



# SEXUAL HARASSMENT AND MISCONDUCT POLICY



DICKINSON COLLEGE

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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 harassment and gender-based misconduct in all of its programs and activities, including academics, employment, athletics, admissions, 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 supersedes any and all other Dickinson policies, processes and/or handbooks relative to the handling of sexual or gender-based misconduct that is governed by Title IX.

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, fondling, dating violence, domestic 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, fondling, dating violence, domestic violence, 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 Dickinson College’s Title IX Coordinator:

## Title IX Coordinator

**Kat Matic**

**Title IX and Sexual Respect Office**

41 Conway Street

(717) 254-8316

[matick@dickinson.edu](mailto:matick@dickinson.edu)

[titleix@dickinson.edu](mailto:titleix@dickinson.edu)

## Jurisdiction

This policy applies to all members and organizations of the Dickinson College community, including incoming and current students, faculty, and staff, individuals participating or attempting to participate in a Dickinson educational program or activity, as well as third parties, such as but not limited to independent contractors, vendors, visitors and guests whenever the College has actual knowledge of the misconduct and the misconduct occurs:

- In the United States, and;
- In Dickinson College's educational program or activity, which is defined as locations, events or circumstances over which Dickinson exercises substantial control over both the Respondent(s) and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Dickinson College.

This policy also applies to misconduct on Dickinson College's social media sites or networks that can subject an individual or group to allegations of violations of this policy. The College's program(s) or activities encompass all of the operations of the College, and includes computer and internet networks, digital platforms, and computer hardware or software owned, operated by, or used by Dickinson College. This Policy applies while participating in remote classes and programs and while interacting with the Dickinson College campus community virtually.

Nothing precludes the College from choosing to address allegations of conduct outside of the College's education program or activity. While the Title IX Coordinator must dismiss allegations that do not meet the jurisdiction of the College, or where the misconduct allegations do not meet the definitions within this policy, those concerns may be referred by the Title IX Coordinator to other offices/departments for their review and resolution through procedures consistent with other College policies. The Title IX Coordinator or designee may refer allegations to other offices, including but not limited to the Division of Student Life, Human Resources and the Provost and Dean of the College's Office.

For incidents that occur abroad, Dickinson College can, in its sole discretion, initiate conduct proceedings and/or offer supportive measures to address sexual and gender-based misconduct allegations against a person outside of the United States.

A third party is any individual who is not a College student or employee or is not 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.

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

## Coordination with Other Policies and Staff

At all times it is within the College's discretion to determine which policies apply to alleged prohibited conduct. Some prohibited conduct may result in a referral to other offices/departments, separate investigation and separate sanctions under other College policies. If there is additional information discovered during the course of review or investigation of allegations through other offices/departments and where the prohibited conduct definitions could be met under this policy, an office/department will refer the case to the Title IX and Sexual Respect Office for further appropriate procedures.

## 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 under this policy. The conduct must constitute sexual or gender-based misconduct, as defined by this policy, in order to be actionable.

## Prohibited Conduct and Definitions

The College recognizes that sexual and gender-based misconduct covers a broad spectrum of conduct, including but not limited to sexual harassment, gender-based harassment, sexual exploitation, sexual assault, fondling, dating violence, domestic violence and stalking. The following forms of conduct are prohibited under this policy.

### **Sexual Harassment**

Sexual Harassment is conduct on the basis of sex that involves an employee of Dickinson College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (*Quid pro Quo*); or an individual engaging in unwelcome conduct on the basis of sex as determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Dickinson College's education program or activity. Title IX Sexual Harassment also includes:

- **Sexual Assault:** Sexual Assault is the penetration or attempted penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without consent of the victim.
- **Fondling:** Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.
- **Incest:** Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Dating Violence:** Dating violence includes any act of violence or threatened act of violence, including sexual or physical abuse or the threat of such abuse, committed by 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. Dating 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:** Domestic violence includes any act of violence committed by a current or former spouse or intimate partner of the person; by a person with whom the individual shares a child in common; by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant; or by any other person against an adult or youth against whom the complainant is protected under Pennsylvania's domestic and family violence laws.
- **Stalking:** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.



## **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, and objectively offensive that it effectively denies a person equal access to the College's education program, activity, or employment.

## **Sexual Exploitation**

Sexual exploitation constitutes sexual harassment. Sexual exploitation is 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 taking of or distribution of photos or video-recordings of another 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.

## **Harm to Others**

Physical or verbal 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 may be pursued in addition to one or more of the prohibited acts outlined above. The Title IX Coordinator has the authority to determine whether to investigate allegations under this policy, and/or dismiss an allegation(s) under this policy and refer the allegations to another office or department.

## **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. Harassing conduct may be pursued in addition to one or more of the prohibited acts outlined above. The Title IX Coordinator has the authority to determine whether to investigate allegations under this policy, and/or dismiss an allegation(s) under this policy and refer the allegations to another office or department.

## **Retaliation**

Retaliation is 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 support services, 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**

Complicity is 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. The supervisor must, in turn, discuss with the Title IX Coordinator or designee whether any intervening measures are appropriate. These 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 and/or their supervisor could be subject to disciplinary action, up to and including dismissal from employment by the College.

Any individual may file a complaint alleging sexual 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.

## Important Related Information – Consent, Force, Incapacitation, Coercion

### Consent

#### Consent is:

- *Informed* - parties have information and understanding of sexual activity;
- *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 through clear words or actions;
- *Freely given* - there is no pressure, coercion, intimidation, threat, or force; 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 their 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.

## 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 College campus community member who is considering filing a report with the College to provide them with information about available support services, and how to make a report and request an informal/conciliation or formal grievance process. 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, request an informal/conciliation, or formal grievance process, the Title IX Coordinator can assist an individual in connecting with support services on or off-campus, including but not limited to counselors, advocates, health services and law enforcement.

The Title IX Coordinator does not press upon any person to disclose information they are not comfortable with sharing. The Title IX Coordinator endeavors to respect the wishes of the individual regarding how and if to move forward with making a report and their preferred resolution process.

The Title IX and Sexual Respect Office is a Central Resource where you can:

- Speak privately with the Title IX Coordinator or designee to obtain information about support services, including health care, counseling/advocacy services, academic, housing and other available modifications;
- Speak privately with the Title IX Coordinator or designee to obtain information about process options, such as the informal/conciliation and formal grievance process;
- Ask for help or assistance with services, and the Title IX Coordinator can support you in obtaining, scheduling and coordinating support services;
- Make a formal grievance complaint and request an informal/conciliation process;
- Make a formal grievance complaint and request a formal process;

The College encourages reporting and seeks to remove any barriers to reporting in order for campus community members to be able to seek and obtain support services and information about their options. 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 use of alcohol or other drugs at or near the time of the alleged incident. For more information, see the Amnesty policy section within this policy.

Every effort is made by the Title IX Coordinator to honor the wishes of the Complainant regarding available support services and the resolution process chosen by the Complainant, if any.

## Report to the College

Any person may report sexual or gender-based misconduct in person, by mail, telephone, or e-mail to the Title IX Coordinator.

