

PUBLIC SAFETY

2025 Annual Security and Fire Safety Report

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LAFAYETTE
COLLEGE

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Introduction

This publication is the annual Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Report and the Annual Fire Safety Report for 2025 for Lafayette College. The Director of Public Safety is responsible for preparing this report. To gather policies for this report, the Department of Public Safety collaborated with the Division of Student Life, Office of Human Resources, Director of Institutional Equity/ Title IX Coordinator, and other divisions and departments on campus. In addition, representatives from Communications assisted with the compilation of this report.

Students, faculty, and staff have a shared responsibility for protecting themselves and the Lafayette community. This is best accomplished by being aware of your surroundings, safeguarding your property and through the prompt reporting of any suspicious activity to Lafayette College Department of Public Safety. This report includes mandated crime and fire statistics for the 2022, 2023, and 2024 calendar years. Included in the statistics are certain reported crimes that occurred on campus, on non-campus property, and on adjacent public property. Incidents occurring within residence halls are also listed and are a subcategory to the on-campus reportable crimes.

A print copy of this report may be obtained at the Department of Public Safety located at 901 Bushkill Drive, Easton, PA.

Overview of the Department of Public Safety

Located at 901 Bushkill Drive, the Department of Public Safety is responsible for around-the-clock protection of the Lafayette campus. The staff consists of a Director of Public Safety (who reports to the Executive Vice President for Finance and Administration Services), an Associate Director/ Chief of Police, 1 lieutenant, 3 supervisors, 1 Assistant Director, a combination of full and part-time officers, dispatchers and office staff, along with, 3 environmental, health and safety specialists.

The Department of Public Safety is composed of both commissioned police officers and security officers, with 12 officers being commissioned police officers who have Pennsylvania Act 235 training. The Department of Public Safety also requires Pennsylvania Act 120 training for all newly hired police officers.

A variety of patrol methods are employed including the use of marked and unmarked police vehicles, bicycles, and foot patrol. The men and women of the Department of Public Safety serve and protect the campus community through proactive patrol and by enforcing state laws and city ordinances, as well as College rules and regulations. The department may be reached by phone at (610)-330-4444 for emergencies and (610)-330-5330 for other matters. The department's web site is found at <http://publicsafety.lafayette.edu>.

Enforcement Authority and Jurisdiction. Pursuant to 22 PA 501, Lafayette's commissioned police officers are armed and have powers of arrest. Their jurisdiction includes all College owned and leased property and buildings, and the immediate and adjacent vicinity of the property of the College.

In addition to the commissioned police officers, there are 3 full-time and 9 part-time, non-sworn, security officers who patrol the campus and provide other public safety services to the Lafayette College community. These officers do not have arrest authority.

Each year, all commissioned Lafayette police officers complete mandatory annual Pennsylvania in-service training at a certified police academy. Additionally, in-house training is provided on an on-going basis for all public safety personnel. All Lafayette police officers and security officers are trained to handle security and safety matters on campus, as well as to perform first aid, cardiopulmonary resuscitation, naran, and in the use of automated external defibrillator devices (AED). All public safety patrol vehicles are equipped with oxygen and AEDs.

Working relationship state/local law enforcement agencies

The Department of Public Safety does not have a formal Memorandum of Understanding with other area law enforcement agencies. Nonetheless, the Department of Public Safety maintains close working relationships with the City of Easton Police and Fire Departments; the Forks Township Police Department, the Northampton County District Attorney's Office; and the Pennsylvania State Police as necessary.

There is extensive information sharing between the Department of Public Safety and the Easton Police Department and other area law enforcement agencies including the PA State Police. If appropriate, public safety staff will notify other law enforcement agencies of crimes and suspicious activity and cooperatively investigate reported offenses.

The Pennsylvania State Police also provide our department with evidence analysis, PA criminal intelligence and information that may impact special events that occur on-campus.

The Department of Public Safety is responsible for College transportation services including the campus parking program, enforcing parking, traffic regulations, and the LCAT Shuttles.

Reporting criminal activity or other emergencies

Lafayette College strongly encourages accurate and prompt reporting of all crimes to the Department of Public Safety and the appropriate police agencies, including those instances when the victim of a crime elects to or is unable to make a report. Public Safety personnel promptly respond to all reports of suspicious acts, and emergencies occurring on campus.

Crimes and emergencies occurring on-campus may be reported to the Department of Public Safety in a number of ways:

- From hard-wired campus telephones found in all offices, dial ext. 4444.
- From a cell phone or public phone, dial (610) 330-4444.
- Via emergency "Blue Light" telephones which are located throughout the campus and parking decks. These Blue Light phones automatically connect to the Department of Public Safety as soon as the red button is pushed.
- Via emergency/convenience telephones located on the exterior of all campus residence halls. Each of these phones has

an emergency button that automatically connects the caller to the Department of Public Safety dispatch center and identifies the location of the phone to the dispatcher.

- In person to any Lafayette College Department of Public Safety Officer.
- 9-1-1 should be called for crimes and other emergencies occurring off-campus. When making an emergency call, you should provide the location of the incident, the type of assistance needed (police, ambulance, or fire), your name and call back number.

Who students and employees should report crimes to.

Crimes occurring on campus, in non-campus buildings or on non-campus property that Lafayette College owns or controls, or on public property that is within or immediately adjacent to campus should be immediately reported to the Department of Public Safety via any of the above means so that the Department of Public Safety can respond for inclusion in the annual disclosure of crime statistics and the transmittal of a Timely Warning, if appropriate.

Voluntary, Confidential Reporting.

If you would like to report a crime, but do not want to pursue action within the Colleges or criminal justice systems, we ask that you consider filing a voluntary, confidential report.

Anyone may call the Department of Public Safety at

(610) 330-5330, or in an emergency (610) 330-4444 to report a crime or concerning information. Callers may remain anonymous by merely informing the call taker that you wish to remain anonymous and do not wish to be contacted in person but that an officer may call you if they need more information.

Depending on the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. However, the Department of Public Safety cannot guarantee confidentiality in all cases. The purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential, while taking steps to ensure your safety and the safety of others.

Confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report (ASFSR). In limited circumstances, the Department of Public Safety may not be able to assure confidentiality and will inform you in those cases.

Reporting to Other Campus Security Authorities

As a matter of policy, Lafayette directs people to report Clery crimes (without the inclusion of personally identifiable information) to the Department of Public Safety for the purpose of including a statistic in Lafayette's ASFSR; though people may report crimes to any Campus Security Authority. The report must include sufficient information as to the location and type of incident for inclusion in the ASFSR. If the crime did not occur on Clery Act designated geography, or it cannot be determined from the report whether the incident(s) occurred on Clery Act designated geography or is a Clery crime, it

will not be included in the ASFSR, as per federal regulations. However, Lafayette may be obligated to investigate when there is a report of sexual assault, domestic violence, dating violence and/or stalking.

The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members and students, in particular, may be more likely to report incidents to other College partners who the person involved knows and trusts.

The Clery Act defines a Campus Security Authority (CSA) as:

- Officials with significant responsibility for student and campus activities
- A campus police or security department
- Individuals who have responsibility for campus security
- Individuals or offices designated to receive crime reports

Campus Security Authorities or CSAs are not investigators, but are required to report Clery crimes to the Department of Public Safety (DPS) as soon as they have knowledge of a reported crime. This timely reporting allows DPS to accurately monitor crime trends and assist in determining whether a Timely Warning Notice is necessary. Further, the Clery Act mandates the collection of information regarding crimes from non-law enforcement "Campus Security Authorities" (i.e. Resident Advisers, Coaches and other Athletics Division Officials, Sports Club Coaches, Student Club Advisors, certain College administrators, Dean of Advising and Co-Curricular Programs, Faculty who reside in residence halls, Residence Life Staff) having "significant responsibility for students or campus activities," while FBI statistics include only crimes reported to the Department of Public Safety.

Public Safety's website <https://publicsafety.lafayette.edu/> contains information about the Clery Act, contact information for Clery Compliance, definitions and requirements for Campus Security Authorities, and an online CSA Reporting Form that will allow CSAs to submit their crime reports directly to the Department of Public Safety. Please refer to <https://cm.maxient.com/reporting.php?LafayetteCollege> for the form.

Anonymous Reporting

Anyone may call the Department of Public Safety at (610) 330-5330, or in an emergency (610) 330-4444 to report a crime or concerning information. Callers may remain anonymous.

Members of the campus community may also report crimes anonymously to the Department of Public Safety via the One Pard Universal Reporting Form found at <https://onepard.lafayette.edu>

Non-emergency reports of sexual assault, sexual harassment, domestic violence, dating violence and stalking may be reported anonymously via a website <http://sash.lafayette.edu>.

Bias related incidents may also be reported anonymously via the One Pard Universal Reporting Form.

When an anonymous report is received, Lafayette College will conduct an investigation to the best of its abilities with the information available.

Confidential Support and Information

Pastoral and Professional Counselors

Pastoral and professional counselors are available for confidential support and information. The information disclosed to them is not considered a report to the institution.

Pastoral and licensed counselors who are appropriately credentialed and hired by the College are legally exempt from Clery crime reporting requirements and are not considered Campus Security Authorities when they are acting in the counseling role. However, they are required to report cases of child abuse under Pennsylvania law.

Lafayette College encourages counselors, if and when they deem appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis to the Department of Public Safety for inclusion in the Annual Security and Fire Safety Report.

For confidential support and information contact one or more of the following confidential resources:

On-Campus

College Chaplains
Alex Hendrickson
College Chaplain & Director of Religious and Spiritual Life
Religious Programs
107D Farinon College Center
(610) 330-5959
hendrica@lafayette.edu

Alex Malanych
Assistant Director of Religious & Spiritual Life and Hillel
Advisor
Religious & Spiritual Life
(610) 330-3171
malanyca@lafayette.edu

The Counseling Center
Bailey Health Center (2nd floor)
(610) 330-5005

Available during regular business hours.
Appointments are encouraged.

Off-Campus

Crime Victims Council of the Lehigh Valley (CVC)
2132 South 12th St., Suite 101
Allentown, PA 18101
24-Hour Hotline: (610) 437-6611
www.cvclv.org

Turning Point of Lehigh Valley
www.turningpointlv.org
444 E. Susquehanna Street
Allentown, PA
24-Hour Hotline: (877) 438-4957

Rape, Abuse and Incest National Network (RAINN)
rainn.org
24-Hour Hotline: (800) 656-HOPE (4673)

Timely Warning procedures

Making the decision to issue a timely warning. If a Clery Act crime occurs on campus, in non-campus buildings or on non-campus property that Lafayette College owns or controls, or on public property that is within or immediately adjacent to campus, that in the judgment of public safety officials constitutes a serious or continuing threat to members of the college community, a "timely warning" will be issued. In those cases where the reported crime occurs between two individuals who know each other, the Department of Public Safety will look at the totality of the circumstances in determining whether there is an ongoing threat to others.

To assist the Department of Public Safety in making timely warnings, everyone should immediately report crimes and other serious incidents directly to the Department of Public Safety via any of the above methods.

Determining the content of a timely warning. The Director of Public Safety, or his designee, determines the content of timely warning notices. Timely warning notices will include information concerning the nature, location and time of the crime along with the description of any suspects if available. Timely warning notices will withhold the names of victims and other information that may identify the victim. The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery Act and will consider all available facts.

