D. Stafford & Associates to conduct the required audit of the Title IX annual report and the Clery Report. (February 27, 2020).

3. Amend our sexual harassment and misconduct related practices, as soon as reasonably practicable but no later than July 1, 2021, as follows:

a. Implement a safety cellular phone application that allows campus members instant (one-button) access to emergency personnel.

In Progress. Referred to Department of Public Safety to form a committee to address.

b. Emergency Blue Boxes are currently and will continue to be checked monthly to ensure they are operational, and staff will be trained and knowledgeable on how they work.

In progress. Referred to Department of Public Safety to form a committee to address.

c. Conduct, through a 3rd party vendor, an annual Sexual Assault Climate Survey, that anonymously collects the same demographic information in the Title IX annual report. The survey will provide open-ended response options for reporting race and ethnicity, gender identity, and sexual orientation/identity. The Working Group will be involved in reviewing, analyzing, and disseminating the data to campus. The information will be disseminated to all faculty, staff, and students annually during the academic year.

Completed. Cost to conduct an annual Sexual Assault Climate Survey by a 3<sup>rd</sup> party vendor has been added as an on-going annual line-item to the departmental budget.

d. All faculty and staff will receive training on understanding and dealing professionally and compassionately with individuals who have undergone trauma related to sexual assault, while also being sensitive to individuals' social identities, including race, color, immigration status, national origin, gender identity, sexual orientation, disability status, religion, and sex. Students can report infractions to not only administrative offices but also our online concerns portal. Faculty and staff found in violation of our expectations or professionalism will face disciplinary proceedings promptly.

In Progress. The development of a training module for faculty and staff is well underway and we expect to begin delivery of the training in Fall 2020. Also developing assessment plan as well as updating other educational materials.

e. Faculty, staff, or students in positions of authority who are found in violation of our sexual harassment and misconduct policy will face disciplinary proceedings.

Completed. Our Sexual Harassment and Misconduct policy includes initial assessment, possible interim measures, and disciplinary proceedings for those individuals who are in positions of authority and are alleged to engage in prohibited conduct.

f. When an allegation is made against a faculty, staff, or student in positions of authority, there will be an assessment regarding the individual's ability to remain in their current position and, if it is determined that a conflict exists, the individual will be either moved to a different position or suspended with or without pay until the investigation is complete and a decision is made.

Completed. Our Sexual Harassment and Misconduct policy includes initial assessment and possible interim measures (that includes modification of employment or suspension with or without pay until the investigation is completed) for those individuals who are in positions of authority and are alleged to engage in prohibited conduct. In addition to the update made to the Sexual Harassment and Misconduct policy, the Non-Discrimination Harassment and

Retaliation policy (approved 6/22/20) has also added the following statement - When an allegation is made against a faculty, staff, or student in positions of authority, there will be an assessment regarding the individual's ability to remain in their current position and, if it is determined that a conflict exists, the individual will be either moved to a different position or suspended with or without pay until the investigation is complete and a decision on the underlying case is made. The assessment will include considerations such as the nature of complaint itself, the proximity and direct or indirect control or influence between the complainant and the respondent, and the availability of temporary alternate assignments that are capable of keeping the complainant as whole as possible during the pendency of the investigation.

g. The College will hire an investigator and a full-time counselor whose primary responsibility on campus will be to work with students who have experienced trauma (although they may also serve as a generalist therapist when trauma-focused caseload allows). The successful candidate will have training and experience in working with individuals who are currently or have experienced trauma. An after-hours trauma counselor will also be made available 24/7 while students are on campus. These professionals will be competent in working with students with sexual assault while also being sensitive to individuals' social identities, including racial trauma, as well as with multi-cultural and LGBTQ+ perspectives and experiences. The search for a full-time investigator and counselor will make a targeted effort to identify and hire candidates from underrepresented groups qualified for and interested in the position. The College will investigate reinstating the Prevention Educations and Advocacy Center.

Completed – we have hired a full-time Investigator who begins employment with us on June 22, 2020.

In Progress. Subcommittee regarding Wellness Center and 24/7 support is conducting review of current practice and capacity; work will continue into the 20-21 academic year.

h. Resources and support about available legal options will be made available to all students through trainings and on the school's website. This will include contact information for entities that may be able to provide free or low-cost legal advice or advocacy for students, including for international and undocumented students. The College will explore the feasibility of creating a legal fund where people can donate, with the proceeds being accessible to individuals involved in a case implicated by the Policy.

Information about legal options is listed on the Title IX & Sexual Respect Website at [https://www.dickinson.edu/homepage/1244/title ix options and next steps](https://www.dickinson.edu/homepage/1244/title_ix_options_and_next_steps). Information regarding Advisor of choice will be included in trainings.

*Updates provided by Title IX Coordinator, Kat Matic, 7/1/20. If you have any questions or comments, please contact Kat Matic at [titleix@dickinson.edu](mailto:titleix@dickinson.edu). For information about Dickinson College's Title IX Sexual Harassment and Misconduct policies and procedures, please visit [titleix@dickinson.edu](mailto:titleix@dickinson.edu).*