Making a report to the College is different and distinct from making a formal grievance complaint and requesting the College either initiate an informal/conciliation process or formal grievance process. Once an individual makes a report to the College, the Title IX Coordinator will typically reach out to the Complainant (if identified in the Report) to offer support services

and to provide information to the Complainant about how to make a formal grievance complaint.

Any individual may make a report to the College by contacting the **Title IX Coordinator**:

**Kat Matic**  
**Title IX and Sexual Respect Office**  
41 Conway Street  
(717) 254-8316  
[matick@dickinson.edu](mailto:matick@dickinson.edu)  
[titleix@dickinson.edu](mailto:titleix@dickinson.edu)

**Online Report Form:** <https://www.dickinson.edu/titleix>

The Title IX Coordinator oversees the College's investigation and resolution of allegations 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 services 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;
- The entire 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 support services, resolution paths that are available through the College and can assist a person with making a report to law enforcement.

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, including internal College employees and externally hired professionals.

## **Title IX Team – Title IX Deputies**

The Title IX Coordinator is supported by Title IX Deputies. Title IX Deputies are individuals who are available to support the Title IX Coordinator's initial and emergency assessment of allegations under this Policy and have the authority to implement supportive and corrective measures.

The Title IX Coordinator may consult with Title IX Deputies as determined appropriate for specific cases and dependent on the Complainant's or Respondent's role at the College. Title IX Deputies further support the College to ensure appropriate education and training efforts are conducted for students and employees.

You can contact any Title IX Deputy to obtain information on how to make a formal grievance complaint and to answer questions and assist you with obtaining support services. Please note that these individuals are private, but not confidential resources. Title IX Deputies can address your complaint with sensitivity and keep your information as private as possible. These Officials have a responsibility to refer to the Title IX Coordinator any information they learn of regarding allegations of Prohibited Conduct under this policy.

**Title IX Team – Title IX Deputies:**

**Stephen Winn | Assistant Title IX Coordinator**

41 Conway St. | (717) 254-8316 | [winnst@dickinson.edu](mailto:winnst@dickinson.edu)

**Dee Danser | Assistant V.P., Compliance & Chief of Public Safety**

Department of Public Safety | (717) 254-8317 | [danserd@dickinson.edu](mailto:danserd@dickinson.edu)

**George Stroud | V.P. for Student Life & Dean of Students**

Student Life Office, HUB | (717) 245-1639 | [stroudg@dickinson.edu](mailto:stroudg@dickinson.edu)

**Debra Hargrove | V.P. Human Resource Services**

55 N. West St. | (717) 245-1503 | [hargrove@dickinson.edu](mailto:hargrove@dickinson.edu)

**Renee Cramer | Provost & Dean of the College**

Old West, 2<sup>nd</sup> Floor | (717) 245-1108 | [cramerre@dickinson.edu](mailto:cramerre@dickinson.edu)

**Celine Cunningham | Director of Athletics**

Kline Center | (717) 245-1364 | [cunnince@dickinson.edu](mailto:cunnince@dickinson.edu)

**Kim Masimore | Senior Women Administrator/Head Women's Lacrosse Coach**

Kline Center | (717) 245-1662 | [masimore@dickinson.edu](mailto:masimore@dickinson.edu)

When a Title IX Deputy has actual knowledge of possible sexual or gender-based misconduct, they are required to report the information to the Title IX Coordinator by filing an online report at: [www.dickinson.edu/titleix](http://www.dickinson.edu/titleix).

Title IX Deputies 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 how to file a report, 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.

## Mandated Reporters

At Dickinson College, all employees including faculty are Mandated Reporters except those identified and designated as confidential employees.

Student employees are not considered Mandated Reporters except when reporting is part of their employment responsibilities, such as Resident Assistants and students employed in the Department of Public Safety.

All Mandated Reporters will promptly report to the Title IX Coordinator any and all information that the Mandated Reporter has about conduct that reasonably may constitute Title IX Sex Discrimination.

Mandated Reporters are not permitted to report the information anonymously. Mandated Reporters are required to report all such information even if the Complainant elects not to or is unable to make an official Report.

This allows for the Title IX Coordinator to connect the Complainant with resources and support both on and off campus. A Mandated Reporter may report but is not required to report, conduct that they have personally experienced that may constitute Title IX Sex Discrimination.

## Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, Dickinson College has designated specific employees as Confidential Resources. Those designated by Dickinson College as Confidential Resources are not required to report actual or suspected sex discrimination, sex-based harassment, or retaliation in a way that identifies the parties when those parties are not minors. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer information about options and support services without any obligation to inform an outside agency or Dickinson College officials unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Dickinson College employees:

### **Confidential Employees**

- On-campus licensed professional counselors and staff

- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination

**In addition to the above, Dickinson has extended confidential status to the following designated employees:**

**Designated Confidential Employees**

- Director of Women’s Center
- Director of LGBTQ+ Center

There are three categories of Confidential Employees:

- 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors;
- 2) Those whom Dickinson College has specifically designated as Confidential Resources for purposes of providing support and resources to the Complainant; and
- 3) Those conducting human subjects research as part of a study approved by the Dickinson College’s Institutional Review Board (IRB).

For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving TIX Sex Discrimination information. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger to an individual or campus community.

**Confidential Employee Duties**

All Confidential Employees who receive information about conduct that reasonably may constitute Title IX Sex Discrimination must promptly inform the person who provides the information:

- (a) the employee’s status as a confidential employee and that they are not required to notify the Title IX Coordinator of the information;
- (b) how to contact the Title IX Coordinator;
- (c) how to make a Complaint;
- (d) that the Title IX Coordinator may be able to offer supportive measures, an Informal Resolution, or Formal Resolution under this Policy.

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act statistical reporting purposes.

### **Off-Campus Confidential Resources**

In addition, Complainants may speak with individuals unaffiliated with Dickinson College without concern that Policy will require them to disclose information to the institution without permission:

- **24-7 Hour Advocacy Hotline (YWCA Advocates/Counselors): 717-831-8850**
- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Employees may seek confidential assistance through the Employee Assistance Program

## **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)
2. The Director of Enterprise Risk Management, and
3. The Chief of Public Safety (DPS) at 717-245-1111

The Department of Public Safety (DPS) has the obligation to ensure that appropriate authorities have been notified, appropriate individuals are notified internally, and appropriate investigations are initiated. Under Pennsylvania law, a child is any individual under the age of 18. This may include Dickinson students, visitors and guests. For more information visit our [Protection of Minors Policy](#).

## **Presumption of Good Faith Reporting**

The College presumes that reports of Prohibited Conduct are made in good faith. A finding that the behavior at issue does not constitute a violation of this Policy or that there is insufficient evidence to conclude that the incident occurred as reported does not mean that the report was made in bad faith. 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.

## Presumption of Non-Responsibility

The Respondent is presumed to be not responsible until a preponderance of the evidence supports a finding that the Respondent violated the Policy.