Issuing a Timely Warning. The Director of Public Safety or his designee issues timely warning notices via Lafayette College email to every active student, faculty and staff member. Email notices may be supplemented by posting written notices.

Monitoring and Recording of Non-Campus Criminal Activity

Lafayette College does not have any officially recognized student organizations that have non-campus locations or non-campus residential facilities. Lafayette Public Safety does not provide campus safety services to non-campus locations not owned or controlled by the College. Criminal activity at non-campus locations are monitored by local, county, state and federal law enforcement agencies. These agencies provide Lafayette College with information of non-campus criminal activity involving students. The Student Code of Conduct is applicable to all students while at non-campus locations and the College may enforce its policies through judicial sanctions.

Security and access to campus facilities

Public Safety personnel also report non-working exterior lights and potential hazards observed during their daily campus patrols. Public Safety officers regularly check the buildings and grounds during their patrols. Resident Advisers conduct regular walk-throughs in on-campus residence halls. Maintenance of facilities for security related issues are performed by Facilities Operations personnel.

All residence halls are normally locked 24 hours a day. Students and residence hall personnel are issued electronic access cards to their respective buildings, and students are issued one room key per occupant. Most residence halls are equipped with burglar-alarm systems designed to protect student property during vacations.

All academic, administrative, and athletic buildings are locked in the evenings and on weekends according to the scheduled use of the facilities. Access to these facilities is limited to students, faculty, staff, their guests, and visitors conducting official College business. All campus residence halls and some academic and athletic buildings are on an electronic access control system. To gain access to these buildings, students, faculty, and staff members use electronic access cards rather than keys.

Closed-circuit television cameras monitor various exterior areas and some campus parking lots.

Crime Prevention

Programs about Campus Security Procedures and Practices

There are a number of security awareness programs offered throughout the year to inform the campus community about campus security procedures and practices. The best way for Lafayette College to remain a safe campus is for all to be responsible for our own security and that of others. This is best accomplished by being aware of your surroundings and reporting any concerns or suspicious activities immediately to the Department of Public Safety.

The Department of Public Safety publishes crime prevention tips and other information on safety and security procedures and makes these materials available to students, faculty, administrators, and staff. Also, the Public Safety website contains crime prevention materials. Specially trained crime-prevention officers are available to make presentations. Students and staff are encouraged to be responsible for their own security and to promptly report matters of concern to the Department of Public Safety.

Safety Services

Security of Buildings

Officers patrol campus on a continuous basis, twenty four hours a day, seven days a week, 365 days a year. The officers ensure buildings are locked and unlocked according to predetermined times. Residential living quarters are secured twenty four hours a day.

Vehicle Jump Starts and Lockouts

Lafayette College safety vehicles contain an array of equipment to better serve the Lafayette College community. Some

of this equipment includes battery starter kits and lockout kits.

Medical Transports

Medical transports are available to take students within ten miles of the college campus to doctor's appointments involving the injury approved for the medical transport. In some cases, students may be eligible for transportation to and from classes on campus. To be eligible, students need the approval of Bailey Health Center, Athletic Trainer or Disability Services.

Campus Shuttle Service

The Lafayette College Area Transportation (LCAT) shuttle schedule connects the main campus with the downtown Williams Arts Campus. The live online tracking system can be checked to see where the LCAT shuttles are right now. You can also access it on your mobile device no matter where you are by clicking the "Shuttle" button on the Lafayette College mobile homepage.

Bus Service

A partnership between the College and the Lehigh and Northampton Transit Authority (LANTA) provides transportation at no cost to current students, faculty and staff. LANTA Bus service operates 363 days a year and provides reliable and consistent access to the Easton Bus Terminal, with stops along Cattell Street

Walking Safety Escorts

Daily, during evening hours, the Department of Public Safety provides walking safety escorts. This service provides an alternative to walking alone after dark. The service is designed for students but is open to the entire College community. Faculty, staff, and students may request a safety escort by contacting the Office of Public Safety at 610-330-5330.

Blue Light Emergency Phones

Exterior phones are strategically located throughout the campus and are readily identified at night by blue lights located above or near them. The phones are equipped with red emergency buttons for direct connection to Public Safety for police, fire, or medical emergencies.

Prevention Programs

RA Training

Annually, at the beginning of each semester Public Safety partners with Residence Life to provide all Resident Advisor (RA) students with in person discussions regarding crime prevention and safety awareness programming. The RAs are trained on how to protect themselves when handling an incident and procedures for notifying Public Safety. Among the topics discussed are incident management in conjunction with Public Safety for several types of crimes, fire safety and crime prevention techniques to protect the resident students within the residence halls. Campus Security Authority (CSA) training is included.

Self Defense Training

Annually, Public Safety officers, certified in the R.A.D. System of Self Defense, facilitate a comprehensive course in instruction to students and provide realistic self-defense tactics and techniques. The course begins with awareness, prevention, risk reduction and avoidance, while progressing to the basics of hands-on defense training.

Resource Tables

Annually, Public Safety staff set up designated tables throughout the year to inform and provide students, staff and community members with crime prevention and safety materials.

Leopard Aware - Preparing our Community to Respond to Emergencies on Campus

Annually, Public Safety provides the requesting group with a detailed emergency response plan to an active threat situation. The following information is provided: Run-Hide-Fight philosophy; Police response for these types of situations; Lafayette emergency notification procedures and prevention of such incidents.

Daily Crime and Fire Logs

Public Safety maintains Daily Crime and Fire Logs. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to Public Safety. The log is designed to provide crime information on a more timely basis than the annual statistical disclosures. The crime log for the most recent 60-day period is open to public inspection, free of charge, upon request, during normal business hours.

ITS Security Awareness Training

Information Technology Services has partnered with InfoSec Institute. The educational series of brief videos is focused on increasing cybersecurity awareness and best practices for work and home (annually).

Mental Health Training

All Lafayette students have the opportunity to complete a mental health and well-being training module that was created to support a public health approach to community wellness.

Mental Well-Being for Students: This online training provides the opportunity to learn essential skills and information to navigate the stressors and emotional challenges associated with college life. The 45-minute course helps students practice self-care strategies, recognize when they or their peers are in distress, and take action to find additional support.

All new employees complete online training and participate in new employee orientation on the following topics:

Sexual Assault
Domestic Violence
Dating Violence
Stalking
Title IX and Mandated Reporters
Policy review & sexual harassment
New employee orientation

Lafayette College Anti-Hazing Policy and Programs

Hazing Definition

Lafayette College ("Lafayette" or the "College") does not tolerate Hazing. Organizations or individuals found responsible for Hazing under this Anti-Hazing Policy (the "Policy"), whether occurring on or off campus, may be subject to disciplinary action by the College, and may also face criminal charges under state or other applicable laws. This Policy is intended to implement the federal Stop Campus Hazing Act and Pennsylvania's Timothy J. Piazza Anti-Hazing Law at the College.

Definitions

Hazing is intentionally, knowingly, or recklessly, for the purpose of initiating, admitting, or affiliating a Student into or with an Organization, or for the purpose of maintaining, continuing, or enhancing a Student's membership or status in an Organization, causing or creating a risk, above the reasonable risk encountered in the course of participation in College or Organization activities, of physical or psychological injury. This includes, but is not limited to, any criminal act; any act which places another person in reasonable fear of bodily harm; or any act causing, coercing, forcing, or otherwise inducing a Student to do any of the following:

1. Violate federal, state, Tribal, or local law, or College policy.
2. Consume any food, liquid, alcohol/alcoholic liquid, drugs or other substances, including, but not limited to, those which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, striking, electric shocking, placing of a harmful substance on someone's body, sleep deprivation, confinement in a small space, branding, calisthenics, or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature or perform sexual acts.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

For the purposes of this Policy, It is not a defense to a charge of any Prohibited Conduct that the consent of the Student was sought or obtained or that the conduct was sanctioned or approved by the Organization or the College. Prohibited Conduct may be committed individually or in concert with other persons.

Aggravated Hazing is when a person commits an act of Hazing that results in serious bodily injury or death to the Student and (i) the person acted with reckless indifference to the health and safety of the Student, or (2) caused, coerced, or forced the consumption of alcohol/alcoholic liquid or drugs by the Student.

Organizational Hazing is when an Organization intentionally, knowingly, or recklessly promotes or facilitates an act of Hazing or Aggravated Hazing.

For the purposes of this Policy only, an **Organization** is a club, society, association, corporation, corps, order, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, student government, or other service, social, or similar group in which two (2) or more of the members are Lafayette Students, whether or not the Organization is established or recognized by the College.

For purposes of this Policy only, a **Student** is an individual who attends, has applied to attend, or has been admitted to the College.

Retaliation is 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. Retaliation is prohibited and may result in the imposition of disciplinary action.

Reporting Incidents of Hazing

Students, staff, and faculty are encouraged to report incidents of Prohibited Conduct. Reports may be made or filed through any of the following options:

- File a complaint with, or give a verbal notice directly to, as applicable:
 - ◊ For complaints involving alleged Prohibited Conduct by Students:
 - » The Dean of Students
 - » The Director of Residence Life, or a Residence Life Office professional staff member
 - » The Associate Director of Fraternity & Sorority Life
 - » The Director of Student Involvement, or a Student Involvement professional staff member
 - » The Director of Institutional Equity/Title IX Coordinator
 - ◊ For complaints involving alleged Prohibited Conduct by employees:
 - » The Associate Vice President of Human Resources
 - » The Director of Institutional Equity/Title IX Coordinator
- Submit an online report via OnePard, at <http://onepard.lafayette.edu/>. The online reporting tool is only monitored during regular business hours and should not be used in emergencies or situations where an immediate response is required. In such situations, call 911, or contact Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).
 - ◊ Anonymous reports are accepted. Anonymous reporting may limit the College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to impacted individuals who are the subject of anonymous reports.

- Use the toll-free Anonymous Tip Hotline (1-800-539-6085).
- Report to law enforcement. The Department of Public Safety and Easton Police Department are available 24 hours a day to receive reports. Call Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency). Call the Easton Police Department at (610) 759-2200 (main number), or 911 (emergency).

A professional staff member may reach out to the reporter to gather additional information, if deemed necessary. Once the report is filed, the College will follow the process described below.

Individuals who are Campus Security Authorities (CSAs) are required to report Prohibited Conduct, and may not satisfy this obligation by reporting anonymously.

Sometimes, individuals are hesitant to assist others for fear that they may get in trouble themselves. The College maintains a policy of amnesty for Students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need. The College may offer amnesty to employees on a case-by-case basis.

If you, or someone else, are in immediate danger, or if there could be an ongoing threat to you, another individual, or the community, please call 911.

Process Used to Investigate Incidents of Hazing For Students -

Allegations of Prohibited Conduct under this Policy against Students are adjudicated through the Code of Conduct Process, as described in the Student Handbook:

1. Incident of alleged Prohibited Conduct occurs.
2. Students, faculty, staff, or community members report the incident.
3. The Office of Student Conduct works with Public Safety to investigate the allegations.
 - a. Public Safety will conduct the investigation.
 - b. If necessary, the dean of students, or designee, may initiate an investigation to collect more information before determining if allegations will be pursued by Public Safety.
4. If appropriate, the responding Student, Organization, or both will be sent through the Code of Conduct process.
 - a. A Case Administrator or Student Conduct Board will determine responsibility.
 - i. The Student or Organization will be notified in writing of the meeting with the Case Administrator or Student Conduct Board.
 - ii. During the process, the Student or Organization will be allowed to tell their side of the story, accept or deny responsibility, present evidence, ask questions, and make statements.

b. A Case Administrator or Student Conduct Board will impose sanctions according to the Accountability Plan under the Code of Conduct Process within the Student Handbook.

