



LYCOMING COLLEGE

Annual Security and Fire Safety Report 2023

Prepared by the Department of Public Safety

Contains Crime Statistics for Calendar Years 2020, 2021, 2022

* This document was edited on 10/05/2023 to correct an error in the Campus Crime and Arrest Statistics; a 2022 statistic was erroneously documented in an unrelated 2020 category. For additional Information on the correction, contact the Director of Public Safety.



Table of Contents

Message from the Department of Public Safety	Page 4
Introduction	Page 5
Annual Disclosure of Crime Statistics	Page 5
Campus Law Enforcement	Page 6
Security Access and Maintenance to Campus Facilities	Page 7
Criminal Activity Off-Campus Involving Students	Page 8
Campus Crime and Arrest Statistics	Page 9
2020 – 2022 Lycoming College Clery Act Crime Statistics	Page 10
Clery Act/VAWA Crime and Incident Definitions	Page 12
Crime and Fire Log; Reporting Crimes and Emergencies	Page 14
Reporting Crimes and Emergencies	Page 14
Emergency Notification and Timely Warnings	Page 17
Emergency Management and Evacuation Policies	Page 20
Alcohol and Other Drug Policies and Information	Page 22
Substance Abuse Education and Support	Page 28
Sexual Misconduct Awareness and Prevention	Page 28
Equal Opportunity, Harassment, and Nondiscrimination Policy	Page 32
Sex Offender Notification and Information	Page 122
Missing Student Investigations and Policy	Page 122
Fire Safety	Page 124
Evacuation of Student Housing Facilities (Fire)	Page 124

Fire Drills; Student Housing Fire Safety Policies	Page 125
Residential Hall Safety Standards	Page 130
Fire, Health and Safety Inspections	Page 132
Fire Safety Education, Fire Statistics	Page 132
Student Housing Fire Systems Review	Page 132

Message from the Department of Public Safety

Welcome to Lycoming College!

At Lycoming College, safety and security of the members of our campus community is paramount, as it is a shared responsibility among all members on our campus. The Office of Public Safety is committed to continually working in collaboration with all members of the Lycoming College community to provide a safe living and learning environment. In order to achieve this safe environment, all members of the campus community are strongly encouraged to practice personal safety, such as walking in groups, communicating with Public Safety officers, such as requesting escorts around campus, as well as utilize the various public safety initiatives around campus, such as the call boxes around campus and new security software.

Our annual security report serves as an excellent source of information about our public safety services, as well as prevention programming and additional resources Lycoming College offers to its community members. We strongly encourage you to read this information and become an active participant in helping create a campus culture that values public safety.

You are always encouraged to stop by the Office of Public Safety, which is located in the lower level of the south side of Rich Hall should you need assistance. You can call the Public Safety Office directly at 570-321-4064, or email us at security@lycoming.edu : if you have any questions, comments, or concerns about campus safety services.

We look forward to working with the campus community this year.

Best Regards,

Department of Public Safety

Introduction

Maintaining a safe campus requires a commitment from each member of the campus community. The Department of Public Safety (DPS) values the partnerships we establish with members of the Lycoming College community. Successful prevention of crime occurs only with community involvement, and public safety must be a collaborative venture. The Department of Public Safety strives to foster and encourage partnerships to aid in crime prevention and to develop and maintain positive communications, and mutual understanding and trust between students, faculty and staff. The officers and staff of DPS need your help in continuing to make Lycoming College a safer campus.

The purpose of this publication is to:

- Provide the Lycoming College community with an overview of the Department of Public Safety (DPS) services
- Share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act
- Inform current and prospective students, staff, faculty, and visitors about Lycoming College's policies and programs designed to help keep them safe
- Share information regarding emergency preparedness and planning
- Share information regarding fire safety, fire statistics, and fire-related information

Lycoming College's Department of Public Safety (DPS) provides information contained in this document as a service to the Lycoming College community and to comply with federal and state requirements. If you have any questions or concerns related to the information in this document, please contact Lycoming College Department of Public Safety at One College Place, Williamsport, PA, 17701, (570) 3231-4064), or by email at security@lycoming.edu.

Annual Disclosure of Crime and Residential Facility Fire Statistics

DPS prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, and the Violence Against Women Act (VAWA). This report is prepared in cooperation with local law enforcement agencies surrounding our campus and other college properties, the Associate Dean of Students, Student Life staff, the Vice President for Student Life and Dean of Students, and other relevant college departments.

The crime statistics (campus crime, arrest and referral statistics) are reported to DPS by designated campus officials (campus security authorities), including but not limited to directors, deans, residential life personnel, Community Standards personnel, advisors to students'/student organizations, athletic coaches, other college employees, and local law enforcement agencies. The Director of Public Safety requests statistics from local jurisdiction and for any domestic or international student trip that stays in a specific place for more than two consecutive nights.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provide information on the web site available to access this report. Copies of the report may also be obtained at Lycoming College Department of Public Safety located in the lower level of Rich Hall, One College Place, Williamsport, Pa, 17701, or by calling (570) 321-4064. Prospective employees and students may also obtain a copy of the report through Lycoming College Department of Public Safety as listed above.

Statistical information for criminal incidents reported to DPS is also filed yearly with the Pennsylvania State Police for publication in the Pennsylvania Uniform Crime Report. Information on crime in Williamsport and in areas surrounding the campus is available free online at www.crimereports.com.

Campus Law Enforcement

Lycoming College Department of Public Safety (DPS)

Lycoming College's Department of Public Safety is an unsworn, full service campus security department serving all students, staff, faculty, and guests of the College. The department operates twenty-four hours a day, seven days a week, including breaks and holidays. Full-time security staff includes, the Director for Public Safety, four full-time supervisors, four full-time officers, five to seven part-time officers, two full time communications officers and one part time communications officer. The DPS also employs students to serve in the capacity of Student Safety Aide (SSA), responsible for contacting and dispatching officers, assisting with special college events, and properly logging calls and information.

As mentioned previously, Public Safety officers are unsworn, unarmed and do not have the authority to apprehend or arrest anyone involved in illegal acts on the College's property or in immediately adjacent areas. The College and DPS maintain a professional relationship with the Williamsport Bureau of Police and will summon them in the event law enforcement officers commissioned under the Pennsylvania Special Officers Statute (22 PA C.S.A. 501) are needed.

If minor offenses involving college rules and community standards are committed by a student, DPS may also refer the individual to the Director of Community Standards. DPS notifies the Williamsport Bureau of Police (WBP) when major offenses such as murder, aggravated assault, robbery, and auto theft are reported.

DPS is a department of the Division of Student Life, and the Director of Public Safety oversees the department and reports to the Vice President for Student Life and Dean of Students.

DPS officers patrol the campus around the clock, year-round in a marked security vehicle, on foot, and in a security cart. Officers are primarily responsible for supporting a safe and secure living and working environment, emergency response, facility security and property protection, traffic (on campus) and enforcement of college policies and regulations.

DPS maintains a twenty-four-hour communications and dispatch office. Call (570) 321- 4911 for emergencies (or dial 4911 from campus telephones) or (570) 321-4064 for non- emergency information and general service requests.

The central fire and security alarm receiver is tied into a larger fire and security alarm system maintained by Brinks Security, a local company who notify the DPS immediately in the event of an alarm. Security cameras located throughout campus and the card access system are wired into the DPS office. The office is open and accessible for walk-in assistance year-round, twenty-four hours per day. DPS is located in the lower level of Rich Hall situated along Warrior Way near the center of the Lycoming College campus.

DPS maintains a close working relationship with the Williamsport Bureau of Police (WBP). DPS often works with other law enforcement agencies including the Pennsylvania State Police, Pennsylvania Liquor Control Enforcement Division, the Lycoming County District Attorney Office, Lycoming County Sheriff's Office, Lycoming County Jail, and other local, state and federal agencies. Discussions are held between staff of these agencies on both a formal and informal basis as needed.

Due to the unsworn status of the DPS, only if a reported crime is investigated by sworn law enforcement authorities and found to be false or baseless, may the crime be considered "unfounded" and excluded from Lycoming College's statistical disclosures.

Partnerships between community and Public Safety officers are always stronger when the community understands and supports the role of public safety and when the community is confident the actions of public safety are fair and just. Students who fully understand the role of DPS and the efforts to enhance the quality of community life will be better prepared to provide advice to DPS to help shape policies and initiatives.

Security and Access to Campus Facilities

Most campus buildings and facilities are open and accessible to the public during normal business hours, excluding holidays. Athletic facilities, the library, and other select college service areas have varying hours of operation. Most of the academic and administrative buildings on campus are controlled by a card access system. While these buildings will be locked and closed to the general public after regular business hours, students, faculty and staff may gain access by using their college identification card in the card access system. In the case of periods of extended closing, non-residential buildings will be secured according to schedules developed by the department responsible for the facility, and the College will admit only those with prior approval to all facilities.

Residential buildings are secured 24 hours a day. Most exterior doors in student residential halls are controlled by card access, and the students are issued a key to their respective rooms. In residential buildings not on the card access system, such as certain College-owned apartments, students who reside in these buildings are issued a key for their room and the exterior building doors. Over extended breaks, the doors of all residential buildings will be secured around the clock.

Approximately 29 security cameras are located throughout the campus, mainly in College parking areas. Card access and camera systems are located in the DPS office.

A “Call Box” telephone intercom system is located at the main entrance of many residential buildings for students and guests to contact the DPS office if assistance is needed.

Maintenance of Campus Facilities

Department of Public Safety officers, as part of their patrol procedures, generate work orders to Buildings and Grounds Department when any defective lighting or unsafe condition related to facilities on campus is noted. Students, faculty, and staff are encouraged to report any safety or security concerns directly to the DPS.

Buildings and Grounds Department is responsible for the maintenance and upkeep of buildings and grounds on campus. This includes everything from changing light bulbs to construction of buildings and everything in between. If you need service in your residence hall or other location on campus, contact Buildings and Grounds at (570) 321- 4274. All requests, concerns, or suggestions regarding facilities maintenance are welcome.

Urgent requests should be directed to Buildings and Grounds at (570) 321-4274. For after-hours emergency service, call the Department of Public Safety at (570) 321-4911, or (570) 321-4064. Or, through the Tips function of RAVE Guardian (safety app available to all faculty, staff and students).

Safety Tips

- Lock your room and secure your room key (even if you are just leaving for a few minutes)
- Never prop open exterior doors
- Notify DPS immediately if your keys and/or identification card are lost or stolen
- Close and report any exterior doors that are found open or left unsecured
- Report any suspicious activities to a Resident Assistant or DPS immediately
- Notify Buildings and Grounds or DPS immediately if your locks are malfunctioning
- Keep fire doors and stairwell doors closed at all times.

Criminal Activity Off-Campus Involving Students

Lycoming College operates no off-campus housing or off-campus student organization facilities. While Williamsport Bureau of Police have primary jurisdiction in all areas off campus, DPS officers can and do respond to student-related incidents that occur in the immediate proximity to the campus.