## Participation by the Parties and Witnesses Is Voluntary

Complainants, Respondents, or witnesses may choose to participate or decline to participate in the resolution process. However, even if a Complainant or a Respondent declines to participate, the College may deem it necessary to continue to investigate the report.

## Advisors

The College provides the Complainant and Respondent with the same opportunities to have an Advisor of choice present during any formal grievance proceeding. An Advisor is an individual chosen by the Complainant or Respondent to provide support and guidance during the review of a report of Prohibited Conduct under this Policy. An Advisor may not be a witness or otherwise have any conflicting role in the process. An Advisor may be an advocate and/or an attorney. If a Complainant or Respondent does not have an Advisor for the hearing, the College will select an Advisor of the College's choice for the purpose of conducting cross-examination during the hearing process. The College does not otherwise provide a Complainant or Respondent an Advisor for the investigation and informal/conciliation resolution process.

Any person who serves as an Advisor should plan to make themselves available for meetings throughout the investigation process, as well as the hearing. The Advisor may assist with all written submissions made by a Complainant or a Respondent, will prepare questions for the purpose of cross-examination for the Complainant or the Respondent to be used at the hearing, and will conduct cross-examination during the hearing process.

The College staff (including any official acting on behalf of the College such as the Hearing Chair, Title IX Coordinator or designee, Hearing Panel members or external 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 compliance with the 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 are 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 Dickinson College’s 24-7 Hour Advocacy 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 or indirect threat against an individual who reported in good faith, demoting or denying advancement due to a filed complaint, or firing or losing benefits of College programs or activities due to a filed complaint.

## 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 their use of alcohol or other drugs at or near the time of an incident.

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 use 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 their use 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.

## Know Your Options - for Support Services and Reporting

After an incident of sexual harassment, sexual assault, fondling, dating violence, domestic 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. The College endeavors to respect the wishes of the Complainant regarding whether to move forward with a resolution process, while providing written notification to them about how to make a formal grievance report and offer support services both on and off-campus, including but not limited to health services, counseling services and victim advocacy.

### **You have many options, such as:**

- Notifying on-campus Public Safety and/or 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 grievance 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 speak with you over the phone or come to campus and meet with you;

- Obtaining support services, 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;
- Requesting an informal resolution/conciliation process through the College;
- Requesting a formal grievance process through 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.

## Resources

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

Rabbi Marley Weiner, Director of the Milton B. Asbell Center for Jewish Life

(717) 245-1636

Katie Schweighofer, Director Women's and Gender Resource Center

(717) 245-1966

Tommy Lee, Director Office of LGBTQ Services

(717) 254-8054

(TBD), Director of Center for Spirituality and Social Justice  
717-245-1267

Please note: if a Complainant, Respondent, or witness discloses an incident of alleged sexual or gender-based 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 strongly encouraged 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)  
Franco Psychological Associates, P.C.  
717-243-1896

Reliance  
855-RSL-HELP (855-775-4357)

### **For Students and Employees**

**24/7 Dickinson College Sexual Violence Hotline** (an advocate from the YWCA can speak with you over the phone or meet you on campus)  
**717-609-4244**

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.

**YWCA** Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County  
**1-888-831-8850**

Domestic Violence Services of Cumberland and Perry Counties (DVS)  
**717-258-4806**  
24/7 Hotline: 1-800-852-2102

### **RAINN (National Sexual Assault Online Hotline)**

Free 24/7 Confidential Online Chat: <https://hotline.rainn.org/online>

**Sexual Violence Legal Assistance Project**  
**717-901-6784** <https://pcar.org/help-pa/legal>



The Pennsylvania Coalition Against Rape (PCAR) provides holistic legal advice and counsel, and short-term representation to victims of rape and sexual assault.

## Emergency Reporting Options

The first priority for any person 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, fondling, dating violence, domestic 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 **Dickinson's Confidential 24/7 Sexual Violence Hotline at 717-609-4244.**

## Initial Options after an Incident of Sexual Assault, Fondling, Dating Violence, Domestic 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 24/7 Dickinson College Advocacy 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, 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, fondling, or 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 sexual assault, fondling, dating violence or domestic 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 also be notified, so you will 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 SANE services at:**

### **UPMC West Shore**

1995 Technology Parkway  
Mechanicsburg, PA 17050  
717-791-2600

### **Penn State Health Holy Spirit Medical Center**

503 N. 21<sup>st</sup> St.  
Camp Hill, PA 17011  
717-763-2757

**For information about hospitals that offer emergency contraception, please visit the Department of Health's website, [Emergency Contraception for Sexual Assault Survivors](#). Please note that Dickinson's Wellness Center offers emergency contraception.**

## 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**  
**Phone: 717-245-1111**

**Address:** 400 W. North Street, Carlisle, PA 17013

**Off Campus**

**CARLISLE POLICE DEPARTMENT**

**Phone:** 717-243-4121 or 911

**Address:** 240 Lincoln Street, Carlisle, PA 17013

## File a Formal Grievance Complaint with the College

After submitting a report and speaking with the Title IX Coordinator in an intake meeting, the Complainant can file a formal grievance complaint through electronic submission by physically or digitally signing the document and filing it as authorized (i.e., in person, by mail, or by e-mail to the Title IX Coordinator).

### **Title IX and Sexual Respect Office**

**Title IX Coordinator, Kat Matic**

41 Conway Street

717-254-8316

[matick@dickinson.edu](mailto:matick@dickinson.edu)

[titleix@dickinson.edu](mailto:titleix@dickinson.edu)

In filing a formal grievance complaint, the Complainant must allege sexual harassment against a Respondent(s). It is recommended that the Complainant include a request that the College investigate the allegation(s) and resolve the complaint either through an informal/conciliation process or formal grievance process. The Complainant should include as much detail as possible in the formal grievance complaint, including the date(s), time(s) and location(s) of the incident(s), the name(s) of the Respondent(s) or organization(s) and a detailed description of the incident(s) including the alleged policy violated.

For student complaints against an employee(s), the College cannot engage in an informal resolution/conciliation process. At the time of filing a formal grievance complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.

### Title IX Coordinator may file a Formal Grievance Complaint

The Title IX Coordinator's decision to sign a formal grievance complaint may occur after the Title IX Coordinator has attempted to contact the Complainant to discuss availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a formal grievance complaint. The Title IX Coordinator's decision to sign a formal grievance complaint includes taking into account the Complainant's wishes regarding how the College should respond to the Complainant's allegations.

Other than a Title IX Coordinator, third parties cannot file formal grievance complaints. The formal grievance process may proceed if the Title IX Coordinator determines it is necessary to sign a formal grievance complaint, even though the written notice of allegations does not include the complainant's identity.

## File an Anonymous Report

Any person can submit an anonymous report through our online reporting form at [Dickinson.edu/titleix](https://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 the Department of Public Safety at 717-245-1111.**

The College conducts an initial assessment 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 A.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 provide supportive measures, corrective action and resolution of the matter.

Any individual that submits an anonymous report is directed to review the Support Services 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.

Where a Complainant desires to initiate a formal grievance process, the Complainant cannot remain anonymous or prevent the Complainant's identity from being disclosed to the Respondent (through the written notice of allegations).