5. The Student or Organization will be notified of the outcome in a writing which outlines the determination of responsibility and imposed sanctions.

NOTE: Requesting to adjust the language to say, “The Student or Organization will be notified of the outcome in a writing, which outlines the determination of responsibility, imposed sanctions, and interim measures, as explained in the Student Handbook in Section 4: Student Conduct Procedures and Section 6: Accountability Plans.”

6. The Student or Organization will receive information regarding appeal eligibility.

The professional staff member will follow up with the Student or Organization to offer continued support, provide further education, and reinforce expectations.

For Employees -

Allegations of Prohibited Conduct under this Policy against employees of the College – including failure to report Prohibited Conduct where required – are adjudicated through the applicable sections of the Faculty and Staff Handbooks. Employees who violate this Policy may be disciplined, up to and including termination, and the College may impose interim actions during the pendency of any investigation under this Policy in a manner consistent with the Faculty and Staff Handbooks and/or College policy.

For More Information About Hazing

The College offers campus-wide prevention and awareness programs related to Hazing, including programming designed to reach Students and employees, in order to provide information about this Policy; primary prevention strategies intended to stop Hazing before it occurs; and strategies for building group cohesion without Hazing. Information about these prevention and awareness programs is found in Appendix A to this Policy.

For additional information regarding Federal or State criminal law, review Stop Campus Hazing Act, Jeanne Clery Campus Safety Act, and/or Timothy J. Piazza Anti-Hazing Law.

Hazing Awareness and Prevention Programs

Student Organization Officer Training

An annual requirement for registered student organization leaders to understand campus expectations, resources, and policies. Hazing education is a critical part of this program, ensuring that the new leaders understand the definition, laws, and reporting processes on Lafayette’s campus.

Hazing Awareness Week

These Hands Don’t Haze—is a week-long and interactive program to gain the attention of students and make available resources regarding hazing awareness; specifically covering

the definition of hazing, campus policies, local/state/federal laws, on-campus resources, and reporting/conduct structures in place.

Dough Nut Haze Breakfast—is a program in partnership with the Dunkin’ Cruiser and Dunkin’ to provide free coffee and donuts to students, faculty, and staff, while providing resources regarding hazing awareness; specifically covering the definition of hazing, campus policies, local/state/federal laws, on-campus resources, and reporting/conduct structures in place.

Hazing Awareness Gallery—is a day-long program in which each fraternity and sorority chapter creates a large tri-fold poster that provides educational material around hazing awareness. The topics highlighted are include local/state/federal laws, hazing in fraternities and sororities, hazing in athletics, hazing in student organizations, hazing in the workforce, and much more. As part of the program, there is a poster seeking student feedback on what they learned or took away from the gallery.

New Member Seminar—is a 3-hour program introducing the newest fraternity and sorority members in the community. A portion of this program, led by Jake Bates, focuses on ensuring the new members are aware of the definition of hazing, campus policies, local/state/federal laws, on-campus resources, and reporting/conduct structures in place. A portion of the program engages in the students to understand their initial thoughts on what hazing is and highlights the lives lost due to hazing across fraternity and sorority life.

Leadership Development Series—is an annual program hosted to support the officer transitions within fraternity and sorority community. One of these sessions is geared towards chapter presidents and risk management officers to ensure their understanding of hazing and their responsibility to their members and the College.

Dating Violence, Domestic Violence, Sexual Assault and Stalking (Sexual Misconduct)

VAWA Offenses as Defined by the State of Pennsylvania

Pennsylvania’s Criminal Definition of “Consent”

Although the statutes of the Commonwealth of Pennsylvania do not contain a specific definition of “consent” in the context of dating violence, domestic violence, sexual assault, or stalking, the Pennsylvania statutes do contain a general definition of “consent” as it pertains to crimes under the Pennsylvania Crimes Code.

311. Consent.

(a) General rule.—The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(b) Consent to bodily injury.—When conduct is charged to constitute an offense because it causes or threatens bodily

injury, consent to such conduct or to the infliction of such injury is a defense if:

- (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
 - (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).
- (c) Ineffective consent.—Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
- (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense; (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
 - (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
 - (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Pennsylvania's Definitions Regarding Sexual Assault

3101. Definitions

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Complainant.” An alleged victim of a crime under this chapter.

“Deviate sexual intercourse.” Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

“Forcible compulsion.” Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person’s death, whether the death occurred before, during or after sexual intercourse.

“Foreign object.” Includes any physical object not a part of the actor’s body.

“Indecent contact.” Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

“Serious bodily injury.” As defined in section 2301 (relating to definitions).

“Sexual intercourse.” In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

3121. Rape

(a) Offense defined.—A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
 - (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
 - (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
 - (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
 - (5) Who suffers from a mental disability which renders the complainant incapable of consent.
 - (6) (Deleted by amendment.)
- (b) Additional penalties.—In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years’ confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.
- (c) Rape of a child.—A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.
- (d) Rape of a child with serious bodily injury.—A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.
- (e) Sentences.—Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:
- (1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
 - (2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

3122.1. Statutory sexual assault

(a) Felony of the second degree.—Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- (1) four years older but less than eight years older than the complainant; or
 - (2) eight years older but less than 11 years older than the complainant.
- (b) Felony of the first degree.—A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

3123. Involuntary deviate sexual intercourse

(a) Offense defined.—A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or
- (6) (Deleted by amendment.)
- (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

(b) Involuntary deviate sexual intercourse with a child.—A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

(c) Involuntary deviate sexual intercourse with a child with serious bodily injury.—A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(d) Sentences.—Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

- (1) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
- (2) Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

(e) Definition.—As used in this section, the term “forcible compulsion” includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

3124.1. Sexual assault

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

3124.2. Institutional sexual assault.

(a) General rule.—Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center,

youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

(a.1) Institutional sexual assault of a minor.—A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

(a.2) Schools.—

(i) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

(i) “Direct contact.” Care, supervision, guidance or control.

(ii) “Employee.”

(A) Includes:

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.

(II) An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

(B) The term does not include:

(I) A student employed at the school.

(II) An independent contractor or any employee of an independent contractor who has no direct contact with school students.

(iii) “School.” A public or private school, intermediate unit or area vocational-technical school.

(iv) “Volunteer.” The term does not include a school student.

(a.3) Child care.—Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Agent.” A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

“Center for children.” Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth. The Department of Public Welfare was redesignated as the Department of Human Services by Act 132 of 2014.

3124.3. Sexual assault by sports official, volunteer or employee of nonprofit association.

(a) Sports official.—Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in a sports program of the nonprofit association or for-profit association.

(b) Volunteer or employee of nonprofit association.—Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with that child.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Direct contact.” Care, supervision, guidance or control.

“Nonprofit association.” As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

“Sports official.” A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces

the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

“Sports program.” As defined in 42 Pa.C.S. § 8332.1.

3125. Aggravated indecent assault

(a) Offenses defined.—Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person’s body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- (1) the person does so without the complainant’s consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
- (5) the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders him or her incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

(b) Aggravated indecent assault of a child.—A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

(c) Grading and sentences.—

- (1) An offense under subsection (a) is a felony of the second degree.
- (2) An offense under subsection (b) is a felony of the first degree.

3126. Indecent assault

(a) Offense defined.—A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant’s consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant,

drugs, intoxicants or other means for the purpose of preventing resistance;

(6) the complainant suffers from a mental disability which renders the complainant incapable of consent;

(7) the complainant is less than 13 years of age; or

(8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

(b) Grading.—Indecent assault shall be graded as follows:

(i) An offense under subsection (a)(1) or (8) is a misdemeanor of the second degree.

(2) An offense under subsection (a)(2), (3), (4),

(5) or (6) is a misdemeanor of the first degree.

(3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:

(i) It is a second or subsequent offense.

(ii) There has been a course of conduct of indecent assault by the person.

(iii) The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.

(iv) The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

3127. Indecent exposure

(a) Offense defined.—A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

(b) Grading.—If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection

(a) is a misdemeanor of the second degree.

3129. Sexual intercourse with animal.

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

3130. Conduct relating to sex offenders.

(a) Offense defined.—A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender's probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:

(i) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offender's whereabouts;

(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;

(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or

(4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

(b) Definition.—As used in this section, the term "sex offender" means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H or I.

3131. Unlawful dissemination of intimate image

(a) Offense defined.—Except as provided in sections 5903 (relating to obscene and other sexual materials and performances), 6312 (relating to sexual abuse of children) and 6321 (relating to transmission of sexually explicit images by minor), a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.

(b) Defense.—It is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted.

(c) Grading.—An offense under subsection (a) shall be:

(i) A misdemeanor of the first degree, when the person depicted is a minor.

(2) A misdemeanor of the second degree, when the person depicted is not a minor.

(d) Territorial applicability.—A person may be convicted under the provisions of this section if the victim or the offender is located within this Commonwealth.

(e) Nonapplicability.—Nothing in this section shall be construed to apply to a law enforcement officer engaged in the performance of the law enforcement officer's official duties.

(f) Concurrent jurisdiction to prosecute.—In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if a challenge is made, the challenge shall be dismissed, and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

(g) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise: "Law enforcement officer." Any officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated in this title or an equivalent crime in another

jurisdiction, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

“Minor.” An individual under 18 years of age.

“Nudity.” As defined in section 5903(e).

“Sexual conduct.” As defined in section 5903(e).

“Visual depiction.” As defined in section 6321.

Pennsylvania Definition of “Stalking”

2709.1. Stalking

(a) OFFENSE DEFINED.— A person commits the crime of stalking when the person either:

(1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(b) VENUE.—

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(c) GRADING.—

(1) Except as otherwise provided for in paragraph

(2), a first offense under this section shall constitute a misdemeanor of the first degree.

(2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.

(d) FALSE REPORTS.— A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) APPLICATION OF SECTION.— This section shall not apply to constitutionally protected activity.

(f) DEFINITIONS.— As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Communicates.” To convey a message without intent of legitimate communication or address by oral, nonverbal, writ-

ten or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

“Course of conduct.” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

“Emotional distress.” A temporary or permanent state of mental anguish.

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Pennsylvania Statutes Relating to Dating Violence

Pennsylvania does not contain a statute specifically addressing dating violence. The various statutes below address dating violence within the context of seeking a protective order from the applicable court.

§ 62A02. Findings and purpose.

The General Assembly finds and declares that:

(1) Sexual violence is the most heinous crime against a person other than murder.

(2) Sexual violence and intimidation can inflict humiliation, degradation and terror on the victim.

(3) According to the Department of Justice, someone is sexually assaulted every two minutes in the United States.

(4) Rape is recognized as one of the most underreported crimes, and studies indicate that only one in three rapes is reported to law enforcement.

(5) Victims of sexual violence and intimidation desire safety and protection from future interactions with their offender, regardless of whether they seek criminal prosecution.

(6) This chapter provides the victim with a civil remedy requiring the offender to stay away from the victim, as well as other appropriate relief.

§ 62A03. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Adult.” An individual who is 18 years of age or older.

“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court, regardless of whether or not there is a raised seal on the copy of the order of the issuing court.