When a Lycoming College student is involved in an off-campus offense, DPS may be asked to assist with the investigation in cooperation with local, state, or federal law enforcement.

WBP shares information regarding off campus crimes involving students with DPS and may request a DPS representative be present when dealing with students in areas immediately adjacent to the campus. WBP emails all crime statistics, as well as the coordinating maps of where the crimes take place, monthly to the Director of Public Safety.

Campus Crime and Arrest Statistics

The following statistics have been compiled from incidents reported to DPS, local law enforcement, and campus security authorities during the 2020, 2021, and 2022 calendar years. The statistics do not reflect any reports that might have been made to other departments or individuals at the College unless those individuals or department informed DPS of the incident. Victims and Witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Professional counselors, when acting as a counselor, are not required to report any crimes or incidents; however, the College urges its counselors to provide “statistical information” should they become aware of a sexual assault incident.

Comprehensive crime statistics for Lycoming College and Williamsport are also available online at the U.S. Department of Education (<http://ope.ed.gov/security/>) and the Federal Bureau of Investigation Uniform Crime Reports (UCR) (<http://www.fbi.gov/ucr/ucr.htm>). Crime definitions under the Clery Act and UCR may be different, so crime statistics provided in Clery and UCR reports may differ. Institutions of higher education are required to compile and report crime statistics in four categories by location. These categories are: “On-Campus”, “In Residence Halls”, “Non-Campus Buildings or Property”, and “Public Property”.

“Non-Campus Buildings and Property” is defined as buildings or property not part of the main campus or a separate campus which is: owned or controlled by the College; and used in support or in relation to the College’s educational purposes, including student housing areas. For the purpose of gathering and classifying statistics for this report properties listed as “non-campus” include: The Lycoming College Art Gallery, 125 West Fourth Street, Williamsport, PA, 17701, Shangraw Stadium, 1310 Mulberry Street, Williamsport, PA, 17701, and the President’s residence, 325 Grampian Blvd., Williamsport, PA, 17701, as these properties are not physically attached to the main part of the Lycoming College campus.

The term “Public Property” relates to offenses occurring on: All public property, including thoroughfares, streets, sidewalks, parks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. Information on crimes occurring on “Public Property” is also collected from the Williamsport Bureau of Police.

The table below lists 17 categories of crime or incidents, including Domestic Violence, Dating Violence, Sexual Assault, and Stalking. Each category is subdivided by where the reported incident took place: On-Campus, in a Residence Hall, on a Non-Campus Property, or on adjoining Public Property. Arrest statistics for referrals for campus disciplinary proceedings for three offense categories (Drug, Liquor, and Weapons law violations) for 2020, 2021, and 2022 are also listed below. “Liquor violations” primarily consist of underage possession or consumption of alcoholic beverages, and do not include driving while impaired or under the influence of alcohol, or public drunkenness.

2020 2021 & 2022 Lycoming College Clery Act Crimes Statistics

Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Rape	2022	3	0	0	3	3	0
	2021	1	0	0	1	0	0
	2020	1	0	0	1	0	0
Fondling	2022	4	0	0	4	4	0
	2021	1	0	0	1	1	0
	2020	1	0	0	1	1	0
Incest	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Burglary	2022	1	0	0	1	1	0
	2021	0	0	0	0	0	0
	2020	2	0	0	2	2	0
Motor Vehicle Theft	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0

Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Liquor Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Drug Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Weapons Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	24	0	0	24	21	0
	2021	61	1	1	62	61	0
	2020	40	0	0	40	39	0
Drug Law Violations Referred for Disciplinary Action	2022	25	0	0	25	25	0
	2021	41	0	0	41	40	0
	2020	47	0	0	47	47	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Domestic Violence	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Dating Violence	2022	7	0	0	7	7	0
	2021	7	0	0	7	4	0
	2020	1	0	0	1	1	0
Stalking	2022	8	0	0	8	8	0
	2021	0	0	0	0	0	0
	2020	4	0	0	4	0	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

HATE CRIME REPORTING:

2020: There were 0 Hate Crimes reported

2021: There were 0 Hate Crimes reported

2022: There were 0 Hate Crimes reported

Due to the unsworn status of the DPS, only if a reported crime is investigated by sworn law enforcement authorities and found to be false or baseless, may the crime be considered “**unfounded**” and excluded from Lycoming College’s statistical disclosures.

Clery Act/VAWA Crime and Incident Definitions

Murder and Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

Sex Offenses, Forcible – Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent. This includes Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling, which are defined below.

Forcible Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of the victim or perpetrator. (Rape now includes NIBRS Sodomy and Sexual Assault with Object definitions)

Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will’ or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offense, Non-forcible – Unlawful, non-forcible sexual intercourse. This includes Incest and Statutory Rape which are defined below.

Incest – Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the age of consent.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

Burglary – The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. This includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned (including joyriding).

Liquor Law Violations – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned (Drunkenness and driving under the influence are not included in this definition).

Drug Abuse Violations – Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non- narcotic drugs (barbiturates, Benzedrine).

Weapons Law Violations – The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Domestic Violence – A felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving

grant monies under the Violence Against Women Act (VAWA); or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Hate Crimes – Crimes that manifest evidence the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability as prescribed by the Hate Crimes Statistics Act and Campus Security Act.

Crime and Fire Log

DPS maintains a daily crime log and fire log. The log is available at the Department of Public Safety office in the lower level of Rich Hall. The Crime and Fire Log contains information on all criminal incidents and alleged criminal incidents reported to DPS. The log contains specific information about reported criminal incidents, including the date the crime was reported, the date and time the crime occurred, the nature of the crime, the general location of the crime, and the disposition of the complaint, if known.

The log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. A crime is entered into the log as soon as it is reported to DPS. This includes crimes that are reported directly to DPS, as well as crimes that are initially reported to another campus security authority or to a local law enforcement agency who subsequently reports them to DPS.

Reporting Crimes and Emergencies

Community members, students, faculty, staff, and guests are encouraged to report all crimes and safety related incidents to the Department of Public Safety (DPS) in a timely manner. To report a crime or emergency on campus, call DPS at (570) 321-4911 for emergencies, or dial 4911 from campus telephones. "Blue Light" emergency phones located throughout the campus may also be used to directly contact DPS, and RAVE Guardian Phone App <http://www.raveguardian.com/>. If you observe a crime or suspicious activity or person(s), call DPS immediately. Don't assume someone else has made the call. Try to provide the dispatcher with accurate, detailed information about the problem. When reporting an emergency, try to explain your needs as calmly as you can. STAY ON THE LINE until the dispatcher says it is okay to hang up the phone. Crimes often occur in clusters. If you report a crime or a suspicious situation, you might prevent the next crime from taking place. An activity which you feel is unusual may be a sign of a criminal act. It is crucial that you contact DPS immediately whenever you see or hear something suspicious. DPS will respond to all reports of suspicious activity whether or not you choose to

identify yourself. Your call could prevent a crime against a friend, a neighbor, a fellow student, or yourself.

Reporting a Crime

- Call DPS at (570) 321-4911 or ext. 4911 and report any and all details of the incident
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features
- Describe the location of the incident
- Describe the suspect's vehicle, license plate number and direction of travel

To report a fire or to request an ambulance for a medical emergency, call 911. You will be connected to the Lycoming County Emergency Communication Center. Make sure you tell the operator which campus building you are in. Lycoming County will dispatch the fire department or ambulance and will notify DPS.

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, DPS will take the required action, dispatching an officer or asking the victim to respond to the Department of Public Safety office. DPS officers respond to all reports of crimes and emergencies and will complete an "Incident Report" for crimes occurring on or adjacent to college property. Crime (incident) reports can be made at any time.

DPS incident reports involving students are forwarded to the Community Standards office for review and potential action by the acting Director of Community Standard's Office.

If assistance is required from the Williamsport Bureau of Police or the Williamsport Bureau of Fire, DPS will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including DPS, will offer the victim a wide variety of resources. The physical and mental well-being of the victim is the primary concern of the responding staff.

If you are off-campus or calling from a cellular phone for non-emergency assistance, call (570) 321-4064, or dial 4064 on a campus phone. Safe Walk, the campus escort service, is also available by calling this number.

Information regarding incidents of sexual misconduct may be shared with any employee of Lycoming College. All employees are categorized as Responsible Employees and are required to report all incidents of sexual misconduct or other serious crime (Clery Act crimes including Murder, Manslaughter, Forcible Sex Offenses, Burglary, Robbery, Aggravated Assault, Motor Vehicle Theft, Arson, Domestic Violence, Dating Violence, Stalking or Hate Crimes) to the Vice President for Student Life and Dean of Students or DPS.

Crimes should be reported to DPS to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the Lycoming College community, when appropriate. For example, a crime that was reported only to UPMC Susquehanna Williamsport Hospital would not be included in the Lycoming College crime statistics.

Anonymous Reporting

If you wish to report a crime anonymously, go to the Incident Reporting form that has a provision for making an anonymous report. This form can be accessed on the DPS webpage at <https://www.lycoming.edu/public-safety/form-incident-report.aspx> Use this form to provide information anonymously regarding possible crimes, planned crimes, and/or law/policy violations. Once the form is completed, click the “send form” button at the bottom of the page. The contents of this form are emailed directly to DPS and the sender appears as “Webmaster”. DO NOT send emergency or crisis information, or information on situations needing immediate response to DPS through this link. While we follow up on all information sent anonymously through the Incident Report form on the link, messages sent through this site are not monitored 24 hours a day.

The RAVE Guardian app also has an anonymous report feature. This anonymous report is automatically and immediately sent to a specific computer in the DPS office. Officers respond to any RAVE report that comes in at the time it is sent.

Confidential Reporting

Lycoming College employ’s three professional counselors – a Director, licensed, an Assistant Director and a part time counselor.

“Professional Counselors” are not required to report crimes for inclusion in the annual disclosure of crime statistics. They are encouraged, if they deem it appropriate, to inform students being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Private Reporting

If you are the victim of a crime and do not want to pursue action within the college disciplinary system or the criminal justice system, you may still want to consider making a private report to DPS.

The purpose of a private report is to comply with your wishes to keep the matter private, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. The information obtained in a private report will be shared only with those college officials who will assist in the investigation and/or resolution of the complaint.

If a report of crime or incident of sexual misconduct discloses an immediate threat to the Lycoming College campus community, where timely notice must be given to protect the health or safety of the community, the College may not be able to maintain privacy. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that include the use of force, a weapon, crimes of violence, or other circumstances that represent a serious and ongoing threat to Lycoming College students, faculty, staff, or visitors.

Emergency Telephones

There are emergency “Blue Light phones” located strategically throughout the campus. These blue light phones connect directly to the DPS office. The phones are activated by the touch of a button, and the location registers in the DPS office. This marks the location for the responding officer and aids in expediting the response time for the officer. There are also “call boxes” located outside many entrances of residence halls. If you need emergency assistance, push the button and explain your emergency to the DPS communications officer.