## 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 to 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 offer support services to assure the safety and well-being of all affected individuals.

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 the Department of Public Safety to discuss options such as contacting outside law enforcement authorities and/or removing the individual(s) from campus.

## Response Process - Initial Assessment, Outreach to Complainant, Intake Meeting, and Support Services

## Initial Assessment

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, including whether the report includes an allegation of sexual or gender-based misconduct by a Respondent and the requested resolution process, if any is included in the report. 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 conduct an individualized safety and risk assessment if deemed appropriate based on the initial information reported.

### Outreach to the Complainant

After the Title IX and Sexual Respect Office receives information or a report of sexual or gender-based allegation(s), the Title IX Coordinator or designee typically contacts the Complainant first, if identified in the report. 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 support services and information on how to make a formal grievance complaint to the College.

The email includes an invitation for the Complainant to meet in-person with the Title IX Coordinator and/or designee to discuss the availability of supportive services, inform the Complainant of the availability of supportive measures with or without the filing of a formal grievance complaint, and explain to the Complainant the process for filing a formal grievance complaint and learning of the Complainant's preferred resolution process, if any.

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. If the allegations, even if proven do not meet the policy definitions or the incident does not fall within the jurisdiction of the College, the Title IX Coordinator will dismiss the complaint. The Title IX Coordinator may refer the report to another office of department to review the allegation(s) for other potential policy violations. As part of the initial assessment, the Title IX Coordinator will also review whether there are any safety risks to individuals or the campus community and may decide to conduct an individualized safety and risk assessment and make a determination regarding possible emergency removal. The Title IX Coordinator may consult with members of the Title IX Team and/ or other officials in conducting the individualized risk assessment and imposing any emergency removal.

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 concerns and conduct an individualized safety and risk analysis if determined appropriate by the Title IX Coordinator and/or member(s) of the Title IX Team;
- Review 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 support services;
- Provide the Complainant with an explanation of how to make a formal grievance complaint and the procedural options including the informal/conciliation and formal grievance process;
- Notify the Respondent of the allegation(s) when a formal grievance complaint is submitted and the request by Complainant is made for either conciliation/informal or a formal grievance process;
- Inform the Complainant and the Respondent they may seek an Advisor of their choosing to assist them throughout the investigation and formal grievance process of the complaint, and that the Advisor conducts cross-examination of the other party during a hearing process;
- Explain the College's policy prohibiting retaliation.

## Emergency Removals

The College has the authority to remove a Respondent from the College's education program or activity on an emergency basis if it is determined that there is an immediate threat to the health or safety of individual(s) or the campus community. Emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of the sexual harassment allegations.

In such circumstances, the College will undertake an individualized safety and risk assessment, determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Typically, the individualized safety and risk analysis will be conducted by the Title IX Coordinator and/or members of the Title IX or the [CARE](#) Team, and/or their designees.

If after conducting an individualized safety and risk assessment the College decides that an Emergency Removal is appropriate, the Emergency Removal will be tailored to balance the ability of a student Respondent to complete their academics/employment duties (if possible or applicable) while considering the safety of the Complainant and College community. The Title

IX Coordinator or designee will immediately provide the Respondent an opportunity to challenge the decision of the College. While Dickinson College may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken, such as supportive measures (e.g., changes in housing) do not constitute Emergency Removals.

The Respondent has an opportunity to challenge the Emergency Removal by submitting a request for reconsideration to the Title IX Coordinator, who will forward the request to the appropriate College Official to render a decision. Typically, the appropriate College Official will be the Associate V.P. for Student Life or designee for students, and the V.P. for Human Resources or designee for employees. The Respondent must submit this request for reconsideration within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. In evaluating this request for reconsideration, the College Official may consult with the Title IX Coordinator, the A.V.P. for Compliance and Chief of Public Safety and other appropriate staff. The College Official may seek additional information from Respondent, or any other individual involved in an incident(s) to gather additional information to evaluate the request for reconsideration. The Emergency Removal will remain in place while the request for reconsideration is pending. The Associate V.P. for Student Life or designee, or the V.P. for Human Resources or designee, as appropriate shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

### **Administrative Leave**

The College may place a non-student employee Respondent on administrative leave during the pendency of a formal grievance process. Such leave will be structured (paid vs. unpaid) at the College's discretion. When Emergency Removal or Leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

## **Support Services**

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.

The College maintains confidentiality, to the highest extent possible, for the Complainant or the Respondent regarding the requested supportive measures by either party.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator evaluates requests for support services 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. If the requested support services 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 support services only to those who need to know in order to make them effective.

*Support Services can include:*

- Mutual No Communication/No Contact Directive
- Counseling services
- Medical services
- Change in class schedule, including the ability to transfer course sections or drop a course
- Rescheduling of exams and assignments
- Change in work schedule or job assignments
- Change in living arrangements
- Providing an escort to ensure safe movement between classes and activities
- Increased security and monitoring of certain areas of the campus

Support services are initiated based on information gathered during an initial assessment by the Title IX Coordinator, or as additional information is gathered through the College process. Support services put in place by the College are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. Support services may also become permanent when included as a remedy through the informal/conciliation process or as a sanction through the formal grievance complaint process.

### **Support Service – No Contact Directive**

College administrators will impose a No Contact Directive (NCD) to prohibit contact between parties. 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 or agree in good faith that it be discontinued and the Title IX Coordinator agrees the NCD may be rescinded. A NCD is not meant to be punitive, and the College will endeavor to prepare terms that are fair and equitable to both parties.

### **No Contact Directive (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 (e.g. 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 violator and/or modification to the specific terms of the NCD. For example, establishing

schedules for the use of shared campus spaces/programs/activities can be developed by the Title IX Coordinator or designee.

Contact determined to be intentional will be addressed in accordance with Community Standards, Academic or Human Resources policies. Contact determined to be intentional and any disciplinary measures/outcomes imposed and determined by Community Standards, the Dean and Provost Office 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.

### Request to Remain Anonymous

Where the Complainant 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. If a Complainant requests a formal grievance process, the Complainant cannot remain anonymous. If a Complainant requests no further action from the College, after making a report, the Title IX Coordinator will conduct an initial assessment to determine if this request can be upheld.

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.

If the Title IX Coordinator decides to sign a formal grievance complaint, both the Complainant and Respondent will receive written notice.

### 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.

During the initial assessment, the Title IX Coordinator will review the report and the Complainant's requested resolution process to determine whether the complaint can be addressed accordingly through this policy. A Complainant making a formal grievance complaint

must be engaging in or attempting to engage in the College's educational programs or activities at the time of the incident or report.

## Grounds for Dismissal of Formal Grievance Complaint

If the conduct alleged in the formal grievance complaint would not constitute sexual or gender-based prohibited misconduct as defined in this policy even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the formal grievance complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the College's policies.

The College may dismiss the formal grievance complaint or any allegations therein, if at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal grievance complaint or any allegations therein; the Respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal grievance complaint or allegations therein. Upon a dismissal of a formal complaint, the Title IX Coordinator or designee will send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

The Title IX Coordinator may consult with an appropriate member(s) of the Title IX Team in making this determination.