“Confidential communications.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Coparticipant.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Court.” The court or magisterial district judge having jurisdiction over the matter under and exercised as provided in this title or as otherwise provided or prescribed by law.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, bail commissioner appointed under section 1123 (relating to jurisdiction and venue), master appointed under section 1126 (relating to masters) or master for emergency relief.

“Intimidation.” Conduct constituting a crime under either of the following provisions between persons who are not family or household members:

18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

18 Pa.C.S. § 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 62A09(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Plaintiff.” An individual who applies for a protection order, either for the benefit of that individual or on behalf of another individual.

“Protection order” or “order.” An order issued under this chapter designed to protect a victim of sexual violence or intimidation.

“Rape crisis center.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Sexual assault counselor.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Sexual violence.” Conduct constituting a crime under any of the following provisions between persons who are not family or household members:

18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

18 Pa.C.S. § 6301(a)(i)(ii) (relating to corruption of minors).

18 Pa.C.S. § 6312(b) (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

“Sheriff.” The sheriff of a county or, in a city of the first class, the chief or head of the police department.

“Victim.” A person who is the victim of sexual violence or intimidation.

§ 62A07. Relief.

(a) Order or consent agreement.—The court may issue an order or approve a consent agreement to protect the plaintiff

or another individual, as appropriate, from the defendant.

(b) General rule.—An order or a consent agreement may include:

(i) Prohibiting the defendant from having any contact with the victim, including, but not limited to, restraining the defendant from entering the victim’s residence, place of employment, business or school. This may include prohibiting indirect contact through third parties and also prohibiting direct or indirect contact with other designated persons.

(2) Granting any other appropriate relief sought by the plaintiff.

(c) Duration and amendment of order or agreement.—A protection order or an approved consent agreement shall be for a fixed period of time not to exceed 36 months. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(d) Extension of protection orders.—

(i) An extension of an order may be granted:

(i) Where the court, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 62A05 (relating to commencement of proceedings) and 62A06 (relating to hearings), finds that the extension is necessary because the defendant engaged in one or more acts or finds some other circumstances that, in the discretion of the court, demonstrate a continued risk of harm to the victim.

(ii) When a contempt petition or charge has been filed with the court or, in a county of the first class, a hearing officer, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition.

(2) Service of an extended order shall be made in accordance with section 62A05(d).

(3) There shall be no limitation on the number of extensions that may be granted.

(e) Notice.—Notice shall be given to the defendant stating that violations of the order will subject the defendant to arrest under section 62A12 (relating to arrest for violation of order) or contempt of court under section 62A14 (relating to contempt for violation of order).

(f) Incarceration.—When the defendant is or was incarcerated and will be released from custody in the next 90 days or has been released from custody within the past 90 days, a plaintiff does not need to show that the defendant engaged in one or more acts that indicate a continued risk of harm to the victim in order to obtain an extension or a subsequent protection order under this chapter.

(g) Identifying information.—Any order issued under this chapter shall, when furnished by either party, specify the Social Security number and date of birth of the defendant.

Pennsylvania Statutes Relating to Domestic Violence

Pennsylvania does not contain a statute specifically addressing dating violence. The various statutes below address dating violence within the context of seeking a protective order from the applicable court.

2711. Probable cause arrests in domestic violence cases.

(a) General rule.—A police officer shall have the same right of arrest without a warrant as in a felony whenever he has

probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) or 2718 (relating to strangulation) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term “family or household member” has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

(b) Seizure of weapons.—The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

(c) Bail.—

(1) A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.

(2) In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. In making a determination whether the defendant poses a threat of danger to the victim in cases under this section, the issuing authority may use a pretrial risk assessment tool as set forth in subsection (c.1). If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victim’s place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendant’s arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

(c.1) Pretrial risk assessment tool.—The president judge of a court of common pleas may adopt a pretrial risk assessment tool for use by the court of common pleas or by the Philadelphia Municipal Court, the Pittsburgh Magistrates Court or magisterial district judges when acting as the issuing authority in cases under this section. The issuing authority may use the pretrial risk assessment tool to aid in determining whether the defendant poses a threat of danger to the victim. However, the pretrial risk assessment tool may not be the only means of determining whether to admit the defendant to bail. Nothing in this subsection shall be construed to conflict with the issuing authority’s ability to determine whether to admit the defendant to bail under the Pennsylvania Rules of Criminal Procedure.

(c.2) Pennsylvania Commission on Sentencing.—The following apply to the Pennsylvania Commission on Sentencing:

(1) The commission shall develop a model pretrial risk assessment tool which may be used by the issuing authority in cases under this section, as set forth in subsection (c.1).

(2) Subject to any inconsistent rule of court, in order to ensure that the model pretrial risk assessment tool or other pretrial risk assessment tool adopted under this section is effective, accurate and free from racial or economic bias, prior to the adoption of the tool, the commission shall publish a report of validation using information from cases from the judicial district where the tool is to be utilized. The report shall be updated every two years.

(d) Notice of rights.—Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: “If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- (1) An order restraining the abuser from further acts of abuse.
- (2) An order directing the abuser to leave your household.
- (3) An order preventing the abuser from entering your residence, school, business or place of employment.
- (4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
- (5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

6102. Definitions.

(a) General rule.—The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Abuse.” The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

“Adult.” An individual who is 18 years of age or older.

“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court

or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

“Comparable court.” A foreign court that:

- (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and
- (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

“Confidential communications.” All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

“Domestic violence counselor/advocate.” An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

“Foreign protection order.” A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another

state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Other weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate

for lawful uses which it may have. The term does not include a firearm.

“Safekeeping permit.” A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

“Secure visitation facility.” A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

“Sheriff.”

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms.—Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses).

6108. Relief.

(a) General rule.—The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff if the residence or household is jointly owned or leased by the parties, is owned or leased by the entireties or is owned or leased solely by the plaintiff.

(3) If the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff or, with the consent of the plaintiff, ordering the defendant to provide suitable alternate housing.

(4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. In determining whether to award temporary custody or establish tem-

porary visitation rights pursuant to this paragraph, the court shall consider any risk posed by the defendant to the children as well as risk to the plaintiff. The following shall apply:

(i) A defendant shall not be granted custody, partial custody or unsupervised visitation where it is alleged in the petition, and the court finds after a hearing under this chapter, that the defendant:

(A) abused the minor children of the parties or poses a risk of abuse toward the minor children of the parties; or

(B) has been convicted of violating 18 Pa.C.S. § 2904 (relating to interference with custody of children) within two calendar years prior to the filing of the petition for protection order or that the defendant poses a risk of violating 18 Pa.C.S. § 2904.

(ii) Where the court finds after a hearing under this chapter that the defendant has inflicted abuse upon the plaintiff or a child, the court may require supervised custodial access by

a third party. The third party must agree to be accountable to the court for supervision and execute an affidavit of accountability.

(iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:

(A) award supervised visitation in a secure visitation facility; or

(B) deny the defendant custodial access to a child.

(iv) If a plaintiff petitions for a temporary order under section 6107(b) (relating to hearings) and the defendant has partial, shared or full custody of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under section 6107(a). Where the defendant has forcibly or fraudulently removed any minor child from the care and custody of a plaintiff, the court shall order the return of the child to the plaintiff unless the child would be endangered by restoration to the plaintiff.

(v) Nothing in this paragraph shall bar either party from filing a petition for custody under Chapter 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure.

(vi) In order to prevent further abuse during periods of access to the plaintiff and child during the exercise of custodial rights, the court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.

(5) After a hearing in accordance with section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under sections 4324 (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage pay-

ments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.

(6) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff's relatives or minor children.

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's other weapons and ammunition which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i) (A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term “cause” shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court’s order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff pursuant to this paragraph. Where the sheriff is designated, the sheriff shall secure custody of the defendant’s firearms, other weapons or ammunition and any firearm license listed in the court’s order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant’s relinquished firearms, the sheriff shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant’s other weapons and ammunition, the sheriff shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition.

(iii) The sheriff shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs’ offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

- (A) upon an order of the court granted upon cause shown;
- (B) as necessary, by law enforcement and court personnel; or
- (C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term “defendant’s firearms” shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant’s personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant’s business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial

assets of the defendant’s business while fulfilling the goals of this chapter.

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.

(9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and 2709.1 (relating to stalking).

(10) Granting any other appropriate relief sought by the plaintiff.

(b) Identifying information.—Any order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant.

(c) Mutual orders of protection.—Mutual orders of protection shall not be awarded unless both parties have filed timely written petitions, complied with service requirements under section 6106 (relating to commencement of proceedings) and are eligible for protection under this chapter. The court shall make separate findings and, where issuing orders on behalf of both petitioners, enter separate orders.

(d) Duration and amendment of order or agreement.—

A protection order or approved consent agreement shall be for a fixed period of time not to exceed three years. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(e) Extension of protection orders.—

(i) An extension of a protection order may be granted:

(i) Where the court finds, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child.

(ii) When a contempt petition or charge has been filed with the court or with a hearing officer in Philadelphia County, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition and may be extended for another term beyond the disposition of the contempt petition.

(2) Service of an extended order shall be made in accordance with section 6109 (relating to service of orders).

(3) There shall be no limitation on the number of extensions that may be granted.

(f) Support procedure.—The domestic relations section shall enforce any support award in a protection order where the plaintiff files a complaint for support under subsection (a) (5).

(g) Notice.—Notice shall be given to the defendant, in orders issued under this section, stating that violations of an order will subject the defendant to arrest under section 6113 (relating to arrest for violation of order) or contempt of court under section 6114 (relating to contempt for violation of order or agreement). Resumption of co-residency on the part of the plaintiff and defendant shall not nullify the provisions of the court order.

(h) Title to real property unaffected.—No order or agreement under this chapter shall in any manner affect title to any real property.

These definitions are included as part of the content of primary and ongoing prevention and awareness programs/campaigns for new and current students and employees.

Bystander Intervention and Risk Reduction

It Only Takes One Pard to Make a Difference.

The College provides information on reducing risk in various ways, and provides numerous opportunities for students and employees to increase both their knowledge on the risks and ways in which those risks can be addressed. Information includes bystander intervention tactics, options to decrease violence and options for victim support.

We are a community and we care about each other. One person stepping up to help another can make a world of difference, and as members of a common community anyone can be the one to make that difference for a fellow Pard. If you see something you are concerned about, the Lafayette community needs you to intervene and/or report. Any member of the Lafayette or broader community (students, faculty, staff, parents, alumni, etc.) can submit a report utilizing our universal reporting form, located at <http://onepard.lafayette.edu>.

The College is clear in the information that it provides that it is never the victim's fault in these situations. It provides strategies that may reduce risk and allow individuals to take an active role in increasing their safety or the safety of those they care about. Those strategies include safety planning, including having a back-up plan, keeping an eye on friends, practicing safe drinking, trusting your instincts and checking in with yourself, and being aware of your surroundings.

In addition, the Department of Public Safety offers instruction in the Rape Aggression Defense ("RAD") program.

What prevents individuals from getting involved?

Psychologists have often studied this subject—known as the bystander effect. A major factor is something called "diffusion of responsibility." We take stock of what's happening around us and if we are with a larger group of people, we assume that others will act. If they don't, then there's nothing we should be worried about. Here's how you can break this pattern:

- Notice the incident.
- Interpret the incident as an emergency.
- Assume responsibility.
- Attempt to help.

Some Safe and Positive Options for Bystander Intervention:

- Approach everyone as a friend.
- Do not be antagonistic.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help if necessary.
- Keep yourself safe.