When you activate an emergency phone please provide the following information:

- Your location
- The nature of the emergency
- Be prepared to answer the communications officer’s questions and respond to any instructions that may be given.
- It is recommended that you familiarize yourself with the Blue Light and emergency Call Box locations on the campus.

Rave Guardian App

Providing personal safety to students is a requirement and a challenge. We are always looking for ways to further improve the safety of our students and feel Rave Guardian provides a great solution, improving communication across the community. With features such as:

- Safety Timer
- Tips and Multi-Media Messaging
- Emergency Call Button to Lycoming College - Public Safety
- 911 Call Button

Rave Guardian is one of the best ways to improve personal safety and protect friends by building a private safety network. This app provides instant communication with friends, family, co-workers, campus safety, and even 9-1-1. Learn more at <http://www.raveguardian.com/>.

Lycoming College offers the Rave Guardian app as an added way to ensure your safety, as well as the safety of your friends, on campus. If you are a current student, faculty, or staff member download for free today at www.raveguardian.com.

Timely Warnings

In the event that a situation arises involving an incident identified as a “Clery Act” crime (Murder; Manslaughter; Aggravated Assault; Robbery; Forcible Sex Offenses; Burglary; Arson) on campus, in non-campus buildings or property, or on public property immediately adjacent to and accessible from the campus that, in the judgement of the Director of Public Safety or their designee, and in consultation with other College officials, constitutes a serious and ongoing threat to students, faculty, staff, or visitors, a campus wide “Timely Warning” will be issued by the Vice President for Student Life and Dean

of Students or designee. The warning will be issued through the College's RAVE Mobile Safety Alert system as a text and email message. A report that is filed more than 10 to 14 days after the date of the alleged incident may not allow the College to post a "timely" warning to the Lycoming College community. This type of situation will be evaluated on a case by case basis.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts: Date and time or timeframe of the incident; a brief description of the incident; information that will promote safety and potentially aid in the prevention of similar crimes; suspect description(s) when deemed appropriate and if there is sufficient detail; DPS/WBP agency contact information; and other information as deemed appropriate.

Depending on the particular circumstances of the crime, methods of dissemination may also include, but are not limited to, electronic distribution through email, posting of hard copies in public areas, posting on the DPS website in the "Crime Alerts" section at <http://www.lycoming.edu/safetyAndsecurity/>, information provided by briefed staff, and dissemination via local media outlets.

Status updates regarding the resolution of a crime and issued timely warnings will be disseminated in a similar fashion and updated as soon as possible. The intent of a Timely Warning is to provide information to enable members of the Lycoming College community to protect themselves.

When Clery Act Timely Warnings are issued, a copy of the warning will be attached to the corresponding DPS Investigation Report (if applicable). A copy of the warning will also be maintained in the Clery Act annual retention file at DPS. Timely Warning information will remain on file at DPS for a period of at least three (3) years from the date of the warning.

Anyone with information warranting a Timely Warning should report the circumstances to DPS, by phone at (570) 321-4064, or in person at the Department of Public Safety office, Rich Hall, 1 College Place, Box 166, Williamsport, PA, 17701.

Immediate Notification

The College will immediately notify the Lycoming College campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, faculty, staff or visitors occurring on campus. An Immediate Notification will be determined by the Director of Public Safety or designee, in consultation from other College administrators. The immediate notification will be issued by the Vice President of Student Life and Dean of Students or designee through the RAVE Mobile Safety Alert system utilizing text and email messaging and/or activating the siren. Depending on the particular circumstances of the incident, DPS may also post the notice on the department's website at: <http://www.lycoming.edu/safetyAndsecurity/>.

EMERGENCY NOTIFICATION SYSTEM AND COMMUNICATIONS

If a major event/disaster occurs, the campus emergency alert siren may be activated to notify the campus community of the incident.

Siren Activation Event

Response

Hostile Intruder on Campus	**Run, Hide, Fight
Hostage Situation	<i>Run, Hide, Fight</i>
Chemical Hazard/Toxic Spill/Leak	***Shelter in Place
*Hostile Event – Williamsport	<i>Shelter in Place</i>
*Tornado or other immediate weather emergency	<i>Shelter in Place</i>

*In the event of an emergency of this nature it is likely that the College will learn of the event through the Lycoming County Department of Public Safety (911). If the city siren is activated, the College siren may be activated to ensure the campus community is aware of the event.

****Run, Hide, Fight** – suggests that in the event of a hostile situation follow instincts and senses as to whether you should run (leave the area immediately), hide (seek a location and to the best of ability secure doors and windows) or fight (as a last resort, imminent danger, engage the intruder).

*****Shelter in Place** - suggests that people who are outside when the siren sounds should, using reasonable judgment as to which building to enter, go inside and stay put. Individuals already inside a building should stay put and if warranted to the best of ability secure doors and windows.

Authority to activate the siren

- Hostile Intruder on Campus – Public Safety officer (after verifying that shots have been fired) and Lycoming County Department of Public Safety Communications Center.
- Hostage Situation – Public Safety official, or designee, and/or Lycoming County Department of Public Safety Communications Center.
- Chemical Hazard/Toxic Spill/Leak – Public Safety official, or designee, and Lycoming County Department of Public Safety Communications Center.
- Hostile Event (Williamsport) – Public Safety official, or designee, and Lycoming County Department of Public Safety Communications Center.
- Tornado or other immediate weather emergency - Public Safety official, or designee, and Lycoming County Department of Public Safety Communications Center.

RAVE Mobile Safety Alert system

Lycoming College issues Timely Warnings and Emergency Notifications through its RAVE Mobile Safety Alert system. RAVE Mobile Safety Alerts enable College emergency response team members to communicate with students, faculty, and staff in minutes by sending a message via a number of contact methods – including email, text messaging, and cellular phones. The RAVE Mobile Safety Alert system is primarily used for emergencies, crises and reports of serious crime where a situation exists which potentially constitutes an ongoing or immediate danger. This is a free service to members of the Lycoming College community, but possible text messaging rates may apply depending on the cellular service carrier.

Safety Alerts

If DPS learns of a serious crime or other significant activity, either on or off the campus, and there is no indication of a serious and continuing threat to the Lycoming College community, the Vice President of Student Life and Dean of Students may issue a Safety Alert for the purpose of seeking additional information from the public and/or to heighten awareness.

Management and Evacuation Policies

Lycoming College has a comprehensive all hazards emergency response plan which provides a framework for the College's response to crises and emergencies. The plan was developed under the Incident Command System (ICS) model prescribed by the National Incident Management System (NIMS). The Emergency Response Plan includes information about the composition of an incident team, shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements.

In the emergency response plan, specific campus administrators (the Core Team) are identified who are responsible for key functions in the event of an emergency or crisis which impacts a large segment of the campus population. Members of this Core Team include the Vice President for Finance, Vice President of Student Life and Dean of Students, Associate Dean of Students, Director of Physical Plant, Director of Public Safety, and others. The Core Team coordinates with other campus offices (Human Resources Services, Counseling Services, Recreation Center, etc.) and outside emergency response agencies (Williamsport Bureau of Fire, Williamsport Bureau of Police, Lycoming County Department of Public Safety, UPMC Susquehanna Williamsport & Health Systems, etc.) as needed.

College departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The emergency response plan is updated, and tabletop and other emergency response planning is coordinated by the Vice President for Student Life and is facilitated in conjunction with the Director of Public Safety, who documents the exercises or drills, including date and time. These tests are designed to assess and evaluate the emergency plans and capabilities of the College.

General information about the emergency response and evacuation procedures are publicized each year as part of the College's Clery Act compliance efforts in this report.

Resident Assistants and other residential life staff receive emergency response and evacuation training every year.

Fire and evacuation drills are held once each year for each residence hall and College-owned apartment. Fire drills are a mandatory supervised evacuation of a building for a fire. The fire drill is scheduled with DPS, the Office of Residential Life and Williamsport Bureau of Fire. The supervised fire drill is generally scheduled within the first six weeks of the beginning of each semester. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The purpose of the fire drills is to prepare building occupants for an organized evacuation in case of an emergency. Fire evacuation drills are used as a way to educate and train residents on issues specific to their building.

When a serious incident occurs, which causes an immediate threat to the campus, the first responders to the scene are usually DPS and Williamsport Bureau of Fire and Emergency Medical Services, if necessary. They typically respond and work together to manage the incident. Depending on the nature of the incident, other College departments and other local and federal agencies could also be involved in responding to the incident.

Run, Hide, Fight

In the event of an active shooter, it is incumbent upon you to take appropriate action and make decisions best for you based on the circumstances of the event. Lycoming College's advice in such an event is to Run, Hide, Fight.

By planning, remaining calm and thinking before acting, a person finding themselves in an active shooter situation can greatly increase their chances of survival.

<https://youtu.be/TeOdxKozra0>

If presented with the opportunity to escape, DO SO -- RUN

- Know all escape routes and locations
- Leave regardless of what others do
- Prevent others from accessing the area
- DO NOT gather belongings
- Prepare for encountering law enforcement
- Keep hands visible
- Listen to all commands

If escape is not a viable option, HIDE and BARRICADE

- Turn off lights, lock doors and barricade
- Stay out of active shooter view
- Silence phones and STAY QUIET
- Position yourself for the element of surprise
- Consider escape routes
- DO NOT let anyone in
- No exceptions -- shooter could be outside
- Police will conduct searching and clearing of locations

If escape and shelter are not possible, and your life is in danger, FIGHT

- Sudden, aggressive and violent action
- Once engaged, remain engaged
- Throw objects at or use objects to strike or hit
- Yell, scream and be strong minded
- Group tackle or assault if possible

Shelter-In-Place

If an incident occurs and the building you are in is not damaged, stay inside and seek an interior room until you are told it is safe to come out. If your building is damaged, or you are directed to evacuate, take your personal belongings (purse, wallet, medication, ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, proceed to the emergency assembly site for your area. If police or fire department personnel are on the scene, follow their direction explicitly.

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be an interior room without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows and close exterior doors.
- Make a list of people with you and ask someone (RA or other staff) to call the list in to DPS so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Wait for further instructions through the RAVE Mobile Safety Alert system notifications or emergency responders.

Alcohol and other Drugs – Information and College Policies

Alcohol and Drugs

Lycoming College's mission statement "is to provide a distinguished baccalaureate education in the liberal arts and sciences within a coeducational, supportive, residential setting " This understanding of the purpose of a liberal education underscores the rationale for the College policy on substance abuse and misuse of alcohol and controlled substances. The abuse of controlled substances and alcohol in whatever form is inconsistent with this fundamental commitment of the College to provide said education. It is the purpose of this policy to inform students about the standards of conduct, counseling and educational services, and the health risks associated with substance abuse. This notification is pursuant to the Drug-Free Schools and Campuses Act of 1990.

Standards of Conduct

Alcohol

The College encourages and supports students who abstain from the use of alcoholic beverages. It also acknowledges that we live within a social environment which establishes by law a minimum age of 21 years for the use of alcohol. The College does, however, permit the use of alcohol on campus in a manner consistent with the law. It also attempts to encourage responsible attitudes and behavior regarding the use of alcohol. We recognize the need for order and regulation in this process and will not

tolerate disruptive behavior or conduct which infringes upon the rights of those who wish to pursue their academic interests as responsible members of this community.