### **Right to Appeal Notice of Dismissal**

If a Complainant or Respondent disagrees with the Title IX Coordinator's dismissal of a formal grievance complaint, they may appeal and request for reconsideration to proceed either through an informal/conciliation resolution process or the formal grievance process.

A Complainant or Respondent must submit the appeal within five (5) College business days of the date of the Title IX Coordinator's dismissal letter. The appeal should consist of a written statement outlining the specific reason(s) for reconsideration, limited to the following grounds:

1. Procedural irregularities that substantially affect the outcome of the matter.
2. Substantive new evidence that was not available at the time of the decision that was not available and that could substantially affect the outcome of the decision.

The appeal letter must be sent to the Title IX Office at [titleix@dickinson.edu](mailto:titleix@dickinson.edu).

Upon receipt of a party's appeal letter, the Title IX Coordinator will forward all relevant materials to the Review Official. The Review Official will share the appeal letter with the other party. The other party may submit a response to the appeal within five (5) College business

days of the date of the letter from the Appeal Official. The appealing party will have access to the other party's response to the appeal, but no further responses will be permitted.

The review will be conducted in an impartial manner by the Review Official or their designee. The Review Official will consult with the General Counsel in making a determination regarding the case.

- For Student Complainants/student Organizations - the Vice President and Dean of Student Life is typically the Review Official;
- For Faculty Complainants – the Provost and Dean of the College is typically the Review Official;
- For Staff Complainants – the Vice President for Human Resources is typically the Review Official.

A review of the matter will be prompt and narrowly tailored to reconsideration of whether the allegation(s) meet the jurisdiction of the College and whether the prohibited conduct alleged in the formal grievance complaint would or would not constitute sexual or gender-based misconduct as defined in this policy, occurred in the College's education program or activity, occurred against a person in the United States, and the incident occurred while the Complainant was engaging or attempting to engage in the College's program(s) or activities.

The Review Official, after consulting with General Counsel and within ten (10) College business days, will inform the Complainant in-writing of their decision and whether their case will be resolved through this policy. The Review Official, even in upholding a dismissal of the case is not precluded from referring the complaint to another office or department for review and resolution. The Review Official will copy the Title IX Coordinator on their decision.

## 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 or request for Public Safety patrols of a specific area on campus. Such educational remedies do not require a formal grievance complaint.

## Formal Grievance Complaint – Resolution Options

Once a Complainant submits a formal grievance complaint alleging sexual or gender-based misconduct against a Respondent, the Title IX Coordinator will review the complaint to determine whether the allegations fall within the College's jurisdiction and the alleged prohibited conduct meets the definitions under this policy. If the complaint does not meet this

threshold, the Title IX Coordinator will dismiss the complaint and may refer the complaint to another department/office for their review and consideration of whether the allegations fall under other College policies. A formal grievance complaint can be resolved through one of two processes: through either an Informal Resolution/Conciliation Process or through a Formal Grievance Process that includes an investigation and hearing panel adjudication.

## Informal Resolution/Conciliation

The College offers parties an informal/conciliation process that can resolve a formal grievance complaint without completing the investigation and hearing process. This is a voluntary process to which both the Complainant and Respondent agree and is approved as appropriate by the Title IX Coordinator or designee. This process can only be initiated after a formal grievance complaint has been filed and before any hearing on the merits occurs.

This informal/conciliation process is typically completed within thirty (30) days and is coordinated by an assigned Conciliator. The Conciliator is typically the Title IX Coordinator or Assistant Title IX Coordinator, or another designee trained in the facilitation of informal resolution meetings.

The Conciliator assists the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute. The Conciliator may, at any stage of the conciliation proceedings, make proposals for a settlement of the dispute.

As an initial step, the Title IX Coordinator and/or designee typically schedules an initial meeting with the Complainant to review support services and their procedural options including requesting an informal/conciliation process, a formal grievance process, or requesting no further action. During this meeting, the Title IX Coordinator and/or designee typically ask the Complainant which process they would prefer, if any. A similar meeting with the Respondent typically follows.

When the Complainant requests an informal/conciliation resolution process and the Title IX Coordinator or designee agrees the process is appropriate, the Title IX Coordinator or designee will provide the parties with written notice disclosing the allegations and the requirements of the informal/conciliation resolution process. Any time prior to signing a resolution agreement, the parties have the right to withdraw from the informal/conciliation process and resume the formal grievance process with respect to the formal grievance complaint. Before parties agree to participate in conciliation, they will be advised on any possible consequences resulting from participating, including the circumstances under which the parties are precluded from resuming a formal grievance complaint arising from the same allegations once a resolution agreement has been signed. The parties will also be informed how the records will be maintained or could be shared, including any potential sanctions that could be agreed upon and instituted for the Respondent. Informal/conciliation resolutions may result in a sanction(s) only when the Respondent agrees to the sanction(s).

Both parties will be required to provide written, voluntary consent to participate in the informal/conciliation process. The Complainant and Respondent may submit their written, voluntary consent in an email to the Title IX Coordinator or Assistant Title IX Coordinator.

The Complainant and Respondent may select and confer with an Advisor of their choice during an informal/conciliation process. However, the College does not provide parties with an Advisor for an informal/conciliation process.

The conciliation process may utilize conflict resolution strategies, including, but not limited to facilitation, mediation, and/or restorative justice. The Conciliator has flexibility to craft resolution processes that serve the unique educational needs of the parties or the campus community.

The conciliation process can either take place with the Complainant and Respondent engaged in separate meetings with the Conciliator, or where the Complainant and Respondent voluntarily agree to a facilitated meeting where both parties and their Advisors, if any, are present.

If there is a resolution agreement made between parties, they will sign this resolution agreement that will outline the agreement terms. This resolution agreement will be maintained in the conduct file for the sole purpose of ensuring the agreement terms are upheld and met and any supportive services, remedies and/or sanction(s) agreed upon are upheld by parties as appropriate. Informal/conciliation resolutions may result in sanction(s) for which a Respondent may voluntarily agree. Note that the Conciliator will be mindful at all times to ensure that the parties are negotiating in good faith and the Conciliator is empowered to stop the conciliation process if the negotiation process or resulting agreement is unduly coercive, oppressive, or intended or likely to result in a grave injustice to a participant. In such an instance, the conciliation will end and the formal grievance process can be restarted.

Engaging in conciliation does not authorize either party to waive their rights of a formal grievance process. Either party is allowed to withdraw from the process and resume the formal grievance process with respect to the formal grievance complaint, prior to signing an agreement. However, any information disclosed during the informal/conciliation meetings are considered confidential and separate from any information that would be shared through the formal grievance process if initiated at a later time. The Conciliator will not maintain any notes taken during the conciliation, and the Conciliator will not testify as a witness at any subsequent hearing relative to anything that occurred during the conciliation process. The only statement the Conciliator is empowered to make is whether the parties participated in good faith, and whether the parties reached an agreement. The only documents considered evidence from a conciliation are the agreements to participate and the resolution agreement, if any.