If things get out-of-hand or become serious, contact Public Safety at (610)-330-4444.

Support Resources On and Off Campus

Lafayette College and the Lehigh Valley community offer important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. A victim need not make a formal report to Lafayette College or law enforcement to access these resources that include the following:

The Office of Institutional Equity and TIX offers guidance on:

- Getting Medical Attention
- A Resource Guide on Considering Your Options
- Campus and Community Resources
- Reporting to the College

The Crime Victims Council of the Lehigh Valley (CVCLV) has:

- 24 hour hotline
- Individual and Group Counseling
- Prevention Education and Community Outreach
- Court Advocacy
- Victim Compensation

The Turning Point of the Lehigh Valley offers:

- Temporary Emergency Shelter
- Individual Counseling & Support Groups for Adults and Children
- Court Advocacy
- Advocacy with Agencies & Services such as Welfare, Housing Child Care and Police
- Community Education
- Prevention Programs
- Medical Advocacy

Services offered by the Counseling Center

- Consultation Clinic
- Group counseling
- Couples counseling
- Individual counseling
- Referrals to counseling professionals in the local community
- Advice on helping students in distress for students, faculty/staff, and parents
- Crisis intervention services
- Educational programs

The College's Employee Assistance Program (EAP) program gives you access to services that address personal life challenges, and connects you to valuable resources and guidance, while providing confidential support in areas concerning the management of work-life issues. Services include:

- Online, telephonic, and face to face counseling sessions
- Emergency counseling resources
- Financial and legal resources
- Self-assessments
- Videos and articles

On-Campus Resources

Director of Student Advocacy and Prevention

Karmen Brown
104 Feather House
(610) 330-3331
brownkm@lafayette.edu

Director of Institutional Equity and Title IX Coordinator

Karen A. Salvemini
006 Markle Hall
(610) 330-5649
salvemik@lafayette.edu
titleix@lafayette.edu
Deputy Title IX Coordinators
Dean of Faculty
Lauren Anderson
219 Markle Hall
(610) 330-5965
andersol@lafayette.edu

Associate Vice President of Human Resources

Ali Dougherty
12 Markle Hall
(610) 330-3172
dougheal@lafayette.edu

Associate Director of Residence Life

Terrence Haynes
114 Kirby House
haynest@lafayette.edu
(610) 330-5335

Department of Public Safety

901 Bushkill Drive
(610) 330-5330; (610) 330-4444 (emergency)

International Student Adviser

107A Farinon College Center
(610) 330-5546

Office of Student Conduct

210 Feather House
(610) 330-3564

Financial Aid Office

107 Markle Hall
(610) 330-5758

Confidential Resources

College Chaplains

Alex Hendrickson
College Chaplain & Director of Religious and Spiritual Life
Religious Programs
107D Farinon College Center
(610) 330-5959
hendrica@lafayette.edu

Alex Malanych

Assistant Director of Religious & Spiritual Life and Hillel Advisor
Religious & Spiritual Life
(610) 330-3171
malanyca@lafayette.edu

The Counseling Center

Bailey Health Center (2nd floor)
(610) 330-5005
Available during regular business hours.
Appointments are encouraged.

Off-Campus Resources

Easton Police Department

48 N. Fourth St.
Easton, PA 18042
(610) 250-2282 (main number)
911 (emergency)

Off-Campus Confidential Resources

Crime Victims Council of the Lehigh Valley (CVC)

www.cvclv.org
2132 S. 12th Street, Suite 101
Allentown, PA 18101
24-Hour Hotline: (610) 437-6611

Turning Point of Lehigh Valley

www.turningpointlv.org
444 E. Susquehanna St.
Allentown, PA
24-Hour Hotline: (877) 438-4957

Rape, Abuse and Incest National Network (RAINN)

rainn.org
24-Hour Hotline: (800) 656-HOPE (4673)

What to do if you experience sexual harassment, sexual assault, dating violence, domestic violence, and stalking

Lafayette College is committed to providing prompt support services to individuals impacted by sexual harassment, sexual assault, dating violence, domestic violence, and stalking. If you or someone you know has experienced these behaviors, please consider the following:

If applicable, seek medical attention immediately. For a sexual assault, evidence can be collected at a hospital emergency room by a specially trained nurse within 96 hours of an assault. Health concerns may also be addressed while at the emergency room. For any crime, it is important you collect and bring any evidence with you, because even if you do not want to pursue criminal ac-

tion immediately, you may change your mind in the future.

To preserve evidence, don't shower or bathe, use the restroom, change your clothes, or brush your teeth. Collect anything that may be important for a criminal investigation, regardless of what crime may have occurred.

If you'd like a forensic evidence examination, the following medical facilities offer a SAFE exam (Sexual Assault Forensic Examination) by a trained nurse:

St Luke's Hospital, Anderson Campus
1872 St. Lukes Blvd., Easton
(484) 503-3000

Lehigh Valley Hospital – Cedar Crest
1200 S. Cedar Crest Blvd, Allentown
(610) 402-8027

Lehigh Valley Hospital–Muhlenberg
484 Schoenersville Road, Bethlehem
(484) 884-2521

Lehigh Valley Hospital – 17th Street
17th and Chew St, Allentown
(610) 969-2226

The College will support impacted individuals in exploring the possibility of obtaining a College no-contact order and/or a Protection From Abuse Order through the court system. Individuals may contact the Department of Public Safety and/or Director of Institutional Equity/Title IX Coordinator to explore these options.

A College no-contact order is an internal written document that prohibits an individual from making direct contact with a complainant.

A PFA order is a written document, signed by a judge which prohibits an individual from making contact with a complainant. This is a temporary court order that can be obtained from a (local) District Judge, or the Protection from Abuse Office, located on the lower level (Rm. L113), Northampton County Courthouse 669 Washington Street, Easton, PA 18042. The judge may order additional conditions against a subject. For further information on Protection from Abuse Orders, victims are encouraged to call the Northampton County Protection from Abuse Office at (610) 829-6698 or the Crime Victims Council of the Lehigh Valley (CVC) (610) 437-6611.

Consider reporting the incident: Lafayette College encourages individuals to report sexual assault, stalking, dating violence, and domestic violence to the Lafayette College Department of Public Safety at 610-330-4444 and to Karen Salvemini, Lafayette's Director of Institutional Equity, who also serves as the College's Title IX Coordinator, at 610-330-5649.

Reports may also be made by completing the appropriate online reporting form. When submitted, the information is received by the Title IX Coordinator and may be forwarded onto Public Safety as appropriate.

For confidential assistance you may contact the Counseling Center, (610) 330-5005; the Office of Religions and Spiritual

Life/College Chaplain (610) 330-5959; Student Advocacy and Prevention Coordinator (610) 330-3331, Crime Victims Council of the Lehigh Valley (610) 437-6611 (<http://www.cvc.lv.org/>); or the Rape Abuse and Incest National Network 24/7 at (800) 656-4673 or <https://rainn.org>.

Talk with other individuals on campus that you trust: a resident adviser, professor, or administrator. Know that these individuals are required to report information concerning an incident of sexual assault, domestic violence, dating violence, or stalking to the Department of Public Safety and the Lafayette College Director of Institutional Equity and TIX Coordinator.

The Director of Institutional Equity or designee will work with you to address specific supportive measures available including: residence hall relocation, academic course changes, Dean's excuses, changes in on-campus work assignments, transportation accommodations and no-contact orders.

Procedures the College will follow for reported incidents of sexual assault, dating violence, domestic violence and stalking

1. Definitions

Adviser: A person chosen by a party or appointed by the college to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination, or questioning, for the party at the hearing, if any.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal): 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: **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: A business day when the College is in normal operation.

Directly Related Evidence: Evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) or exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

Education program or activity: Locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination 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 (standard of proof) 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: “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 106.45.

Grievance Process Pool: Includes any investigators, hearing officers, appeal officers, and advisers who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision Panel (Decision-Makers): Refers to those who have decision-making and/or sanctioning authority within the College’s Formal Grievance process.

Investigator: 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 and file of directly related evidence.

Mandated Reporter: 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 or a Deputy Coordinator. Refer to sections 7 and 19 for more detailed information about Mandated Reporting.

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): 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: The Formal Grievance Process defined above.

Process B: The administrative resolution procedures that apply only when Process A does not, as determined by the Title IX Coordinator.

Recipient: A postsecondary education program that is a recipient of federal funding, referred to as the “College” throughout this document.

Relevant Evidence: Evidence that tends to prove or disprove an issue in the complaint.

Remedies: 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: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution: The result of an informal or Formal Grievance Process.

Sanction: A consequence imposed by the College on a Respondent who is found to have violated this policy.

Sexual Harassment: The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17. b., for greater detail.

Third-Party Reporter: An individual reporting to the College an incident of sexual harassment that happened to someone else.

Title IX Coordinator: 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 and deputy coordinators.

2. Statement of Purpose

Lafayette College is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community. Sexual Harassment (which includes Quid Pro Quo Harassment, as well as Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined below) in any form or context is contrary to this principle. Sexual Harassment interferes with the expectation that all individuals at the College will learn and work in an environment that is free from discrimination, and it threatens the safety, well-being, educational experience, and career of students, faculty, and staff. It will not be tolerated in any form and is prohibited by this Policy on Equal Opportunity, Harassment, and Nondiscrimination (hereinafter, the “Policy”).

Lafayette College is also committed to freedom of thought, discourse, and speech and the attainment of the highest quality of academic and educational pursuits. Consistent with the College’s Policy on Academic Freedom (Faculty Handbook, Appendix A), this Policy is not meant to prohibit or inhibit educational content or discussions that include controversial or sensitive subject matters. In articulating this Policy, the College affirms its adherence to the principle of academic freedom as well as its commitment to providing a learning and working environment free of harassment and discrimination.

The College does not discriminate on the basis of sex or gender in any of its education programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. Sexual Harassment may also constitute a form of gender-based harassment. When reported conduct involves a potential violation of both this Policy and any other College policy, the procedures set forth in this Policy will apply.

The College will provide a prompt and equitable response to reports or notice it receives about Sexual Harassment with measures designed to stop the behavior, prevent its recurrence, and address adverse effects of such conduct in College-related programs or activities. Through processes that address both prevention and remedies, this Policy aims to maintain a campus environment that is free of harassment and discrimination.

This Policy also prohibits Retaliation against individuals for reporting Sexual Harassment or participating in the processes outlined in this Policy. The College will take disciplinary action against persons who retaliate or attempt such retaliation, even if the underlying allegations of prohibited conduct are not established by a preponderance of the evidence.

The College intends to maintain, consistent with this Policy: (1) Processes sensitive to both the Complainant and Respondent in responding to reports of Sexual Harassment, which consist of informing the parties of available resources including medical, counseling, and support services and available alternative remedies; (2) prompt and equitable

processes and procedures for determining violations of this Policy which assure fairness to both the Complainant and Respondent; (3) College disciplinary sanctions for those who are found responsible for violating this Policy; (4) individual and community remedies to address the effects of Sexual Harassment; and (5) an ongoing Presidential Oversight Committee to review and provide input on the College's prevention and education programs and contemplated changes to policies and/or procedures.

General Rule Prohibiting Sexual Harassment

Sexual Harassment are forms of discrimination that violate the standards of conduct expected of every member of the College community and are strictly prohibited. Sexual Harassment, in any form, will not be tolerated in any context or position whether it be between faculty and students, faculty and other faculty, coaches and athletes, supervisors and employees, staff and students, students and other students, workers and coworkers, or others. This general rule prohibiting Sexual Harassment applies equally regardless of the relative status or position of the individuals involved.