The Code of Community Standards. The Code prohibits but is not limited to, the following: (a) unauthorized or illegal use of any alcoholic beverages, (b) use or possession of alcohol by those under legal drinking age, (c) use or possession of alcohol by anyone (regardless of age) in freshman residence hall areas, (d) sale or furnishing of any liquor to a student who is less than the legal drinking age, (e) disorderly conduct or impairment of judgment due all or in part to being under the influence of alcohol, (f) possession of alcohol in rooms assigned to students under 21 years of age or in common areas without authorization, (g) use or possession of grain alcohol, (h) use or possession of kegs, beer balls, beer bongs, funnels, and similar products, (i) possession of open containers of alcohol in public areas, (j) excessive quantities of alcohol.

Sanctions. Consequences for violating College policies regarding alcohol will be imposed based on the circumstances of the current violation and any previous violations of the alcohol policies. Generally, violations of alcohol policies are considered cumulatively during the entire time the student attends Lycoming College. Students should be aware that the following guidelines are typically followed in adjudication of policy violations involving alcohol:

Minimum Sanctions for First Offense

- Simple Resolution - possession, no additional code violations or,
- Formal Warning & Educational Discussion possession and additional code violations

Minimum Sanctions for Second Offense

- Formal Warning & Educational Discussion possession or,
- Disciplinary Notice, possession and additional code violations

Minimum Sanctions for Third Offense

- Disciplinary Notice, possession or,
- Disciplinary Probation, possession and additional code violations
- May include: Referral for AOD Assessment with requirement to comply with recommendations by professional AOD Counselor
- Parent/Guardian Notification
- Advisor/Coach Notification

Laws of the Commonwealth of Pennsylvania Regarding Alcohol

Lycoming College is subject to the laws of the Commonwealth of Pennsylvania regarding the consumption, purchase, possession, and transportation of any alcoholic beverage and related regulations. Students are reminded that the laws of the Commonwealth specify that:

1. A person who misrepresents his/her age in order to purchase alcohol, who possesses an identification card misrepresenting his/her age, or who possesses or transports alcoholic beverages while under the legal age (21) will lose driving privileges for 90 days (first offense) and subjected to fines up to \$500. Subsequent violations can bring suspension of driving privileges for up to two (2) years.
2. A person commits a misdemeanor of the third degree if he intentionally and knowingly sells or intentionally or knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt

or brewed beverages to a person who is less than 21 years of age. The penalty is a fine of \$1000 for the first violation and \$2500 for each subsequent violation. Please note that each individual served could be construed as a separate offense and fines levied accordingly. You should also note that "furnish" is defined in the law as supplying, giving, or providing to, or allowing a minor to possess on premises or property owned or controlled by the person charged.

3. An adult (over 21) may be convicted of operating or being in actual physical control of the movement of a vehicle while under the influence of drugs and/or intoxicating liquor when the concentration of alcohol in the adult's blood or breath is .08% (BAC) or higher. A minor (under the age of 21) may be convicted of operating or being in actual physical control of the movement of a vehicle while under the influence of drugs and/or alcohol when the concentration of alcohol in the minor's blood or breath is .02% (BAC) or higher. The penalty imposed for a first DUI conviction depends on the individual's BAC level, but usually includes imprisonment for at least 48 or 72 consecutive hours, a minimum fine of \$300 - \$500, and suspension of one's driver's license for one year. Subsequent convictions within a ten year period carry increased penalties.

In addition, all members of the Lycoming College community should be aware of Pennsylvania's social host liability law, which makes clear from case law that a host who renders substantial assistance to, or provides an environment hospitable to a minor's consumption of alcoholic beverages may be held liable for injuries caused to third parties (*Fassett v Delta Kappa Epsilon*, 807F 2d 1150 (3rd Cir. 1986) and *Macleary v. Hines*, 817 F 2d 1081 (3rd Cir. 1987)).

Controlled Substances

In compliance with the provisions of the Drug Free Schools and Communities Act of 1989, the College will not tolerate the illegal possession and/or use of, or the sale or distribution of dangerous drugs and/or narcotics. Students known to be possessing or using illegally or selling or distributing such drugs are not only subject to serious disciplinary sanctions by College authorities but also to civil liability or criminal prosecution.

The Code of Community Standards. The Code prohibits: a) the use or possession of any controlled substance, illegal drug, or drug paraphernalia and b) the unauthorized distribution or possession for purpose of distributing any controlled substance or illegal drug.

Sanctions:

Minimum Sanctions for first offense:

- Formal Warning & Educational Discussion

Minimum Sanctions for second offense:

- Disciplinary Notice
- Educational Activity/Program

Minimum Sanctions for third offense:

- Disciplinary Probation (possession and/or paraphernalia – no other code violations)
- Educational Activity/Program
- Parent/Guardian Notification

- Internship/Field Experience/ Advisor/Coach Notification or,
- Deferred Suspension (possession and/or paraphernalia; incomplete sanctions; other code violations)
- Educational Activity
- Parent/Guardian Notification
- Internship/Field Experience/ Advisor/Coach Notification

Federal and State Laws Concerning Controlled Substances. It is a violation of federal, state, and local laws to use, manufacture, sell, or distribute any controlled substance. Additionally, it is against state and local laws to have drug paraphernalia in your possession for use, intended use, or sale. Specified penalties range from fines, imprisonment or both, to the federally mandated death penalty depending on the offense.

In Pennsylvania, all drug violations come under the Controlled Substance, Drug, Device, and Cosmetic Act. All controlled substances are listed in Section 4 (Schedules of Controlled Substances). Section 13a (Prohibited Acts; Penalties) lists the 35 prohibited acts; 13b lists the specific penalties for any violation. Some examples of prohibited acts and penalties are:

- Possession with intent to use and/or sell drug paraphernalia. Upon conviction, an individual may be sentenced to imprisonment not exceeding one (1) year, pay a fine not exceeding \$25,000, or both.
- Possession of a controlled substance classified in Schedule I, II, or III is considered a felony offense, and upon conviction, an individual shall be sentenced to imprisonment not exceeding five (5) years, or pay a fine not exceeding \$15,000, or both.
- Conviction for possession of a controlled substance classified in Schedule IV may result in imprisonment of up to three (3) years, a fine up to \$10,000, or both.
- Conviction for possession of a controlled substance classified in Schedule V may result in imprisonment of up to one (1) year, a fine of up to \$5,000, or both.

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND CONTROLLED SUBSTANCES

Alcohol

Although many people do not think of it as such, alcohol is a powerful, mood-altering drug. It is a central nervous system depressant that falls into a class of drugs known as sedative-hypnotics. Like all drugs, alcohol's effects are dose dependent. Typically, a "dose" of alcohol is measured in terms of standard drink." A "drink" is defined as a 12-ounce beer, 5-ounce glass of wine, or one shot of hard liquor. These all contain approximately one ounce of alcohol. On the average, it takes one hour for a 150 pound man to metabolize one ounce of alcohol. This metabolic rate is affected by weight, body size, sex, rate of consumption, and presence of food in stomach. The way in which the effect of alcohol is experienced is modified by the individual's expectations, mood, setting, and past experience.

In general, low doses of alcohol produce slight sedation, lowering of inhibitions, and impairment of judgment and fine motor coordination. As the level of alcohol present in the blood increases, (.08-.09%) motor skills, balance, and speech become impaired. A feeling of euphoria is produced and the individual

becomes unaware of the impairment in his/her functioning. At the .10-.12% level, emotions are exaggerated, impotence may occur, and driving becomes extremely dangerous. Beyond this level, blackouts result (the person continues to be conscious but has no memory of events) and there is significant loss of control over behavior. If blood levels continue to rise, confusion, nausea, vomiting, and dysphoria occur. If the person becomes unconscious, there is increased risk of asphyxiation from choking on their own vomit. If blood levels reach or exceed .30, the person may die from respiratory arrest as the center which controls breathing become anesthetized.

Chronic use of alcohol can lead to psychological and physical dependence, elevated blood pressure, an increased risk of heart attack, cancer of the mouth and throat, cancer of the digestive system, pancreatitis, and cirrhosis of the liver. In males, chronic heavy usage is associated with testicular atrophy and breast enlargement. The risk of breast cancer in women is sharply increased by consuming as little as one drink per day. Women who drink while pregnant risk the occurrence of Fetal Alcohol Syndrome in their unborn children.

Controlled Substances

Barbiturates

The use of barbiturates can result in slowed heart rate and breathing, slowed reactions, confusion, weakened emotional control, distortion of reality, reduced awareness, and intoxication.

Tranquilizers

Tranquilizers (such as valium, Librium, Ativan, and tranzene) effects include slowed heart rate and breathing, lowered blood pressure, relaxation, drowsiness, confusion, loss of coordination, intoxication, and changes in personality.

Cannabis

The active ingredient in marijuana, hashish, and hashish oil is delta-9-tetrahydrocannabinol or THC. Use of THC results in an increase in heart and pulse rate, reddening of the eyes, dryness in the mouth, lowered body temperature, stimulated appetite, loss of coordination, brief sense of well-being, intoxication, possible confusion, distortion of reality, impaired short-term memory, restlessness, and hallucinations. Other possible effects of abuse include depression, panic, varying degrees of tolerance, and psychological and physical dependence. Overuse may cause paranoia. Long-term heavy use is associated with chronic lung disease and possibly lung cancer.

Hallucinogens

Hallucinogens, such as LSD and PCP, are substances capable of distorting perceptions, sensations, self-awareness, and emotions.

LSD (Lysergic Acid Diethylamide) induces increased heartbeat, blood pressure, blood sugar, irregular breathing, euphoria, loss of ability to separate fact and fantasy, distortion of senses, hallucinations, paranoia, panic, and violence. Hazards include: (1) quick development of tolerance; (2) increased risk of birth defects in user's children; (3) the recurrence of effects (flashbacks) even without further use; and (4) death due to accident or suicide.

PCP's effects (phencyclidine, angel dust) are unpredictable but include brief euphoria, distorted perceptions, depression, hallucinations, confusion, drowsiness, depersonalization, loss of coordination, and irrational behavior.

Stimulants

Stimulants increase central nervous system activity. Amphetamine use results in increased heart rate and blood pressure, loss of appetite, increased activity levels, feeling of alertness, and self-confidence followed by depression. Heavy usage can result in hallucinations, paranoia, and drug-induced psychosis. Long-term use can result in psychological and physical dependence; withdrawal can result in suicidal depression. Cocaine, another stimulant drug, may cause quickened pulse and circulation, sharpened reactions, restlessness, feelings of well-being, alertness, overconfidence, confusion, anxiety, depression, paranoia, nervous exhaustion, and hallucinations. Hazards associated with cocaine use include physical and psychological dependence, destruction of nasal tissue from snorting the drug, lesions in lungs caused by smoking the drug, convulsions, respiratory paralysis, cardiac arrest, and death can result from overdose.