The parties remain free to negotiate the terms of the resolution agreement and, once entered into, the voluntary agreement becomes binding according to its terms.

The College may not use informal/conciliation resolution to resolve allegations where an employee is alleged to have engaged in prohibited conduct under this policy towards a student(s).

*Informal resolution outcomes can 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(s)
- Agreement to engage in Counseling session(s)
- Agreement to sanction(s) listed within this policy

## Formal Grievance and Resolution Process

A Formal Grievance and Resolution process will occur when the Complainant signs a formal grievance complaint alleging sexual or gender-based misconduct against a Respondent, requests a formal grievance process and the allegations fall under the jurisdiction of the College and potentially violate the prohibited conduct under this policy.

A formal investigation will also occur when the Title IX Coordinator signs a formal grievance complaint alleging sexual or gender-based misconduct against a Respondent and requests a formal investigation. The Title IX Coordinator can determine the College proceed with a formal investigation process and resolution even if the Complainant does not wish to engage in this process.

The Complainant and Respondent will be given the option at the start of their formal grievance 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.

The Title IX Coordinator or designee will provide the parties with written notice disclosing the allegations and information regarding the formal resolution process.

## Formal Grievance and Resolution Process - Investigation

The investigation is designed to provide a reliable gathering of the facts. The investigation will be thorough, fair, and objective and all individuals will be treated with appropriate sensitivity. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

The Investigation will typically be conducted by the Investigation & Research Specialist. The Title IX Coordinator may designate additional Investigator(s) to assist the Investigation & Research Specialist and who have 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 typically include a member of human resource services on the assigned investigation team.

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 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 they find 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**

If the College receives formal grievance complaints against more than one Respondent, or by one Party against the other Party, where the allegations of sexual or gender-based harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Investigator(s) in consultation with the Title IX Coordinator has the discretion to consolidate the formal grievance complaints. 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.

In a grievance process that involves multiple Complainants, multiple Respondents, or both, the College may issue a single Investigation packet or separate Investigation packets as deemed appropriate by the Title IX Coordinator.

### Investigation Packet

The Investigator(s) will draft an Investigation Packet summarizing all of the relevant, admissible information obtained during the investigation, including exculpatory and inculpatory evidence. The Investigation Packet may include but is not limited to summaries of interviews with the Complainant, Respondent, witnesses, experts, and any other individuals with information, photographs of sites or physical evidence, electronic records and forensic evidence. The Investigation Packet will not include a recommendation as to whether there is a violation of policy, if any, because the Investigator(s) is not a decision-maker and does not decide any formal resolution of the allegation(s).

Consistent with FERPA or safety concerns, identifying information about the Complainant or witnesses may be redacted.

While the Title IX Coordinator does not direct the course of the investigation, the Title IX Coordinator will review the draft Investigation Packet and either approve the draft Investigation Packet or recommend to the Investigator(s) to conduct further information gathering or make revisions to the Packet to support a fair, objective and thorough process. Once the draft Investigation Packet is approved for fairness and completion of the investigation, the TIX Coordinator will send a copy of the draft Investigation Packet to the Complainant, Respondent and their Advisors, if any.

### Review of Draft Investigation Packet

The Title IX Coordinator will send the Complainant, Respondent and their Advisors, the draft Investigation Packet typically in an electronic format. The parties will have an opportunity to submit within ten (10) College business days a written response to the Investigator(s), which the Investigator(s) will include in the final Investigation Packet and consider prior to completion of the Investigation Packet.

The parties, in their written response, can 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. The written responses will be added to the Investigation Packet in order for the decision makers (Hearing Panel) to objectively evaluate.

The Investigator(s), in consultation with the Title IX Coordinator 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) business days after receiving the parties' written responses, if any.

Once the final Investigation Packet is completed, the Complainant, Respondent and their Advisors 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 Hearing Panel. No further requests for revisions of the Investigation Packet will be accepted at this point.

### Hearing Panel

The College's formal grievance process provides for a live hearing. Live hearings are conducted with all parties physically present in the same hearing room, or at either the College's discretion or the request of Complainant or Respondent, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the conclusion of the investigation, the Title IX Coordinator or designee will refer the Investigation Packet to the Chair of the Hearing Panel. The Hearing Panel consists of three (3) decision-makers, which includes the Chair of the Hearing Panel. The Chair of the Hearing Panel is designated by the Title IX Coordinator and can be an employee of the College, or external professional engaged by the College.

The Chair of the Hearing Panel has absolute discretion to decide upon the format for the Hearing and to determine which witnesses are relevant to the outcome determination. The Chair of the Hearing Panel, in consultation with the Title IX Coordinator or designee, may decline to hear from a witness where they conclude that the information is not necessary for the outcome determination. The Chair also presides over the resolution of any disputes on questions of relevance and participant decorum and is empowered to consult with the Title IX Coordinator or designee, and General Counsel, for advice in the promulgation of the Chair's responsibilities.

The Chair of the Hearing Panel is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the hearing. For purposes of the Policy, "relevant" means that the evidence is probative of any material fact. All documentary evidence provided to the parties will be made available at the hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Chair of the Hearing Panel.

Evidence that is not relevant will be excluded at the hearing and may not form the basis for any decision by the Hearing Panel members. Evidence that is duplicative of evidence already in the hearing record may be deemed not relevant. Questions and evidence about the Complainant's prior sexual behavior are not relevant, unless such questions about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the

alleged conduct or if the question and evidence concern a specific incident of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the matter involves more than one Respondent, the Chair of the Hearing Panel, in consultation with the Title IX Coordinator or designee, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

The Chair of the Hearing Panel will refer the Investigation Packet to the Hearing Panel members who have ten (10) College business days prior to the hearing to independently review the Investigation Packet.

The Complainant, Respondent and their Advisors will be notified of the allegations of prohibited conduct, date, time and location of the hearing, including the parties who will be participating in the hearing. Typically, the parties in attendance will include but are not limited to the Complainant, the Respondent, their Advisors, Witnesses, the Chair of the Hearing Panel, the Hearing Panel members, Investigators, the Title IX Coordinator and Assistant Title IX Coordinators or designee(s). The hearings process is not to exceed one business day. The Chair is empowered to determine if a hearing should be continued beyond this time limit, for good cause shown.

The Respondent, Complainant and their Advisors are permitted to attend and participate fully in the hearing procedures. The Title IX Coordinator and Assistant Title IX Coordinator may be present for the Hearing Panel deliberations to answer policy or procedural questions, but not to give an opinion or otherwise participate in the decision-making process.

The hearing is not intended to be a repeat of the investigation. The Hearing Panel will be well-versed in the facts of the case based upon the Investigation packet and relevant materials.

The Complainant and Respondent are required to inform the Title IX Coordinator or designee five (5) days in advance of their Advisor of choice who will attend the hearing. If a Complainant or Respondent does not have an Advisor for the hearing, the College may reschedule the hearing and will provide an Advisor of the College's choice to conduct cross-examination on behalf of that party. The College-appointed Advisor is an internally trained College faculty or staff member who receives training and has an understanding of the purpose of cross-examination. A College-appointed Advisor will not be an attorney or have training commensurate to attorneys with respect to conducting cross-examination.