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

When the Respondent is a member of the Lafayette community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Lafayette community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, 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. The College's Title IX Coordinator

The College's Director of Institutional Equity serves as the Title IX Coordinator and oversees the College's compliance with this Policy, consistent with the Coordinator's oversight of Title IX and related provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA). 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, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Title IX Coordinator also oversees the College's centralized response to all reports of discrimination and harassment to ensure consistent implementation of this Policy and compliance with federal and state law.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators. The Title IX Coordinator is available to address questions or provide additional clarity and guidance about College policy, procedures or available resources.

Director of Institutional Equity and Title IX Coordinator

Karen A. Salvemini

006 Markle Hall

(610) 330-5649

salvemik@lafayette.edu

titleix@lafayette.edu

5. INDEPENDENCE AND CONFLICT-OF-INTEREST

The Title IX Coordinator manages the TIX 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 TIX Coordinator, contact the Associate Vice President of Human Resources:

Ali Dougherty

12 Markle Hall

610-330-3172

dougheal@lafayette.edu.

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 TIX Coordinator should be reported to the College's Associate Vice President of Human Resources:

Ali Dougherty

12 Markle Hall

610-330-3172

dougheal@lafayette.edu

Reports of misconduct or 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:

Director of Institutional Equity and Title IX Coordinator

Karen A. Salvemini

006 Markle Hall

(610) 330-5649

salvemik@lafayette.edu

titleix@lafayette.edu

Title IX Team members include these Deputy Coordinators:

Dean of Faculty
Lauren Anderson
219 Markle Hall
610-330-5965
andersol@lafayette.edu

Associate Vice President of Human Resources

Ali Dougherty
12 Markle Hall
610-330-3172
dougheal@lafayette.edu

Terrence Haynes
Deputy Title IX Coordinator
Associate Director of Residence Life
114 Kirby House
(610) 330-5335
haynest@lafayette.edu

The College has determined that the TIX Coordinator and TIX Deputy Coordinators listed above are the Officials with Authority to address and correct harassment, discrimination, and/or retaliation.

In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the College:

The President, Provost, Vice Presidents, and Deans.

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>

Office for Civil Rights (OCR)
U.S. Department of Education
Philadelphia Office
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Fax: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

For general information about Title IX, visit the Department of Education's website: U.S. DOE Sex Discrimination

For complaints involving employees: Equal Employment Opportunity Commission (EEOC)

7. REPORTS/NOTICE/ FORMAL COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Reports, Notice, and Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the options described below.

The College recognizes that deciding among these options can be difficult and is a personal decision. Complainants and witnesses are encouraged to seek assistance from resources and to explore all potential reporting and support options. In addition, it is important to understand the different responsibilities of Lafayette College employees. Employees may be designated as an Official With Authority, a Mandated Reporter, a Confidential Resource, or a Private Resource, as defined in this Policy. A Complainant who is unsure of a College employee's reporting obligations and ability to maintain confidentiality may ask about the employee's responsibilities, and an inquiry into an individual's reporting obligations will not, by itself, trigger an investigation.

REPORTING OPTIONS AND NOTICE TO THE COLLEGE

An individual may make a report to the Title IX Coordinator, an Official with Authority, a Mandated Reporter, and/or to law enforcement (the Department of Public Safety or Easton Police Department). An individual may pursue some or all of these options at the same time (e.g., one may simultaneously pursue a Sexual Harassment report under this Policy and a criminal complaint).

Reporting to the Title IX Coordinator, a Deputy Coordinator, or an Official with Authority.

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 address, listed for the Title IX Coordinator or any other official listed. In-person reports can be made during regular business hours. Appointments are encouraged.

The College strongly encourages all individuals to report a potential violation of this Policy directly to the Title IX Coordinator or to one of the Deputy Title IX Coordinators:

Director of Institutional Equity and Title IX Coordinator
Karen A. Salvemini
006 Markle Hall
(610) 330-5649
salvemik@lafayette.edu
titleix@lafayette.edu

Dean of Faculty
Lauren Anderson
219 Markle Hall
610-330-5965
andersol@lafayette.edu

Associate Vice President of Human Resources
Ali Dougherty
12 Markle Hall
610-330-3172
doughal@lafayette.edu

Terrence Haynes
Deputy Title IX Coordinator
Associate Director of Residence Life
114 Kirby House
(610) 330-5335
haynest@lafayette.edu

Individuals may also report to the Title IX Coordinator through the online reporting tool located at <http://sash.lafayette.edu>, or by using the Universal Reporting form at <http://onepard.lafayette.edu>. The online reporting tool is only monitored during regular business hours and should not be used in emergencies or situations where an immediate response is required. In such situations call Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).

A report to the Title IX Coordinator or an Official With Authority constitutes Notice to the College and will trigger the College's obligation to respond to an allegation of Sexual Harassment under Title IX.

Anonymous Reporting

Anyone can make an anonymous report to the Title IX Coordinator by going to <https://sash.lafayette.edu/> and clicking on "Report Sexual Harassment", or by going to <https://onepard.lafayette.edu> and filling out the Universal Reporting Form. Based on the nature of the information submitted, the College's ability to respond to an anonymous report may be limited, particularly where the identity of a Complainant is not revealed. Because reporting carries no obligation to initiate a formal response, and as 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 privacy by making a report that allows the College to discuss and/or provide supportive measures.

Reporting to Law Enforcement and Seeking Emergency Medical Assistance

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

A Complainant or Third-Party Reporter has the right to report, or decline to report, potential criminal conduct to law enforcement or campus authorities, and the College will assist a Complainant or Third-Party Reporter in contacting law enforcement at any time.

Under limited circumstances posing a threat to health or safety of any College community member, the College may independently notify law enforcement.

The Department of Public Safety is available 24 hours a day to receive reports. The Department of Public Safety may be

reached at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).

A report to law enforcement does not constitute Notice and does not trigger the College's obligation to respond to a report. In order to trigger the College's response obligation under Title IX, a report must be made to either the Title IX Coordinator or another Official With Authority.

Reporting to Mandated Reporters at the College

Lafayette College has designated all employees— including faculty, visiting faculty, full and part-time administrators, and staff—as Mandated Reporters. The only exceptions are Confidential and Private Resources, as defined below, and most student employees. Note that Resident Advisors are the only category of student employees designated as Mandated Reporters.

For more information about Mandated Reporters visit <http://sash.lafayette.edu>.

Any time a Mandated Reporter is told or becomes aware of any information related to alleged harassment or discrimination, the Mandated Reporter must promptly share all relevant information about the reported incident with the Title IX Coordinator or a Deputy Title IX Coordinator. The Mandated Reporter is only responsible for sharing what was disclosed and will not attempt to investigate the allegations. To the extent possible, information reported to a Mandated Reporter will be shared only with people responsible for handling the College's response to the report.

A Mandated Reporter's receipt of information will not automatically trigger an obligation to respond to an allegation of Sexual Harassment under Title IX. Only a report to the Title IX Coordinator or an Official with Authority will trigger the College's obligation to respond to an allegation of Sexual Harassment under Title IX.

FORMAL COMPLAINTS

A Formal Complaint is 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 filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) 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.

A Formal Complaint is necessary to start a grievance process, which is different than a report that requires a response. If a report is submitted to the Title IX Coordinator in a form that does not constitute a Formal Complaint, the Title IX Coordinator will contact the Complainant to confirm whether the Complainant desires to file a Formal Complaint and, if they do, ensure that it is filed correctly.

8. SUPPORTIVE MEASURES

The College will offer and implement appropriate and reasonable supportive measures upon Notice of alleged harassment, discrimination, and/or retaliation. Supportive measures may be available to the Complainant regardless of whether the Complainant signs a formal complaint and pursues an investigation and grievance process, or pursues the informal resolution process.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and 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 or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Complainant upon receiving Notice. 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.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the College community.

The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational 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 institutional community or community subgroup(s)
- Altering campus housing assignment(s), and assistance navigating off-campus housing concerns
- Altering work arrangements for employees or student-employees
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Safety planning to include: providing campus safety escorts, or other transportation accommodations; and increased security and monitoring of certain areas of the campus
- Implementing contact limitations (no contact orders) between the parties
- Assistance with No Trespass Letters, or referral to resources

es which can assist in obtaining a protective order under Pennsylvania law

- Timely warnings
- Any other actions deemed appropriate by the Title IX Coordinator

The Title IX Coordinator is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. In the event of an immediate health or safety concern, individuals should contact 911 or the Department of Public Safety immediately. The College will take immediate action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a College-imposed supportive measure. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. EMERGENCY REMOVAL

The College can act to remove a student 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 Support and Intervention Team (students) or Threat Assessment Group (faculty and staff) using standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator and Vice President for Student Life 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 within 24 hours of notice, objections to the emergency removal will be deemed waived. A Complainant and their Adviser 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 Adviser of their choice when meeting with the Title IX Coordinator and appropriate college official 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, in consultation with the appropriate college official, has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency re-

moval under this policy will be grounds for discipline, which may include expulsion.

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, in consultation with the appropriate college official, these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning 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, 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 and appropriate college official, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

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. PRIVACY

Every effort is made by the College to preserve the privacy of reports. The College will not share the identity of any individual who has made a report or complaint of harassment, 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 determine 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 TIX Team. Information will be shared as necessary with Investigators, Hearing Panel members/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.

For purposes 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. 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. 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.

Confidentiality, Privacy, and Mandated Reporting are addressed more specifically below in 19. Reporting; a. Confidential Resources; b. Private Resources.

12. JURISDICTION OF THE COLLEGE

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

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the College's educational program. The college may also extend jurisdiction to off-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 or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the Lafayette community, the Title IX Coordinator, or design-

nee, will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus 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 accessible 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 the College through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator, or designee, 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, or designee, may be able to assist and support 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 provide remedies may be more limited or impossible. Complainants are encouraged to report any violation of this Policy as soon as possible in order to maximize the College's ability to respond promptly and effectively.

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, in consultation with the appropriate college official, 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.

14. ONLINE HARASSMENT AND MISCONDUCT

The policies of the College are written and interpreted broadly to include online and digital 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 use College networks, technology, or equipment.

Although the College may not control websites, social media, and other venues in 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, intimate images, 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 Lafayette community.

15. POLICY ON NONDISCRIMINATION

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

Lafayette College does not discriminate on the basis of race, color, national or ethnic origin, disability, religion, age, military or veteran status, sex, sexual orientation, gender identity or expression, marital or familial status, pregnancy, genetic information, or any other characteristic protected by law in its educational programs and activities, admissions, or employment as required by Title IX of the Educational Amendments of 1972 (which requires that the College not discriminate on the basis of sex); the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 (which requires that the College not discriminate on the basis of disability); Title VI of the Civil Rights Act of 1964 (which requires that the College not discriminate on the basis of race, color, or national origin); and Title VII of the Civil Rights Act of 1964 (which requires that the College not discriminate in employment on the basis of race, color, religion, sex, or national origin); and other applicable laws and College policies.

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 or employment, or residential 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 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

Lafayette 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 and state 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 Director of Educational Equity is responsible for overseeing efforts to comply with ADA/504 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.

a. Students with Disabilities

The 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 Academic Resource Hub for Accessibility Services, who coordinates services for students with disabilities.

