

Title IX Policy – Summary of Recommended Revisions

Consent

Page 10

One of the bullet points under “Consent is,” reads that Consent is:

- Actively given - there is an engagement in sexual activity.

Action: This bullet point is revised to expand on the vital importance of obtaining clear consent:

- *An Agreement – between participants to engage in sexual activity. Consent must be clearly and freely communicated. A verbal and affirmative expression of consent can help both you and your partner to understand and respect each other’s boundaries. When sexual activity is agreed upon, it can be withdrawn at any time, through clear words or actions.*

Use of Alcohol and Drugs

Page 12; page 19

The Amnesty policy refers to “ingestion” of alcohol or other drugs. These substances can both be used without swallowing them.

Action: Revised “ingestion” to “use.”

Hearing Panel Chair

Page 14

“The Title IX Coordinator can designate individuals to perform any roles or duties described in this policy, including internal College employees and externally hired professionals.”

Action: Reviewed policy on pg. 14 (as stated above) to ensure that the Hearing Panel Chair is designated by the Title IX Coordinator and can be an employee of the College, or external professional engaged by the College.

College Officials with Authority to institute Corrective Measures

Page 16

Action: Names and titles have been updated.

Confidential Resource Persons – for Students

Page 21

Action: Added Director of Center for Spirituality and Social Justice to list.

Medical Care

Page 23-24

Action: Added 2 additional hospitals that offer SANE resources. Added website links to information regarding availability of emergency contraception. Included that Dickinson's Wellness Center offers emergency contraception.

Emergency Removals

Page 29

As per the TIX regulations, emergency removals mean a complete removal of the student from the College, not partial removals (i.e., excluding the student from certain buildings or activities). For example, excluding a Respondent from entering the Complainant's dormitory (where Respondent does not live) is a Supportive Measure and should not be conflated as an Emergency Removal.

Action: Modified the policy's language to exclude suggesting that a partial removal constitutes an emergency removal.

Support Services Definition

Page 30

Support Services are non-disciplinary, non- punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before, during or after the filing of a formal grievance complaint or where no formal grievance complaint has been filed. Such measures are designed to restore or preserve equal access to the College's educational program or activity without unreasonably burdening the other party.

Action: Revisions made to clarify that the purpose of Support Services are to restore or preserve equal access to Dickinson's educational programs or activities.

Support Services Offered

Page 30

Support Services are offered to Complainants and Respondents. Parties do not have to request Support Services, as they are offered through a consistent application of process. The College has offered support services and will continue to do so to Complainants and Respondents.

Action: Revised language in policy to reflect that Support Services are "offered" and do not need to be requested.

Support Services – No Contact/No Communication Directive (NCD)

Page 30-31

No Contact Directives are a Support Service not meant to be punitive and aim to restore or preserve equal access to the College's educational program or activity without unreasonably burdening the other party.

Action: Moved NCD section under Support Services to improve organization within Policy.

Grounds for Dismissal of a Formal Grievance Complaint

Page 33

Both parties have the right to appeal a dismissal of a formal grievance complaint.

Action: *Revised this section to include that both the Complainant and Respondent have the right to appeal a dismissal. Further added information as to the specific grounds they can appeal. Revised that for staff complainants, the typical review official is the Vice President for Human Resource Services.*

Review of Evidence

Page 39

The Parties and their Advisors must be given an opportunity to comment on all the evidence gathered during an investigation, including all inculpatory and exculpatory evidence.

Action: *Modified the policy language to clearly state that the Investigation Packet will include inculpatory and exculpatory evidence, as this is shared with the parties, their advisors, and Panel members before a decision is rendered. Dickinson has done this in practice, and we want to ensure our policy reflects our practices.*

Hearing Panel

Action: *Deleted that if a party or witness does not submit to cross-examination at the hearing, the Hearing Panel must **not** rely on any prior statement(s) of that party or witness in reaching a determination regarding responsibility. The Hearing Panel can rely on prior statements and evidence of a party/witness, without that party being required to submit to cross-examination.*

Hearing – Course of Procedure for the Hearing

Page 42

Action: *Revised organization of the typical procedure, with Hearing Panel members asking questions first, then Complainant's Advisor, Respondent's Advisor, and then questions posed to witnesses. Included a time limitation of 20 minutes to closing statements for improved process equity.*

Stayed Suspension

Page 46 - 47

Dickinson's Community Standards Policy sanction language has been revised.

Action: *We've copied the current stayed suspension language from our Community Standards policy for consistency.*

Stayed Suspension: A student or organization on stayed suspension has been found responsible for conduct that is severe enough to justify suspension as a sanction. As stayed suspension is permitted where the College in its discretion has determined that mitigating circumstances exist such that the withholding of the immediate imposition of suspension should be stayed to allow the student or organization an opportunity to correct behavior while they or it remain on

campus. Stayed suspension can be imposed for a specified period of time and may be contingent upon complying with specific rules and all Community Standards during the period of the stayed suspension. If at any point the Community Standards or specified rules are found to have been violated, the suspension will become effective immediately, resulting in separation from the College for the remainder of the suspension period. During a period of stayed suspension, the terms imposed on an organization will also be binding on the members of the organization.

Standard Sanctions for Students

Page 47

The minimum sanction for intimate partner violence/dating/domestic violence is warning, while the minimum sanction for stalking is probation. Both types of violations can reasonably result in a warning for lower-level incidents.

Action: *Revised to reflect consistency between standard sanctions of these prohibited behaviors.*

Appeal

Page 50

Revised that for staff complainants, the typical review official is the Vice President for Human Resource Services.

Recordkeeping

Page 53

The Title IX regulations require records of TIX proceedings be maintained for seven years. The College does maintain records appropriately and expanding the recordkeeping section to clarify what records are maintained provides greater clarity to our campus community.

Action: *Added clarifying information about our recordkeeping process.*