Narcotics

Narcotics are opiate drugs, which relieve pain and induce sleep. Drugs included in this category are heroin, morphine, opium, codeine, meperidine, and methadone. Effects of usage include shallow breathing, reduction in appetite and thirst, reduction in sex drive, drowsiness, brief euphoria, lethargy, heaviness of limbs, apathy, loss of ability to concentrate, loss of judgment, and self-control. Hazards of abuse include physical and psychological dependence and painful withdrawal. Overdose can cause coma, convulsion, respiratory arrest, and death. Associated risks include malnutrition infection, hepatitis, and increased risk of contracting AIDS if needles are shared.

Over-the-Counter Drug Abuse

Over-the-counter drugs, especially cough and cold medications are becoming very popular as recreational drugs. Hospitals have reported dozens of overdoses in the past two years, including five deaths where the abuse of over-the-counter medicines was a factor. Cold medicines such as Robitussin, Nyquil, Vicks Formula 44, and Coricidin HBP Cough and Cold tablets contain a chemical called Dextromethorphan (DXM), which is found in more than 120 non-prescription cough and cold medications. The Drug Enforcement Administration classifies DXM as a "drug of concern" because if misused it can be very dangerous. DXM is a synthetic drug that is chemically similar to morphine and has been added to cough syrups and some cold medications since the 1970's. Medications containing DXM are not the only over-the-counter drug that are abused. Other medications commonly abused include diet pills, sleep aids, and motion sickness medication.

Substance Abuse Education and Support

Education

Drug and alcohol education programs are conducted regularly to heighten awareness of the necessity to have a drug-free college community. Resources are provided to community members by sources such as the Office of the Vice President for Student Life and Dean of Students, the Departments of Public Safety,

Residential Life, Counseling Services, Health Services, and Human Resources. Education and Awareness programs, are offered during Orientation and throughout the year. Completion of online educational programs dealing with alcohol/substance abuse and sexual assault are required of all incoming students.

Counseling, Treatment, Support and Community Resources

- Emergency Assistance: Department of Public Safety, (570) 321-4911 or (570) 321-4064
- Off-campus call 911
- Contact your Resident Assistant, Affinity Community Facilitator or Residential Life Coordinator
- On Campus Counseling Services (570) 321-4332 or (570) 321-4258
- Medical Treatment: Health Services (570) 321-4052
- UPMC Susquehanna Williamsport (570) 321-2111
- Community Resources:
 - West Branch Alcohol and Drug (570) 323-8543
 - Alcoholics Anonymous (570) 327-2860
 - Narcotics Anonymous (570) 327-2678

Primary Prevention and Awareness Programs Related to Domestic Violence, Dating Violence, Sexual Assault and Stalking (VAWA requirements)

Lycoming College's crime prevention goal is to eliminate or minimize criminal opportunities whenever possible. In order to accomplish this, all students, faculty and staff must take responsibility for preventing crime in their community. The Department of Public Safety (DPS) offers the following programs and serves to assist everyone in becoming more responsible for crime prevention. Additional information on the Sexual Harassment, Sexual Misconduct Policy and the Student Community Standards system is available online at <http://www.lycoming.edu/studentLife/studentHandbook/codeOfConduct.aspx>.

Lycoming College prohibits dating violence, domestic violence, sexual assault, and stalking and; therefore, is committed to providing the campus community with various programs throughout the academic year aimed to:

- Bring awareness to and share information and resources to prevent or stop dating violence, domestic violence, sexual assault or stalking
- Advance the understanding of topics through ongoing campaigns relevant to sexual misconduct and skills for addressing such behavior
- Reduce risks, including recognizing situations of potential harm and empowering individuals to promote safety, overcome barriers to intervening and, provide safe and positive options that may be carried out to prevent harm or intervene when there is risk of dating violence, domestic violence, sexual assault, or stalking.

Educational programming is coordinated by the Offices of Residential Life, Counseling Services, Public Safety, Fraternity and Sorority Life, the Department of Athletics, Human Resources, the Associate Dean of Students, Office of the OVW Grant and our Students.

Safe Walk Escort Service

The Safe Walk Escort Service is a campus accompaniment service designed as an alternative to walking alone on campus, especially at night. DPS provides this escort service for people walking on campus or to and from a College- owned residence. Escorts are free of charge and available to all members of the Lycoming College community. Call (570) 321-4064 to request an officer to respond to provide the escort. A uniformed security officer will be dispatched to walk with you to your destination.

Emergency Telephones

Blue Light emergency telephones are located in several campus parking lots (Fourth Street, Skeath Hall, Bennett Street, Mulberry Street, Washington BLVD Lot, the Commons, Ross Street, and Packer Street lots), as well as elevators. Telephone and Call Boxes located outside of most residence halls are also equipped with an emergency button directly connected to the Department of Public Safety office.

Enhanced Telephone System

All calls received by the Department of Public Safety from emergency telephones or campus extensions are immediately identified by their extension number.

Incoming Students

The Office of the OVW Grant administers an online module titled U Got This by Catharsis to all incoming first-year students in order to address high-risk drinking and sexual misconduct prevention. For more information about U Got This! by Catharsis: <http://www.catharsisproductions.com>

Orientation and "First Weekend" Orientation Programs

Every new incoming Lycoming College student is also required to attend prevention and awareness programs throughout the orientation and extended "First Weekend" orientation period. These programs include: Emergency Procedures, Sexual Harassment and Assault Prevention Awareness; and an Alcohol Education Program. These programs are coordinated through the offices in the Division of Student Life, including the Vice President of Student Life and Dean of Students, Associate Dean of Students, Counseling Services, Health Services, Department of Public Safety, Residential Life, Office of the OVW Grant and the office of Fraternity and Sorority Life and Involvement.

New Employees

All new employees receive information on the College's Sexual Harassment and Misconduct Policy, and Mandatory Reporting Policy. In addition, new employees are provided information related to emergency evacuation, emergency procedures, and how to enroll in the RAVE Mobile Safety Alert system utilized by the College to notify students, faculty and staff in the event of an emergency.

Bystander Intervention Programming

Lycoming College has adopted Green Dot as their bystander intervention program. Over the last year, the Green Dot team has continued to provide training to a variety of student, faculty, and staff audiences.

Red Flag Campaign

Lycoming College continued the tradition of participating in The Red Flag Campaign during the 1st six weeks of both fall and spring semesters. The Red Flag Campaign is a visual campaign that highlights the warning signs that can be seen in potentially violent relationships. Over 300 red flags were placed on Lycoming College's campus along with accompanying posters that had various "red flag" behaviors on them along with appropriate interventions. The Alliance prevention team also hosted a Red Flag Campaign Tabling event in which students were encouraged to write their own warning sign on a red flag to be displayed on campus.

The red flag campaign also has 4 workshops that were utilized and available to the entire campus community they are:

- The Dating Violence Continuum
- Healthy and Unhealthy Relationships
- Range of Acceptable Behaviors
- Who are you? Bystander Intervention

The Alliance

The Alliance, a collaborative of College and Community members, is committed to serving as a catalyst for cultural change regarding sexual violence, dating violence, domestic violence, and stalking by inspiring and empowering the campus community to create and promote an environment free of interpersonal violence. The Alliance was created in response to the Office on Violence against Women grant that Lycoming College received in October of 2017 to reduce instances of sexual violence, dating and domestic violence and stalking on our campus. This grant was continued for an additional 3 year period, beginning in 2020 that will continue through September of 2024.

January 16th, New student Orientation presentation (resources, bystander intervention, consent, topics specifically to Sexual assault, stalking, dating and domestic violence), January 24th, Presentation to the Faculty, which covered sexual assault, stalking, dating and domestic violence, college policies, college resources, victim resources (including safety planning, February 23rd-

conduct board training, February 24th-sexual assault, stalking, dating and domestic violence, consent program with Alpha Xi Delta, March 31st, mandatory risk event for Fraternity and Sorority Life-topic sexual assault, stalking dating and domestic violence, consent-alcohol and other drugs, April 11th partnered with Athletic student group for fireside chat, April 26th, discussion with art faculty and open session with students on clothesline project/sexual misconduct and feedback from informal climate survey, April 27th-Denim Day, April 28th, collaboration with Residential Life: three floors of residence has program to discuss sexual assault, stalking, dating and domestic violence, Q&A for campus policies, review of victim rights and services.

Awareness Month Programming

The Alliance implemented various programs during October (domestic violence awareness month), January (stalking awareness month) and April (sexual assault awareness month).

In October, The Alliance partnered with the library to have a rotating display of books that related to the topic of dating/domestic violence to encourage our students to increase their knowledge of the subject. The Alliance also partnered with the YWCA Northcentral PA to host Empty Place at the Table for a week in the dining hall. This table recognizes those in our county who have lost their lives due to intimate partner violence. As well as participating in the National campaign, Purple Thursday. In January, The Alliance facilitated tabling events that raised awareness on stalking related issues as well as hosting a training for Resident Assistants on technology facilitated stalking.

In April, Lycoming College participated in “Turning Lycoming Teal” a campaign in which the College lampposts were decorated with teal ribbons and information regarding national statistics, resource information, school policy information, and bystander tips. During April various students also participated in the creation of The Clothesline Project, a visual display of t-shirts that show messages of support and provide survivors an opportunity to express themselves anonymously, this display was up all month long. The campus also participated in Denim Day which is an international recognized day in April in which individuals are encouraged to wear jeans in visual protest against the idea that what someone wears provides consent.

Student Life Programming

Throughout the year, Resident Assistant’s engage students during floor meetings on topics, such as Sexual Boundaries and Consent, Healthy Sexuality and Communication. Program topics also include developing skills to safely interrupt and address inappropriate comments, behaviors and promote a climate that prohibits sexual harassment and violence. Student Life staff also collaborate with Athletics and Fraternity and Sorority Life to deliver prevention and awareness programs.

Equal Opportunity, Harassment, and Nondiscrimination Policy

This policy is currently under legal review and subject to change.

1. Glossary

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when the College is in normal operation.
- *Decision-maker* is the person, panel, and/or Chair who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- *Directly Related Evidence* is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the investigation report or Decision-maker. Compare to *Relevant Evidence*, below.
- *Education program or activity* means locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- *Final Determination*: A conclusion by the preponderance of evidence that the alleged conduct did or did not violate policy.

- *Finding*: A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- *Formal Grievance Process* means “Process A,” a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR Part 106.45).
- *Grievance Process Pool* includes any investigators, hearing Decision-makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Investigator* means the person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report of Relevant Evidence and a file of Directly Related evidence.
- *Mandated Reporter* means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.¹
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed below and defined above.
- *Process B* means the administrative resolution procedures detailed in [Appendix D](#) that apply only when Process A does not, as determined by the Title IX Coordinator.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Relevant Evidence* is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Remedies* are post-Finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the College on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence and domestic violence. [See Section 17.b](#) for greater detail.
- *Title IX Coordinator* is at least one official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

2. Rationale for Policy

Lycoming College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected category, and retaliation for engaging in a protected activity.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

Lycoming College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics,

or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this nondiscrimination policy is reported, the allegations are subject to resolution using Lycoming College's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Lycoming College community, a formal complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Lycoming College community. This community includes, but is not limited to, students,² student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, contractor, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. Title IX Coordinator

The Associate Vice President for Human Resources & Compliance serves as the Title IX Coordinator and oversees implementation of the College's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy.