The Academic Resource Hub for Accessibility 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 Office of Human Resources and providing necessary documentation. The Office of Human Resources 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. The College's harassment 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 policies 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.

The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. 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. This discriminatory effect results from harassing verbal, written, graphic, 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.

The College reserves the right, to use the conduct process or other administrative process, 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 may result in the imposition of discipline under College policy, or it 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, employees should contact the Office of Human Resources, and students should contact the Office of Student Conduct.

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.

The 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/gender, or that is sexual, that satisfies one or more of the following:

- Quid Pro Quo:
 - ◊ an employee of the college,
 - ◊ conditions the provision of an aid, benefit, or service of the college,
 - ◊ on an individual's participation in unwelcome sexual conduct.

- Sexual Harassment:
 - ◊ unwelcome conduct,
 - ◊ determined by a reasonable person,
 - ◊ to be so severe, and
 - ◊ pervasive, and,
 - ◊ objectively offensive,
 - ◊ that it effectively denies a person equal access to the College's education program or activity.
 - Sexual Assault, defined as:
 - ◊ Sex Offenses, Forcible:
 - » Any sexual act directed against another person,
 - » without the consent of the Complainant,
 - » including instances in which the Complainant is incapable of giving consent.
 - ◊ 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 Complainant.
 - ◊ Sodomy:
 - » Oral or anal sexual intercourse with another person,
 - » forcibly,
 - » and/or against that person's will (non-consensually), or
 - » not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, per PA state law, or because of temporary or permanent mental or physical incapacity.
 - ◊ Sexual Assault with an Object:
 - » The use of an object or instrument to penetrate,
 - » however slightly,
 - » the genital or anal opening of the body of another person,
 - » forcibly,
 - » and/or against that person's will (non-consensually),
 - » 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.
 - ◊ Fondling:
 - » The touching of the private body parts of another person (buttocks, groin, breasts),
 - » for the purpose of sexual gratification,
 - » forcibly,
 - » and/or against that person's will (non-consensually),
 - » 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.
 - ◊ Sex Offenses, Non-forcible:
 - » Incest:
 - * Non-forcible sexual intercourse,
 - * between persons who are related to each other,
 - * within the degrees wherein marriage is prohibited by PA state law.
 - » Statutory Rape:
 - * Non-forcible sexual intercourse,
 - * with a person who is under the statutory age of consent of 16
 - » Dating Violence, defined as:
 - * violence,
 - * on the basis of sex,
 - * committed by a person,
 - * who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - 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—
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
 - » Domestic Violence, defined as:
 - * violence,
 - * on the basis of sex,
 - * committed by a current or former spouse or intimate partner of the Complainant,
 - * by a person with whom the Complainant shares a child in common, or
 - * by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - * by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
 - * 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, 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.
- Stalking, defined as:
 - ◊ engaging in a course of conduct,
 - ◊ on the basis of sex,
 - ◊ directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.
 - ◊ For the purposes of this definition—
 - » 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.
 - » Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

- » Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

c. Other Prohibited Conduct under this Policy

There are risks inherent in any romantic or sexual relationship between individuals in unequal positions. Although such relationships may not constitute harassment, they may compromise the integrity of the educational or employment process. The special relationship between students and teachers, coaches, advisers, or other staff members who counsel them, and employees and their supervisors, requires that special additional rules apply as addressed below.

Prohibited Relationships between Faculty/Staff Members and Students

Students of a Particular Instructor/Staff Member

While a student is a student of a particular instructor/staff member, the instructor/staff member is prohibited from engaging in or pursuing a romantic and/or sexual relationship with that student. This rule applies even if the romantic advance or sexual relationship is welcome. A student is a “student of a particular instructor/staff member” when:

- The student is currently enrolled in a course taught by the instructor and/or has not yet received a final grade;
- The student is assigned to be advised by a particular instructor/staff member;
- The student is an athlete coached by a particular intercollegiate athletic coach or trainer;
- The student is advised by a professional advisory committee member, honors committee member, or member of a comparable committee; and
- At other times when an instructor/staff member has a relationship with a student such that a student’s activities at the College are being supervised or evaluated by the instructor/staff member.

Other Students

Unless prohibited above, if a welcome sexual and/or romantic relationship develops between a student and an instructor/staff member, the instructor/staff member must not thereafter take part in any activity that involves evaluation of the student’s work or performance. If a student later becomes a “student of a particular instructor/staff member,” the instructor/staff member shall disclose the existence of such a relationship to the Provost or Vice President of Human Resources, as appropriate, who shall make alternative arrangements for the evaluative process.

Prohibited Relationships between Supervisors and Subordinates

Any person (a) who has power, either individually or collectively with others, to dispense or influence rewards or punishments regarding another person, (b) who evaluates the work performance of another person, or (c) to whom another person reports regarding work assignments, may not subject

such other person to any unwelcome sexual conduct such as an unwelcome sexual advance or request for sexual favors, regardless of whether submission to such conduct is explicitly or implicitly made a basis for a decision affecting such person or whether such conduct creates a hostile environment.

If a welcome sexual and/or romantic relationship develops between a supervisor and a subordinate, or between faculty in the same department or program, the more senior employee must not thereafter take part in any activity that involves evaluation of the other’s work. Under such circumstances, the more senior employee shall disclose the existence of such a relationship to the Provost or the Vice President of Human Resources and the Title IX Coordinator as appropriate, who shall make alternative arrangements for the evaluative process.

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. More specific sanctions are defined within the Procedures.

d. 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,” “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 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, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM (Bondage, Discipline/Dominance, Submission/Sadism, and Masochism) 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 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 that 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, or 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.

e. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the College addition-

ally prohibits the following offenses as forms of discrimination that may be within or 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: 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 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.
 - ◊ 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;
- 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 Lafayette community, when related to the admission, initiation, pledging, joining, or any other group-affiliation

activity as defined further in the Hazing Policy, Student Code of Conduct.

- 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, or Deputy Coordinator, and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of Lafayette's 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.

No one may file a complaint pursuant to Process B for an improper purpose. This includes filing a complaint under Process B when the matter should be filed under Process A, and doing so for the purpose of interfering with or circumventing any right or privilege provided within Process A. Intentionally filing a complaint pursuant to Process B in an attempt to avoid Process A is improper and may be considered retaliatory. The College will vet all complaints for this purpose, and to assure that complaints are tracked to the appropriate process. The Title IX Coordinator will ultimately determine the appropriate process and whether such behavior is considered retaliatory.

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 a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. REPORTING

Mandated Reporters are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though 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. 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, or Deputy 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 the 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:

The Counseling Center

Bailey Health Center, 2nd Floor

(610) 330-5005

After hours crisis telephone support available.

Drop-in Consultation Clinic during the academic year:

Monday – Friday, 10:00 am – 11:30 am and 1:00 pm – 3:30 pm

Available during regular business hours. Appointments are encouraged.

College Chaplains

Rev. Alex Hendrickson

107 Farinon

(610) 330-5959

Alex Malanych

Assistant Director of Religious & Spiritual Life and Hillel Advisor

(610) 330-3171

malanyca@lafayette.edu

Available during regular business hours. Call to schedule an appointment.

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

Additional Resources

The College's website for Sexual Violence Prevention, Education, and Response (<https://sash.lafayette.edu/>) provides the most comprehensive and current list of available on- and off-campus resources and support services for Complainants and Respondents.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, 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. For students, after-hours and weekend telephone crisis support is also available.

b. Private Resources

Some College employees, designated as Private Resources, while not meeting the definition of Confidential Resource, are able to talk to a Complainant without being required to disclose personally identifiable information about the Complainant or witnesses to the Title IX Coordinator.

Instead, in order to foster increased reporting and access to resources, these employees are only required to share a limited report to inform the Title IX Coordinator of the date, time, general location, and nature of the allegations. Because of the limited information that is shared, the Title IX Coordinator's ability to respond may be limited. In addition, unlike Confidential Resources, who have statutorily-protected legal confidentiality, records maintained by Private Resources may be subject to release by court order, search warrant or subpoena.

The following is contact information for those who serve as the College's Private Resources:

Bailey Health Center (Medical)
607 High St.
(S.W. Corner of High & McCartney Sts.)
(610) 330-5001

PASA Adviser: The faculty or staff adviser of the student group Pards Against Sexual Assault (PASA) is designated a Private Resource when acting in the capacity of PASA Adviser.

c. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s)

and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

d. Mandated Reporters and Formal Notice/Complaints

Mandated Reporters must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Mandated Reporters 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 Coordinator by Mandated Reporters, unless the Complainant clearly indicates that they desire a report to be made or 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 when 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, 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 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 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 (or their Adviser) 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 Adviser 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 will offer informal resolution options (included in the procedures), 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, the College must issue timely warnings for incidents reported to them 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 pro-

viding 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 College policy.

23. AMNESTY FOR COMPLAINANTS AND WITNESSES*

The Lafayette 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 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 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 assault to Public Safety).

The College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance 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. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

*For Spring 2021: The amnesty statement above also covers potential violations of the COVID addendum.

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):

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- 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;
- VAWA (Violence Against Women Act)-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- 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 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, public safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisers 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 particularly time-sensitive. The College will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at one of these locations, ideally within 120 hours of the incident (sooner is better):

Lehigh Valley Hospital – Muhlenberg

484 Schoenersville Rd.
Bethlehem, PA
484-884-2521

Lehigh Valley Hospital – Cedar Crest

1200 South Cedar Crest Blvd.
Allentown, PA
610-402-8027

Lehigh Valley Hospital – 17th Street

17th and Chew St.
Allentown, PA
610-969-2226

St. Luke’s Hospital – Anderson Campus

1872 St. Luke’s Blvd.
Easton, PA
484-503-3000

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 each soiled item in a separate paper bag (plastic destroys evidence) -i.e. underpants in its own bag, shoes in their own bag, bra, tissues, bed sheet, pillow case etc., or secure evidence container, available from Public Safety.
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence. The Bailey Health Center, located at 607 High St., (610) 330-5001, does provide medical care after a sexual assault, but does not provide SAFE exams.

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

26. POLICY DISTRIBUTION AND REVIEW

This Policy will be widely distributed on campus to all students, faculty, and staff at the beginning of each academic year so that all community members are informed of College policies, procedures and resources. The most current version of this Policy can be found online at sash.lafayette.edu.

The Title IX Coordinator and the Presidential Oversight Committee on Sexual Misconduct will review this Policy and related procedures on a periodic basis in order to capture evolving legal requirements, align with best practices, and improve the delivery of services.

Following a report of dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator or designee will provide information on rights and options in writing whether the offense occurred on or off campus. This written notice to the complainant offers supportive measures, and an invitation to discuss reporting options and resolution procedures.

Assistance for Complainant: Rights and Options

Regardless of whether a complainant elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each complainant with a written explanation (Title IX Resource Guide) of their rights and options. Such written information will include:

- The procedures complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the college will protect the confidentiality of complainants and other necessary parties;

- A statement that the college will provide written notification to students and employees about complainant services within the college and in the community;
- A statement regarding the college's provisions about options for, available assistance in, and how to request supportive measures and protective measures; and
- An explanation of the procedures for college disciplinary action
- Information on the importance of preserving evidence and supportive measures that may include no-contact orders or similar lawful orders issued by a court.