The Hearing Panel Chair has authority over the conduct of the hearing and may set time limits for witness testimony, cross-examinations, breaks if any, and limit the length of statements if determined irrelevant. The Chair may approve recesses, including for the Chair to consult with the Title IX Coordinator, Investigator or any other Dickinson College representative. Such recesses will not be recorded.

The typical course of procedure for the Hearing:

- Introductions of attendees by Hearing Panel Chair, including allegation(s), and summary of procedures
- Questions posed by Hearing Panel to Complainant
- Questions posed by Respondent's Advisor to Complainant
- Questions posed by Hearing Panel to Respondent
- Questions posed by Complainant's Advisor to Respondent
- Questions posed by Hearing Panel to Witnesses
- Questions posed by Advisor's to Witnesses
- Parties or their Advisor may provide a closing statement, not to exceed 20 minutes
- Hearing Panel Chair excuses all parties from Hearing

During the hearing, the Hearing Panel Chair will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. A Complainant or Respondent may not question each other or other witnesses' directly but may raise questions to be asked of that party through their Advisors.

Before a Complainant, Respondent, or Witness answers a cross-examination or other question, the Hearing Panel Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Hearing Panel Chair may also consult with the Title IX Coordinator or designee regarding any questions posed. Advisors may discuss the relevance determination with the Chair during the hearing, but ultimately the Chair's decision is final.

Examples of irrelevant information that a Hearing Panel Chair may exclude includes but is not limited to, information protected by a legally recognized privilege; evidence about a Complainant's prior sexual history; any party's medical, psychological, and similar records unless the party has given voluntary, written consent to provide the information for the College process.

The Hearing Panel must not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on the Hearing Panel's own initiative to aid the Hearing Panel members in obtaining relevant evidence, and the parties also have equal rights to present evidence in front of the Hearing Panel so the Hearing Panel has the benefit of perceiving each party's unique perspectives about the evidence.

A Respondent, Complainant, Advisor, and/or Witnesses may not bring electronic devices that capture or facilitate communication (e.g. computer, cell phone, audio/video recorder, etc.) into

a hearing room, in-person or virtually, unless authorized by the Hearing Panel Chair and Title IX Coordinator. The hearing is closed to the public.

The College will create a recording of the hearing to be kept on file for seven (7) years of the date of the report to the College. The recording shall be the property of the College. Reasonable care will be taken to create a quality recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal. The College will make the recording available to the Complainant and Respondent for inspection and review. Parties may request to review the recording through the Title IX Coordinator or designee who will schedule a date, time and location for the party and their Advisor to review the recording. Because there is no adequate way to redact elements from a hearing recording in order to protect the privacy or confidentiality needs of hearing participants, copies of these recordings are not provided to parties or their Advisors. After the seven-year period of record-keeping, the College will destroy the recording.

The College expects that all parties engaging in a hearing will act in a respectful manner towards all participants. The Chair of the Hearing Panel, Title IX Coordinator or designee may at any time stop a hearing process if participants are disrupting the process by doing any of the following (this is a non-exhaustive list):

- Party participant and advisor loudly conferring with each other
- Yelling, pointing, staring menacingly or for an elongated period of time, badgering a party, or repeating the same question which may be deemed irrelevant
- Using disparaging terms about or language towards a hearing participant
- Banging on the table, slamming items, or other outward expressions of anger
- Repeatedly interrupting the hearing flow in an effort to frustrate the process
- Engaging in any behavior that can reasonably be interpreted as an intent to intimidate or harass a hearing participant

If a party's Advisor of choice refuses to comply with the College's behavioral expectations so as not to unduly disrupt the proceedings, the Chair of the Hearing Panel and/or Title IX Coordinator or designee may stop the hearing process and require the party to use a different Advisor. The College may reschedule the hearing in such circumstances.

After conclusion of the hearing, the Hearing Panel members will deliberate. Parties and their Advisors are not permitted to attend deliberations.

The Hearing Panel shall find either that the Respondent(s)/Organization(s):

1. Not Responsible for Policy Violation: If the Hearing Panel determines that there is insufficient information to find, by a preponderance of the evidence, that a policy violation occurred, the Hearing Panel will render this decision, and both parties will receive notice of the decision in writing.

Or

2. Responsible for Policy Violation(s) and Imposition of Sanction(s): If the Hearing Panel determines that there is sufficient information to find, by a preponderance of the evidence, that the Respondent/Organization committed a policy violation(s), the Hearing Panel will render this decision, and both parties will receive notice of the decision in writing.

## Disciplinary Sanctions

If the Hearing Panel finds the Respondent responsible, the matter will proceed to the sanctioning stage. The Hearing Panel 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, remedies or interventions may also serve to promote safety or deter individuals from similar future behavior. The Hearing Panel may consult with the Title IX Coordinator or designee with respect to the College's sanctioning guidelines and remedies.

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 Employee or Academic 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

Following any determination of responsibility, possible 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.

**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 Provost and Dean of the College or the Vice President and Dean of Student Life or one of their designees) for the period specified in the notice of suspension. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters, and/or summer sessions. In no case shall the suspension terminate prior to the end of a semester. Courses taken at another institution during this suspension period will not be accepted for transfer at Dickinson. Conditions for resuming active status on campus following suspension may be imposed by the College. An organization that is suspended shall be required to forfeit its ability to conduct group sponsored activities, 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*

<b>Violation</b>	<b>Standard Sanctions</b>
Sexual Assault	One-Year Suspension to Expulsion*
Fondling	Probation to Expulsion*
Sexual Exploitation	Probation to Expulsion
Intimate Partner Violence/Dating Violence/Domestic Violence	Warning to Expulsion

Stalking	Warning to Expulsion
Sexual Harassment	Warning to Suspension
Gender-Based Harassment	Warning to Suspension
Harm to Others	Stayed Suspension to Expulsion
Harassing Conduct	Warning to Suspension
Retaliation	Probation to Expulsion
Complicity	Warning to Suspension
Prohibited Relationships by Persons in Authority	Warning to Suspension/Dismissal
No Contact Directive	Warning to Suspension

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. The College may also apply any remedies, including but not limited to those listed under Support Services in this policy. \*Expulsion is the sanction for any individual found responsible for one incident of sexual assault that would meet the PA State definition of rape, incest or statutory rape and more than one case of sexual assault or fondling. One incident of sexual assault or fondling may also result in expulsion.

The Title IX Coordinator, in consultation with the General Counsel, may review, modify, and/or reverse any College resolution completed prior to the resolution of criminal proceedings. The Title IX Coordinator reserves the right to request an investigation and/or hearing, prior to enrollment/re-enrollment, for a student facing pending allegations under this policy. This will typically take place after criminal proceedings. The College has the authority to delay a student’s graduation and/or hold or recommend revocation of degrees until, or after, a pending prohibited conduct matter has been resolved.