All parties will be provided with a comprehensive brochure detailing options and resources, which the Title IX Coordinator may also go over in person with the parties, as appropriate.

5. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the President of the College at trachte@lycoming.edu or 570-321-4101. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the President of the College at trachte@lycoming.edu or 570-321-4101. Reports of misconduct or

² For the purpose of this policy, Lycoming College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the College.

discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Kacy J. Z. Hagan
 Title IX Coordinator
 Associate Vice President for Human Resources & Compliance
 Long Hall 210
 One College Place
 Williamsport, PA 17701
 570-321-4309
hagan@lycoming.edu

Title IX Team Members:	
Title IX Coordinator:	Kacy J. Z. Hagan Associate Vice President for Human Resources & Compliance
Deputy Title IX Coordinator:	Elisabeth Frankel Director of Sexual Misconduct Prevention & Response
Deputy Title IX Coordinator for Athletics:	Melissa Montoro Head Softball Coach
Lead Appeals Decision-maker:	Dan Miller Vice President for Student Life and Dean of Students
Grievance Process Pool Members Cross-Trained as Investigators, Decision-makers, and Advisors:	Holly Blead, Director of Public Safety Missy ,Kieffer Human Resources Generalist Allison Holladay, Associate Director of Global Education
Grievance Process Pool Members Cross-Trained as Decision-makers and Advisors:	Joseph Balduino, Associate Director & Manager of Admissions Information Systems Sam Dawson, Interim Director of Residential Life Robb Dietrich, Assistant Vice President for Major & Planned Gifts Rob Dunkleberger, Associate Vice President for Library & Information Technology Services Kimberly Kohler, Instructor of Special Education

	Justin Lopez-Medina, Assistant Professor of Criminal Justice – Criminology Betty McCall, Associate Professor of Sociology Janet Payne, Director of IT, Engagement & Innovative Services Kerry Richmond, Associate Professor of Criminal Justice – Criminology Susan Ross, Dean of the College Glenn Smith, Associate Director of Major Gifts & Athletics Development John Whelan, Professor of Philosophy
--	---

The College has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, D.C. 20202-1100
 Customer Service Hotline #: (800) 421-3481
 Facsimile: (202) 453-6012
 TDD#: (877) 521-2172
 Email: OCR@ed.gov
 Web: <http://www.ed.gov/ocr>

For complaints involving employees, inquiries may be made externally to: [Equal Employment Opportunity Commission](#) (EEOC). The Philadelphia EEOC office may be contacted at 1-800-669-4000 or PDOContact@eeoc.gov.

7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator at hagan@lycoming.edu or 570-321-4309. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator.
- [2] Report online, using the reporting form posted at <https://www.lycoming.edu/public-safety/form-incident-report.aspx>. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. The College tries

to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the College to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail; by using the contact information in the section immediately above; or as described in this section. As used in this paragraph, the phrase “document submitted or signed by a Complainant” means a document or electronic submission (such as by electronic mail) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

8. Supportive Measures

Lycoming College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to the College’s education program or activity, including measures designed to protect the safety of all parties and/or the College’s educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Lycoming College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College’s ability to provide those supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass or Persona Non Grata (PNG) orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions will be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal

The College can act to remove a student or employee Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator, in conjunction with the Student of Concern Team as needed, using standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic

administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, suspending an employee, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

10. Promptness

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Confidentiality/Privacy

Every effort is made by the College to preserve the confidentiality of reports.³ The College will not share the identity of any individual who has made a report or complaint of harassment,

³ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education

discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: the Vice President for Student Affairs, the Associate Dean of Students and Deputy Title IX Coordinator. Information will be shared as necessary with the Student of Concern Team, Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically [below](#).

12. Jurisdiction of the College

This Policy applies to the education program and activities of Lycoming College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, and in buildings owned or controlled by the College's recognized student organizations. The Respondent must be a member of the Lycoming College community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive a person of access to the College's educational program. The College may also extend jurisdiction to off-

records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 25. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; and/or
- d. Any situation that substantially interferes with the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the Lycoming College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, the College can assist in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving Lycoming College through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Typically, this Policy is only applied to incidents that occurred after August 14, 2020. For incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator.

14. Online Harassment and Misconduct

The policies of the College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or when they involve the use of College networks, technology, or equipment.

Although the College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

15. Policy on Nondiscrimination

Lycoming College adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

The College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race,
- Religion,
- Color,
- Sex,
- Political affiliation,

- National origin (including ancestry),
- Physical or mental disability (including perceived disability),
- Age,
- Sexual orientation,
- Gender identity,
- Gender expression,
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the College's Policy on Nondiscrimination.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process described below.

16. Policy on Disability Discrimination and Accommodation

Lycoming College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Associate Vice President for Human Resources & Compliance has been designated as the College's ADA/504 Coordinator and is responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in the College's resolution process, see page 65.

a. Students with Disabilities

Lycoming College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Assistant Dean for Academic Services, who coordinates services for students with disabilities.

The Assistant Dean for Academic Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with the College's applicable policies.

b. Employees with Disabilities

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to the ADA/504 Coordinator (Associate Vice President for Human Resources & Compliance) and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with the College's applicable policies.

17. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

a. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by College Policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

Lycoming College does not tolerate discriminatory harassment of any employee, student, visitor, or third-party. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.⁴ This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the Respondent through application of the appropriate grievance process below.

Lycoming College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under College policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other informal resolution mechanisms.

For assistance with Alternative Resolution and other informal resolution techniques and approaches, students and employees should contact the Title IX Coordinator.

b. Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Lycoming College has adopted the following definition of sexual harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
 - a. an employee of the College,
 - b. conditions the provision of an aid, benefit, or service of the College,
 - c. on an individual’s participation in unwelcome sexual conduct; and/or

- 2) Sexual Harassment:

⁴ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational The Colleges Investigative Guidance.](#)

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the College's education program or activity.⁵

3) Sexual assault, defined as:

- a) Sex Offenses, Forcible, defined as:
 - i) Any sexual act directed against another person,
 - ii) without the consent of the Complainant,
 - iii) including instances in which the Complainant is incapable of giving consent.
- b) Forcible Rape:
 - i) Penetration,
 - ii) no matter how slight,
 - iii) of the vagina or anus with any body part or object, or
 - iv) oral penetration by a sex organ of another person,
 - v) without the consent of the Complainant.
- c) Forcible Sodomy:
 - i) Oral or anal sexual intercourse with another person,
 - ii) forcibly,
 - iii) and/or against that person's will (non-consensually), or
 - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age⁶ or because of temporary or permanent mental or physical incapacity.
- d) Sexual Assault with an Object:
 - i) The use of an object or instrument to penetrate,
 - ii) however slightly,
 - iii) the genital or anal opening of the body of another person,
 - iv) forcibly,
 - v) and/or against that person's will (non-consensually),
 - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e) Forcible Fondling:

⁵ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁶ Per state law.

- i) The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii) for the purpose of sexual gratification,
 - iii) forcibly,
 - iv) and/or against that person's will (non-consensually),
 - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - f) Sex Offenses, Non-forcible:
 - i) Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by Pennsylvania law.
 - ii) Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent of 16.
- 4) Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence*, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

*To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

The College's Consensual Relationships Policy can be found in the Administrative Handbook.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. The most serious offenses are likely to result in suspension/expulsion/termination, where warranted.

c. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- € knowing, and
- € voluntary, and
- € clear permission
- € by word or action
- € to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM⁷ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication

⁷ Bondage, discipline/dominance, submission/sadism, and masochism.

in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious; for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

d. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, Lycoming College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: an individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
 - Prostituting another person

- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Knowing creation, possession, or dissemination of child pornography
- Threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person;
 - Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment;
 - Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
 - Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
 - Bullying, defined as:
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

18. Retaliation

Protected activity under this Policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded with Process A that is not provided d by Process B. Therefore, the College vets all complaints carefully to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

[19. Mandated Reporting](#)

All Lycoming College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Lycoming College for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

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

- On-campus licensed professional counselors
- On-campus health service providers and staff
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

College employees who have confidential privilege as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

c. Mandated Reporters and Formal Notice/Complaints

All employees of Lycoming College (excluding student employees other than Resident Assistants), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that

must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of College Policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though the College is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process, usually upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Lycoming College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under appropriate College policies.

23. Amnesty for Complainants and Witnesses

The Lycoming College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

Students:

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the Department of Public Safety).

The College maintains a policy of amnesty for students who offer help to others in need.

Employees:

Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationships policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials.

The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor violation) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA⁸-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with the Department of Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, campus Public Safety staff, coaches, athletic trainers, athletic directors, Resident Assistants, student activities staff, OLE student staff, Recreation Center student staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

25. Preservation of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and is particularly time-sensitive. The College will inform the Complainant of the importance of preservation of evidence by taking the following actions:

1. Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better).
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

⁸ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS "A")

1. Overview

Lycoming College will act on any formal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A."

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.

If other Policy definitions are invoked, such as protected class harassment or discrimination as defined above, please see [Appendix D](#) for a description of the procedures applicable to the resolution of such offenses, known as "Process B."

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and administrative handbooks.

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the College initiates a prompt initial assessment to determine the next steps the College needs to take.

The College will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator⁹ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves, generally when a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses their request(s), and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
 - If alleged misconduct does not fall within the scope of the 2020 Title IX regulations, the Title IX Coordinator determines that the regulation do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX

⁹ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

regulations is solely a procedural requirement under Title IX which does not limit the College's authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Title IX Coordinator and/or the Student of Concern Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to an individual or the community's physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and if so, what approach may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer institution about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Student of Concern Team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the Student of Concern Team in most cases for student Respondents. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the College's process for VRA can be found below in Appendix C.

b. Dismissal (Mandatory and Discretionary)¹⁰

The College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the College; or
- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

A Complainant who decided to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

4. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent

¹⁰ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹¹

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-makers.

The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisors in Hearings/College-Appointed Advisor

¹¹ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the College will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

c. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

d. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the College's policies and procedures.

e. Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

f. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College will comply with that request at the discretion of the Title IX Coordinator.

g. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

h. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

j. Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>]

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The College encourages parties to discuss this with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution

Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the

College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

7. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found near the beginning of this policy in the section entitled Title IX Team Members.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices]
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of the College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are College employees), and Chairs. All Pool members are required to attend these trainings annually. The

materials used to train all members of the Pool are publicly posted here:
<https://www.lycoming.edu/student-handbook/shsm-policy.aspx>.

d. Pool Membership

The Pool includes members of Student Life, Academic Affairs, the Faculty, Athletics, Human Resources, Public Safety, Informational Technology Services, Admissions, the Library, Advancement, and the Business Office.

Pool members are usually appointed to one-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the College’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the College’s VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and

- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President of the College.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by

the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures

- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the College's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent

committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

19. Hearing Decision-maker Composition

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific

incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The

party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.

- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.¹²
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly

¹² The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

25. Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, the hearing facilitator (if applicable), any additional panelists, the Investigator(s) who conducted the investigation, the parties (or two (2) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, an alternate Pool member if designated and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

26. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed either by the Chair or by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space;

ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

29. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

30. Advisors

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a College-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

31. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator, if appointed for the hearing, may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Office of Student Conduct and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

34. Statement of the Rights of the Parties [\(see Appendix B\)](#)

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community

- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are the usual sanctions¹³ that may be imposed upon students or organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement policies.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other

¹³ College policies on transcript notation will apply to these proceedings.

sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal, Written, or Final*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

36. Withdrawal or Resignation While Charges Pending

Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. Admissions will be notified that they cannot be readmitted. They may also be barred from College property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the College unless and until all sanctions have been satisfied.

Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or

discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator and Human Resources will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

37. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. One member of the appeal panel will be designated as a voting Chair.

The Request for Appeal will be forwarded to the Appeal Chair and the appeal panel will be convened to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; and
- (D) The level of severity of the sanctions

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the appeal panel and the parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the appeal panel and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the panel will render a decision in no more than 10 business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- Results of a new hearing can be appealed, once, on any of the available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training

- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

40. Recordkeeping

The College will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to the College's education

- program or activity; and
- c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

41. Disabilities Accommodations in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Assistant Dean for Academic Services or Associate Vice President for Human Resources & Compliance, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

APPENDIX A: POLICY EXAMPLES

Some examples of possible sexual harassment include:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the college. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking

- Students A and B were friends with benefits. Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered

their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the tutor thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They

remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Title IX Coordinator.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX B: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from College staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.

- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the College compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction(s) that occur before the decision is finalized.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX C: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the Student of Concern team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the Student of Concern team. The Student of Concern Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will rely on a consistent, research-based, reliable system that allows the for the operationalization of the risk levels.

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

APPENDIX D: PROCESS B

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- The College can substitute any alternative process instead of Process B, if desired.
- VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

The College will act on any formal notice/complaint of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator¹⁴ or any other Official with Authority as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties that do not apply under Process A.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and administrative handbooks.

1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the College's nondiscrimination Policy, the Title IX Coordinator¹⁵ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

¹⁴ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

¹⁵ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
 - If it does, the Title IX Coordinator will initiate a formal investigation and grievance process under Process A as described in the Policy.
 - If alleged misconduct does not fall within the scope of the 2020 Title IX regulations, the Title IX Coordinator determines that the regulation do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX which does not limit the College’s authority to address a complaint with an appropriate process and remedies.
 - If the Title IX Coordinator refers the matter for resolution under Process B, the Title IX Coordinator will initiate a formal investigation and grievance process under Process B as described below, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
- In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Title IX Coordinator and/or the Student of Concern Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - Emergency removal of a Respondent on the basis of immediate threat to an individual or the community’s physical health/safety;
 - Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
 - Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
 - To help identify potential predatory conduct;
 - To help assess/identify grooming behaviors;

- Whether it is reasonable to try to resolve a complaint through informal resolution, and if so, what approach may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer institution about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

More about the College's process for VRA can be found in [Appendix C](#).

Based on the initial assessment, the College will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Formal Grievance Process – Process B (“Process B”) – investigation of policy violation(s) and recommended finding, subject to a determination of a Decision-maker/Decision-making panel and the opportunity to appeal to an Appeal Panel.

The investigation and the subsequent Process B determine whether the nondiscrimination policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

2. Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found near the top of this Policy under the heading Title IX Team Members. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations

- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve on an Appeal Panel

The Title IX Coordinator, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training specific to their role(s). This training includes, but is not limited to:

- The scope of the College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used
- Issues of relevance of questions and evidence

- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Advisors. All Pool members are required to attend annual training.

The Resolution Process Pool includes members of Student Life, Academic Affairs, the Faculty, Athletics, Human Resources, Public Safety, Informational Technology Services, Admissions, the Library, Advancement, and the Business Office.

Pool members are usually appointed to one-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

3. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

4. Advisors

a. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned, but the College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by College policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting College meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

b. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor¹⁶ who is eligible and available¹⁷ to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the College will copy the Advisor on all communications between the College and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

c. Assistance in Securing an Advisor

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)

¹⁶ This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If the College allows more than one Advisor for one party, they should do so for all parties.

¹⁷ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>]

5. Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

a. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution such as mediation, restorative practices, etc., or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Process B, and any party participating in Informal Resolution can stop the process at any time and request Process B. Further, if an Informal Resolution fails after the fact, Process B may be pursued.

i. Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accepted sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of

violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after Process B is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

ii. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of College Policy.

The Title IX Coordinator refers the matter to a Decision-making panel/Decision-Maker to determine appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Decision-making panel/Decision-maker has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Decision-making panel/Decision-maker has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

iii. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the College.

b. Process B – Investigation and Hearing

The Formal Grievance Process – Process B can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Process B starts with a thorough, reliable, and impartial investigation.

If Process B is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address

of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

The College aims to complete all Process B proceedings within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the President of the College.

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College's resolution process are being investigated by law enforcement. The College will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant

evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

6. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by the College or other Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation

- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 5 business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator for review and feedback
- Provide the final report to the Title IX Coordinator, including in the report a recommendation to the Decision-maker/Decision-making panel on a determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

7. Hearing

Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing through the Student Conduct process. The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

a. Hearing Decision-maker Composition

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

b. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the

Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

c. Notice of Hearing

The Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing.

- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.¹⁸
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline goal followed by the College.

d. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

e. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

f. Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make

¹⁸ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, the hearing facilitator (if applicable), any additional panelists, the Investigator(s) who conducted the investigation, the parties (or two (2) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, an alternate Pool member if designated, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

The Chair explains the procedures and introduces the participants and then conducts the hearing according to the hearing script. The Investigator(s) then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s).

g. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

h. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator, if appointed for the hearing, may be invited to attend the deliberation by the

Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The recommendation of the investigation should be strongly considered but is not binding on the Decision-Maker/Decision-making panel.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Office of Student Conduct and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

i. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at

issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

8. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

a. Student Sanctions

The following are the usual sanctions¹⁹ that may be imposed upon students or organizations singly or in combination²⁰:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe

¹⁹ The College policies on transcript notation will apply to these proceedings.

²⁰ Subject to The College's Organizational Code of Conduct.

disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement policies.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal, Written, or Final*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

10. Withdrawal or Resignation While Charges are Pending

Students:

The College does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination. The College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

Employees:

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator and Human Resources will reflect that status, and any College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

11. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

A three-member appeals panel or Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the Respondent.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 5 business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within 5 business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within 10 business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

12. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

14. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept for at least seven years, or as required by state or federal law or institutional policy, by the Title IX Coordinator.

15. Statement of the Rights of the Parties (see Appendix B)

16. Disabilities Accommodation in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students,

employees, or others with disabilities to ensure equal access to the resolution process at the College. Any students needing such accommodations or support should contact the Assistant Dean of Academic Services and any employees needing such accommodations or support should contact the Associate Vice President for Human Resources & Compliance, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

17. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the College website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure was implemented August 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED
THROUGH A LIMITED LICENSE
TO LYCOMING COLLEGE.
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED
THROUGH A LIMITED LICENSE
TO LYCOMING COLLEGE.
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

^[1] Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

^[2] For the purpose of this policy, Lycoming College defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the College.

^[3] For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 25. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

^[4] This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational The Colleges Investigative Guidance](#).

^[5] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[\[6\]](#) Per state law.

[\[7\]](#) Bondage, discipline/dominance, submission/sadism, and masochism.

[\[8\]](#) VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

[\[9\]](#) If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

[\[10\]](#) These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

[\[11\]](#) “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

[\[12\]](#) The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

[\[13\]](#) College policies on transcript notation will apply to these proceedings.

[\[14\]](#) All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

[\[15\]](#) If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

[\[16\]](#) This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If the College allows more than one Advisor for one party, they should do so for all parties.

[\[17\]](#) “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

[\[18\]](#) The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

[\[19\]](#) The College policies on transcript notation will apply to these proceedings.

- [\[20\]](#) Subject to The College's Organizational Code of Conduct

Sex Offender Notification and Information (Megan's Law)

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and Family Educational Rights and Privacy Act of 1974, LCSS is providing a link to the Pennsylvania State Police Sex Offender Registry in this report.

- This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a registered student. In the Commonwealth of Pennsylvania, convicted sex offenders and sexual predators must register with the Pennsylvania State Police.
- You can find more information on Megan's Law at the Pennsylvania State Police Sexual Offender Information website: www.pameganslaw.state.pa.us. This service is free to the public.

Missing Student Policy/Investigation

Lycoming College in an effort to act in a timely and appropriate manner has administrative guidelines in place in the event a student is reported missing.

Student safety and well-being is of paramount concern. Students are encouraged learn and follow personal safety guidelines while a student at Lycoming College. Information regarding personal safety can be found on the College's Public Safety website.

Each student upon enrollment is given the opportunity to provide an Emergency Contact person(s). Under most circumstances this would be the person contacted in the event of emergency. Under the law as it relates to being reported as a missing person, students are able to provide a *confidential contact* in the event of being reported as a missing person separate from their emergency contact person. This information is kept confidential and only authorized personnel have access to it.

Missing Student Procedures

At the beginning of each semester, students will be sent an e-mail notifying them of the missing student policy and requesting if they would like to provide a confidential contact in the event they were to be missing. In the event a student does not provide a confidential contact, the emergency contact provided by the student and listed on Colleague will be contacted as appropriate.

In the event a student is reported missing, Public Safety will notify the Vice President for Student Life

and Dean of Students or designee no later than 24 hours after learning that a student may be missing. Within the next 24 hours if the student is not located, the Vice President for Student Life and Dean of Students or designee will contact the person identified by the student to be notified in the event of an emergency or their confidential contact. Local law enforcement will be notified in most cases 24 hours after receiving the initial report. In the event there is evidence of foul play law enforcement will be contacted immediately.

If the student reported to be missing is under the age of 18, and they are not an emancipated individual, the VP of Student Life and Dean of Students or designee will, upon being notified that the student may be missing, will contact the student's legal guardian.

To report a missing person contact: the Department of Public Safety at 570.321.4064 or security@lycoming.edu

Public Safety

Ensure that the on-duty staff member is notified who in turn will call the on-call administrator. The on-call administrator will notify the Vice President for Student Life and Dean of Students, or designee. Additional notifications will occur as the situation dictates.

Interview student(s) who initiated the report as well as those who were the last to see/speak with the student.