### 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. Termination will be the sanction for rape, incest or statutory rape, and more than one incident of sexual assault or fondling. One incident of sexual assault or fondling may also result in termination.

### **Notice of Outcome**

Typically, within five (5) business days of the hearing, the Chair of the Hearing Panel will issue the written decision letter; the opinion will be simultaneously sent to the Complainant and Respondent. The decision letter will include a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant.

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.

Decisions made by the Hearing Panel are final pending any appeal process.

## **Appeal**

Either party may appeal the outcome and/or sanction(s). The appeal letter must be submitted within five (5) 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 must be submitted to the Title IX Coordinator at [matick@dickinson.edu](mailto:matick@dickinson.edu).

Once the Title IX Coordinator receives the appeal letter, the Title IX Coordinator or designee 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) 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 up to five (5) business days to respond. These responses will be shared with the other party, but no further responses will be permitted. 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 Human Resource Services is typically the Appeal Official.

A review of the matter will be prompt and narrowly tailored to the stated appeal grounds.

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;
- Conflict of interest or bias exhibited by the Title IX or Assistant Title IX Coordinator, or one or more of the investigators or Hearing panel members; 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), Hearing Panel members and the Title IX Coordinator or Assistant 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 Hearing 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, Respondent and their Advisors within ten (10) College business days from the date of the submission of all appeal documents by both parties. The written Appeal determination becomes final only after the time period to file an appeal has expired, or if a party does file an appeal, after the appeal decision has been sent to the parties.

## Appeals Process for Faculty

This policy and process supersedes any other faculty policy or process governing faculty discipline. For complaints against faculty which involve a disciplinary sanction not involving dismissal/termination, if a faculty member disagrees and appeals in a timely manner, the Provost and Dean of the College will consult with the Faculty Personnel Committee (FPC) and render a Decision to the faculty member in accordance with the appeal procedures articulated in this policy.

Note that in addition to the limited grounds for appeal noted in the appeals section of this policy, faculty also have the right to assert an appeal on the following ground(s):

- Violation of academic freedom

If the Hearing Panel sanction is dismissal/termination, the Provost and Dean of the College will consult with the Faculty Personnel Committee (FPC) and render a Decision to the faculty member in accordance with the appeal procedures articulated in this policy. If the faculty member disagrees, the faculty member, within five (5) days of receiving the Decision of the Provost and Dean of the College, can opt to engage in communications with the President of the College, advised by the Provost and Dean of the College, looking toward a mutual and confidential end-of-employment settlement agreement. If no settlement is reached, the faculty member, within five (5) days of a failed settlement negotiation, can appeal to the Board of Trustees. The Board designated Committee/Trustees will be convened as soon as practicable and will conduct a non-oral review of the case record. The Board will then render a written Decision, typically within 30 days from the date it receives the appeal. This Decision will be the final institutional decision and will be shared with the Title IX Coordinator – and subsequently to the Complainant and Respondent.

## 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 formal grievance investigations 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 formal grievance 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 absence of a party, a party's advisor, or a witness, the number of witnesses involved, the effect of a concurrent criminal investigation that may constitute good cause for short-term delays, the need for language assistance or accommodation of disabilities, the need to troubleshoot technology to facilitate a virtual hearing, 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 grievance 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.

## Recordkeeping

Dickinson College will maintain the records identified in this section of this policy for a period of seven (7) years. The records maintained shall be kept confidential and not disclosed, except as permitted or required by law. The records may be maintained in paper or digital files.

In connection with each Report and each Formal Complaint, the College will maintain the following records, to the extent they exist:

- documentation of any Report of alleged Sexual Harassment;
- documentation of any Supportive Measures or if no Supportive Measures are provided, the reasons why and an explanation of how the College's response was not clearly unreasonable;
- the Formal Complaint;
- documentary evidence gathered in the course of an investigation and photographs or descriptions of nondocumentary evidence gathered in the course of an investigation;
- written responses of the parties provided prior the finalization of the investigative report;
- the Investigation Packet;
- the audio recording, audiovisual recording, or transcript of any Live Hearing;
- the Written Determination;
- any Appeal and Written Appeal Decision;
- records of the sanctions and/or remedies;
- records of any other steps taken to restore or preserve equal access to the College's education program or activity,
- any written agreement of an informal resolution; and
- a statement documenting the basis for the College's conclusion that its response to a report or Formal Complaint was not deliberately indifferent.

The College shall also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-makers, and Conciliators and a copy of each version of its policy on Title IX Sexual Harassment.

Complainants and Respondents can request and receive a copy of materials that the requesting Party provided that is related to their Title IX investigation and determination, including, but not limited to a copy of the Investigation Packet and evidence and any appeal materials. Complainants and Respondents may request to inspect and review the Hearing recording. Complainants and Respondents may make the request by contacting the Title IX Coordinator.

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.

### **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 formal grievance complaint and process 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.

### **Athletics**

In choosing to recruit a prospective student-athlete or accept a transfer student-athlete, Dickinson College's Athletics Director or designee will gather information that reasonably yields information from the former institution(s) to put the Title IX Coordinator and College leadership on notice that the prospect has been under investigation, disciplined through a Title IX proceeding or a criminal conviction for sexual, interpersonal or other acts of violence. Further, athletes are required to annually disclose acts of violence that resulted in an investigation, discipline through a Title IX proceeding or criminal conviction. This includes sex offenses, dating and domestic violence, murder, manslaughter, aggravated assault and assaults that cause serious bodily injury or involve deadly weapons.

### **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](#).

### **Training**

Any individual serving as Dickinson College's Title IX Coordinator, Assistant Title IX Coordinator, Investigator, Conciliator, Hearing Panel Chair, Hearing Panel member, College-appointed Advisor or Appeal Official will receive training on this Policy, the scope of Dickinson College's education programs or activities, how to conduct an investigation and formal grievance process



(including hearings, appeals and informal resolutions, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Further, they will receive training on questions of relevance, Hearing Panel Decision Letter and Appeal decision, as appropriate.

## 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. The Advisor conducts cross-examination of the other party during the hearing process. The Advisor is expected to participate in a respectful manner towards all participants. College Officials have the right at all times to determine what constitutes appropriate behavior on the part of an Advisor. A College Official may at any time with good cause, stop the proceeding and designate an alternate Advisor, selected by the College to cross-examine the other party during the hearing. 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.

**Complainant(s):** An individual(s) who makes a formal grievance complaint alleging sexual or gender-based misconduct against a Respondent.

**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 formal grievance complaint has been made.

**Parties:** A term referring collectively to the Complainant and Respondent. **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 [matic@dickinson.edu](mailto:matic@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.

## Authority and 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. The Title IX Coordinator and their designees are specifically authorized by the President of the College to have the responsibility and authority to carry out, interpret, and direct the Sexual Harassment and Misconduct procedures. The Title IX Coordinator in consultation with the General Counsel shall develop policies for the administration of resolving sexual and gender-based misconduct allegations. 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.

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](mailto: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)

<b>History/Revision Information</b>
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**Responsible Office/Division:** Title IX and Sexual Respect Office/President’s Office