Public Safety Officer(s) will gather information, including reviewing the student's recent activity by talking with student's roommates and friends, visiting the student's residence, reviewing the student's recent use of their ID card and obtaining a recent photograph.

Information may include when and where the student was last seen, their emotional state, age, date of birth, and permanent address of student, the last person to have seen and/or spoken with the student, presence of car on campus, campus employment, class schedule. Public Safety Officer(s) will gather any social media information, such as text messages or Facebook posts, etc.

The missing student's room may also be searched in order to obtain any information that will support in efforts to locate the student.

On-duty Staff Member

Contact the student's Professional Residential Life Staff Member and Resident Assistant, Affinity Community Facilitator or House Manager to gather information to be shared with Public Safety Officer(s) (if not already being interviewed by Public Safety).

- Work with students who may be "in crisis" as a result of the situation, providing them with referral services as appropriate.
- On-call Administrator, or designee.
- Follow up with students, faculty and staff who have been closely involved in the situation to inform them of the outcome.

- After a student is found, the On-call administrator, or designee will follow up with the student when they return to campus to explain why College staff were concerned, the actions that were taken, and the effect of the student's disappearance on other students.

Vice President for Student Life and Dean of Students, or designee

No later than 24 hours after a student is reported missing, the Vice President for Student Life and Dean of Students, or designee, will notify:

- The person(s) the student identified to be notified within 24 hours of the determination that the student is missing;
- Local law enforcement, unless the local law enforcement agency was the entity that made the determination that the student is missing; and,
- If the student is under 18 years of age and not emancipated, the College must notify a custodial parent or guardian, in addition to notifying any contact person(s) designated by the student.

Fire Safety

Student Housing Facility Fire Safety Systems

At Lycoming College, student sleeping rooms are equipped with a smoke detector that is connected to a supervised fire alarm system. Student sleeping rooms are defined as the actual room in which the occupants live and sleep.

Approximately 92% of student housing fire alarm systems, if activated, result in a signal being transmitted to a monitored location, and the Department of Public Safety (DPS) investigates and notifies the Williamsport Bureau of Fire, if necessary.

Fire alarms systems are monitored 24 hours a day, seven days a week by Select Security, who immediately notifies DPS in the event an alarm is activated. Information on specific residential buildings is posted in the chart below. Detailed information, including fire and sprinkler system information for specific campus buildings is located below. This information is also available at DPS located in the lower level of Rich Hall or by calling (570) 321-4064.

If you have any questions or concerns about Fire Safety on campus please contact any of the following:

Samantha Dawson, Dawsons@lycomng.edu
Interim Director of Residential Life
(570) 321-4946

Dan Miller, Millerda@lycoming.edu
Vice President for Student Life & Dean of Students
(570) 321-4399

Public Safety, Security@lycoming.edu
(570) 321-4064

Holly Bleam, Bleam@lycoming.edu
Director of Public Safety
(570) 321-4064

Fire Safety Improvements and Upgrades

DPS, Buildings and Grounds and Residential Life, annually review the fire systems in our residence halls and will make upgrades, repairs or revisions when problems are identified.

Reporting a Fire

Persons reporting a fire should call 911, or DPS at (570) 321-4911. If there is a fire in your area and the alarm has not sounded, you should immediately activate the nearest fire alarm pull station.

Evacuation of Student Housing Facilities in the Event of Fire

When an alarm is activated there are a few steps to follow:

- Remain calm and close the windows in the room.
- Take only clothing that will be needed for the type of weather conditions that exist. Do not try to collect personal items to take with you.
- Turn off any electrical items you have on at the time, including lights and a stove/oven.
- Stay low if you are going through smoke or toxic fumes.
- Leave by the nearest exit. When a fire alarm is active any door to the building may be used to exit so long as it is safe to do so.
- Do not use elevators. Use only the stairs to exit the building.
- Proceed to the nearest Emergency Assembly Area (EAA) for your building. This information is posted in each residential facility and is available through your Resident Assistant (RA). In non-housing facilities, this information will be posted in a strategic location within the building.
- Never attempt to go back into the building even if the alarm stops sounding. Wait until DPS, or fire department personnel, have cleared the building and given their permission to re-enter.
- In an actual emergency if you are trapped and not able to exit a room or the building, yell for help and call DPS on your cellular phone at (570) 321-4911, or ext. 4911 using a phone in the building. Be sure you can accurately give your location in the building as best as you can so a Public Safety officer or Firefighter can locate and assist you.

Fire Drills in Student Housing Facilities

Fire drills are held once a year for each residence hall and college-owned apartment. Fire drills are a mandatory supervised evacuation of a building in the event of a fire. Fire drills are scheduled with DPS, Residential Life and individual residence hall staff. Supervised fire drills are generally scheduled within the first six weeks of the beginning of the semester. Students who fail to exit the building during a fire drill are subject to disciplinary action.

Student Housing Facility Fire Safety Policies

Tampering with firefighting or detection equipment is a serious offense. Discharging fire extinguishers or setting off fire alarms under false pretenses has life threatening implications. In addition to any criminal action, the College reserves the right to file disciplinary charges as outlined in the Student Manual and Community Standards policy. The minimal fine for a first offense is substantial, plus the cost of restoring the equipment to its original condition.

Residential Life policy on fire safety is to prohibit usage of electrical cooking appliance, candles, and specific electrical equipment in individual student rooms. Candles and open flames are prohibited in residence halls.

Residence Hall Safety Standards

Cooking appliance may only be used and stored in kitchen areas.

- Hot plates, toasters, toaster ovens, “George Foreman Grills”, barbeques, Air Fryers and similar devices are not permitted
- Hazardous electrical appliances, lamps and lighting:
 - No space heaters (unless distributed by Buildings and Grounds), private air conditioners, halogen floor lamps, decorative lighting, or any appliance with open heating coils. All appliances must be UL approved.
 - Hazardous electrical wiring, outlet adaptors or similar:
 - No un-fused multiple outlet adaptors, extension cords or other wiring run under carpeting or across door ways.
 - Multiple outlet strips (power strips) may be used, if fused, grounded, and use no less than 14-gauge wire.
 - Spark or flame producing items: candles, incense burners, etc.:
 - No candles (decorative or otherwise), incense, incense burners, oil or liquid fuel lamps, scented oil burners, or similar items
 - Flammable/combustible liquids, gases or similar
 - No oil, gasoline, white gas, propane/liquid propane (LP) tanks of any size, lighter fluid, starter fluid, ether
 - No combustion engines, generators, motorcycles, mopeds, motorized skateboards or similar equipment
 - No fireworks or similar combustible/explosive devices Tampering with/hindering fire protection equipment:
 - No removal, covering, or otherwise disabling of smoke or heat detectors
 - No removal, covering or otherwise tampering with fire extinguishers, sprinkler systems or similar equipment
 - No hanging of items from fire protection devices or sprinkler systems
- Improper storage of property within a residence

- No storage of motorcycles, mopeds, bicycles, large auto parts or other non- residential property within a residence
- No storing of bicycles within stairwells, hallways, or common lounges.
- No hanging of tapestries or similar products from ceiling or bunked beds.
- Electrical appliances, or wiring
- Furniture arrangement blocking egress paths
- Blocking of fire exits and routes of escape or exit
- Unauthorized furnishings/or use of/modifications
- Unless specifically designed to do so, beds may not be lofted. Mattresses may not be placed directly on the floor.
- No other “large” appliances are authorized within a residential student room
- Unauthorized modifications to structure, facility
- No fabrication of walls, partitions, false ceilings, floors, windows
- No affixing items or objects to the exterior of a residence

Fire, Health and Safety Inspections

The Office of Residential Life regularly conducts inspections of each residential area on campus. Student rooms are given an inspection almost monthly each semester.

The purpose of these inspections is to provide the appropriate education and assist with correcting any fire, health or safety concerns. Policy violations that are discovered during these inspections may be referred to the College’s Community Standards system and prohibited items may be confiscated. Students with questions about these inspections should address their concerns with the Office of Residential Life.

Fire Safety Education

All residence halls are equipped with fire detection and firefighting equipment. All residents should familiarize themselves with the emergency escape plan for their residence hall.

Throughout the year, fire alarm systems will be tested to ensure they are in good working order. When an alarm sounds (alarms sound different depending on what building you’re in). All occupants must vacate the facility for their own safety and so firefighters and other emergency responders may work undisturbed. In the event of an actual fire, the Williamsport Bureau of Fire will notify residents when it is safe to re-enter a building. Students should assume all alarms are actual emergencies and respond accordingly by quickly evacuating the building.

Residence Hall Fire Statistics

2022 Zero fires within on campus residential facilities

2021 Zero fires within on campus residential facilities
2020 Zero fires within on campus residential facilities

LYCOMING COLLEGE

2022-2023 Lycoming College Residential Student Housing Fire Systems Review

Building Name/Location	Central Station	Sprinkler	Pull Stations	Alarm Notes
Crever Hall	y	y	y	Smoke & Heat sensors
East Hall	y	n	y	Smoke & Heat sensors
Forrest Hall	y	n	y	Smoke & Heat sensors
Rich Hall	y	y	y	Smoke & Heat sensors
Wertz Hall and Student Center	y	y	y	Smoke & Heat sensors
Williams Hall	y	n	y	Smoke & Heat sensors
Douthat Commons	y	y	y	Smoke & Heat sensors
Drum House	y	n	Y	Smoke & Heat sensors
Snowden Library	y	n	y	Smoke & Heat sensors
Fine Arts Center	y	n	y	Smoke & Heat sensors
Lamade Gymnasium	y	y	y	Smoke & Heat sensors
Keiper Recreation Center	y	y	y	Smoke & Heat sensors
Pennington Lounge	y	n	y	Smoke & Heat sensors
Wendle Hall	y	n	y	Smoke & Heat sensors
Heim Science Building	y	y	y	Smoke & Heat sensors
Mass Communications Bldg.	y	n	y	Smoke & Heat sensors
Shangraw Stadium	y	n	y	Smoke & Heat sensors
Clarke Chapel	y	n	y	Smoke & Heat sensors
Skeath Hall	y	n	y	Smoke & Heat sensors

Long Hall Administration Bldg.	y	n	y	Smoke & Heat sensors
Honors Hall	y	y	y	Smoke & Heat sensors
General Services Building	y	y	y	Smoke & Heat sensors
Warehouse	y	n	y	Smoke & Heat sensors
40 Ross Street apartment	y	n	y	Smoke & Heat sensors
60-60 1/2 Ross Street apartments	y	n	y	Smoke & Heat sensors
71, 71 1/2, 73 Ross Street apts.	Y	n	y	Smoke & Heat sensors
609 Mulberry Street apartment	y	n	y	Smoke & Heat sensors
635 Mulberry Street apartment	y	n	y	Smoke & Heat sensors
117 Washington Blvd. apartment	y	n	y	Smoke & Heat sensors
West 4th St. Art Gallery	y	n	y	Smoke & Heat sensors
President's residence	y	n	y	Smoke & Heat sensors