A special note on confidentiality in cases of sexual assault, domestic violence, dating violence, or stalking:

The following offices/individuals have full confidentiality and are not required by law to disclose any information regarding a sexual assault, domestic violence, dating violence and stalking other than applicable legal reasons (such as abuse of a minor) for such a disclosure: Counseling Services, College Chaplain, and Student Advocacy and Prevention Coordinator.

Reports may also be directed to the Director of Institutional Equity at 610-330-5649 or salvemik@lafayette.edu, titleIX@lafayette.edu. The Director of Institutional Equity is responsible for evaluating requests for confidentiality, and will evaluate each request in the context of the college's responsibility to provide a safe and nondiscriminatory environment for all students and employees. Additionally, honoring a request for confidentiality may limit the College's ability to respond fully to the incident. The Director of Institutional Equity may be required to report incidents of gender-based harassment and sexual exploitation, sexual assault, sexual violence, domestic violence, dating violence, and stalking to the Department of Public Safety, but will not reveal any personally identifiable information about the victim without their consent.

All other individuals on campus who are designated as a "mandated reporter" are required by law to disclose all relevant information regarding instances of sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and stalking to the Director of Institutional Equity or Deputy Title IX Coordinators. Unless otherwise listed in the paragraph above, these individuals include, all paid faculty, full-time administrators and administrators in Campus Life, paid and unpaid/volunteer coaches, advisers, and supervisors; students in student leadership positions whereby they have been trained as mandated reporters including Resident Advisers and Orientation Leaders. Lafayette utilizes an online form for this reporting found at sash.lafayette.edu. Reports of sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and stalking completed through this form are submitted to a password-protected database only accessible by the Title IX Team. These individuals will not disclose victim information regarding an act of sexual assault, sexual violence, domestic violence, dating violence, or stalking unless they must do so in order to accomplish the provision of accommodations and/or protective measures, and only in limited cases to limited parties. The Director of Educational Equity (Amanda Hanincik) will determine what information is shared to the appropriate individuals. A number of these

individuals are also Campus Security Authorities and are required to immediately report the assault to the Department of Public Safety. The Department of Public Safety will not release names in the issuance of "Timely Warnings" or "Emergency Notifications," nor in the "Daily Crime Log" each of which are required by the Clery Act, and any accommodation or protective measure will be confidential unless it interferes with the measure's implementation.

To help support your healing.

Be in touch with a sexual misconduct support adviser to discuss important issues. These individuals have received special training in order to assist you with personal, academic, and other issues related to your assault.

Connect with Student Advocate to support connections to resources and understand your rights/options.

Confide in a trusted friend or family member.

Join the Sexual Assault Survivors Support Group facilitated by the Counseling Center.

Ask friends to walk with you on campus or stay with you overnight.

Contact Public Safety for an escort (610) 330-5330.

Allow extra time to complete academic tasks.

Discuss any sexual concerns with your partner.

Give yourself plenty of time to recover from the physical and emotional shock.

Protecting confidentiality of victims and other necessary parties:

Lafayette College will protect the confidentiality of victims and other necessary parties. This will be accomplished by not releasing the victim's name or other identifying information, along with not disclosing the location of the offense if the release of this information could potentially reveal the victim's identity, unless maintaining such confidentiality would impair the ability of the College to provide supportive measures. The College will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. The College will also maintain as confidential any supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide supportive measures.

Information regarding campus and community resources.

Lafayette College will provide written information to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. The names and contact information for each of the on and off-campus service providers in each of these areas is listed on page 24 of this report. Material regarding resource services is also available through a printed and electronic Resource Guide for Considering Your Options (including sexual exploitation sexual assault, dating violence, domestic violence, or stalking). In addition, material will be kept at sash.lafayette.edu and printed information will be made available to all campus constituents.

Lafayette College will provide written information to victims about options for, and available assistance in, changing academic, living, transportation, and working situations and protective measures. The institution will take such supportive measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Department of Public Safety or local law enforcement. This written information will also include information on possible sanctions; protective measures; procedures to be followed if sexual misconduct has been reported; and disciplinary procedures.

Individuals will meet with the Director of Educational Equity or designee who is tasked with offering all available options for responding to the report including investigation, internal conduct charges, external criminal charges, or the option to not proceed. In addition, this individual will offer all available supportive measures for the victim. These options will also be provided in writing to the victim during this meeting.

The foregoing written material (written explanation of rights and options) will be provided to any student or employee who has been the victim of sexual assault, domestic violence, dating violence or stalking whether the offense occurred on or off-campus.

The following procedures are intended to provide a prompt, fair and impartial response to complaints of sexual assault, domestic violence, dating violence and stalking from the initial investigation to the final results. They are designed to assure fairness, maintain confidentiality where possible, and enable the imposition of appropriate sanctions on members of the College community who violate this policy. The College strongly encourages persons who believe they have been the victims of sexual assault, domestic violence, dating violence, or stalking to bring this to the attention of College authorities.

Formal Procedure

Sexual Misconduct may be reported to the Director of Educational Equity using the form located at <https://onepard.lafayette.edu>. If someone wishes to pursue the formal investigative process, a trained, impartial investigator will be appointed to investigate the matter.

All formal complaints will be treated confidentially consistent with applicable legal requirements. The Department of Public Safety will work cooperatively with the Director of Educational Equity, a Deputy Coordinator and/or a designee, who has responsibility for coordinating assistance and support for persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking. The Director of Educational Equity, a Deputy Coordinator and/or designee will work to ensure that the complainant's health, physical safety, and academic status are protected, pending the outcome of the investigation. When reported to the Director of Educational Equity or designee they will rely on an external investigator to inform the complainant about the outcome of the investigation. When the complainant has requested that the Department of Public Safety investigate an incident then the Department of Public Safety will inform the complainant about the outcome of the investigation.

When appropriate and with the complainant's consent, disciplinary proceedings will be instituted against the respondent. If the respondent is a student, discipline will be handled in accordance with the procedures noted in the Student Handbook in the Statement of the Rights and Responsibilities of Students at Lafayette College. If the respondent is a faculty or staff member, the responsible College officer will commence disciplinary action according to the disciplinary procedures applicable to the respondent individual(s). The responsible College officer will inform the respondent of the applicable policies and procedures to be followed. All related proceedings will be pursuant to the college's Policy on Equal Opportunity, Harassment, and Non-Discrimination, Process A or Process B. Notices and statistics of reported sexual assault, domestic violence, dating violence or stalking will be reported to the College community as required by law or as otherwise appropriate.

In accordance with the College's Policy on Equal Opportunity, Harassment and Non-Discrimination, the hearing chair and decision makers receive annual training on issues relating to sexual assault, sexual harassment, domestic violence, dating violence, and stalking, and on how to conduct an investigation and resolution process that protects the safety of all students, promotes accountability for students found responsible for misconduct, and ensures a fair and informed adjudication process. The Title IX Pool receives eight to twelve hours of annual training in addition to professional development opportunities throughout the year on the topics listed above.

Once an initial decision has been made, either party may appeal the decision pursuant to the respective procedures outlined in the College's Policy on Equal Opportunity, Harassment and Non-Discrimination, Process A and Process B.

Disciplinary Proceedings: When appropriate, disciplinary proceedings will be instituted and will follow the College's Policy on Equal Opportunity, Harassment and Non-Discrimination, Process A or Process B.

The Department of Public Safety will provide the results of investigations of complaints against: (i) students to the Vice President for Student Life or a designee; (ii) faculty to the Provost; and (iii) staff members to the Vice President for Human Resources. If the respondent is a student, discipline will be handled in accordance with the procedures noted in the. If the respondent is a faculty or staff member, the responsible College Officer (as indicated above) will commence disciplinary action according to the disciplinary procedures applicable to the respondent individual(s). The Title IX Coordinator/Office of Educational Equity will inform the complainant and the respondent of the applicable policies and procedures to be followed.

In situations involving sexual assault, domestic violence, dating violence, any crime of violence, non-forcible sex offense, or stalking, the applicable disciplinary procedures as referenced in this document will be adapted as necessary to ensure the following:

7. The disciplinary process will be prompt, fair, and equitable, and will be conducted by annually trained and impartial officials who do not have a conflict of interest or a bias for or against the complainant or the respondent.
8. Both the complainant and respondent will have the same opportunities to be accompanied to any related meeting or proceeding by an adviser of their choice. Applicable disciplinary procedures should be reviewed for information regarding the way in which an adviser may participate in these meetings and proceedings, but any restrictions placed on an adviser's participation will be applied equally to both parties.
9. The decision of finding an individual responsible for a violation of sexual assault, domestic violence, dating violence or stalking will be made using the "preponderance of evidence" (standard of evidence) that the alleged conduct did or did not violate policy.
10. Both the complainant (or the next of kin if the complainant is deceased) and the respondent will be simultaneously notified, in writing, of:
 - ♦ If Formal—notice of investigation and allegations
 - ♦ If Informal—notice of allegations the outcome of any disciplinary proceedings.
 - ♦ The procedures to appeal the outcome, if applicable.
 - ♦ Any changes to the outcome prior to the outcome becoming final.
 - ♦ The final determination and sanction, if any, following any appeal or when the appeal period lapses.

Standard of evidence. The College uses a "preponderance of evidence" standard, or "more likely than not" when determining responsibility for violations of the Student Conduct of Code and the Policy on Equal Opportunity, Harassment and Non-Discrimination, which includes dating violence, domestic violence, sexual assault, and stalking. This means that in order for a respondent to be found responsible for violating policy, a case administrator, committee, or decision-makers must show that it is more likely than not, based on the information provided, that the violation occurred and that the respondent is responsible for that violation.

Process A (Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment, and Nondiscrimination that may be covered by Title IX)

5. Overview

Lafayette College will respond whenever it has actual notice of an alleged violation of the Policy on Equal Opportunity, Harassment & Non-Discrimination ("the Policy"). The College will respond to allegations that constitute Title IX Sexual Harassment using the procedures outlined here, in Process A. All other allegations of harassment or discrimination based on a protected class that do not fall within Title IX Sexual Harassment will be referred to the procedures outlined in Process B. For conduct that does not fall under either of these policies, see the Faculty, staff, or student handbooks for adjudicatory procedures that may apply.

In appropriate circumstances, and with notice to the parties, these same procedures may be used to address collateral misconduct (e.g., vandalism, physical abuse of another).

While the Title IX Coordinator will most commonly oversee implementation of these procedures, Deputy Title IX Coordinators and/or other trained individuals may be designated to do so.

2. Notice/Formal Complaint

Upon receipt of a Formal Complaint or notice to the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the College needs to take. In doing so, the Title IX Coordinator must promptly contact the Complainant to discuss availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures, and explain to the Complainant the process for filing a Formal Complaint.

The Title IX Coordinator will initiate at least one of three responses:

Offering supportive measures only because the Complainant does not want to submit a Formal Complaint; and/or

An informal resolution upon submission of a Formal Complaint and where both parties consent to the informal resolution option in writing; and/or

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 it is determined that there has been a violation, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

3. Initial Assessment

Following receipt of notice of an alleged violation of this Policy, the Title IX Coordinator^[1] engages in an initial assessment, typically within five (5) business days. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response that is not punitive and does not involve the Respondent, 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, assess the request, 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 advises the Complainant that they must file a Formal Complaint. Once that Formal Complaint is filed, the

Title IX Coordinator assesses whether the Formal Complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and will determine if the Respondent is also willing to engage in informal resolution. Both the Respondent and Complainant must agree to the informal resolution, in writing.

If a formal investigation and grievance process is preferred, the Title IX Coordinator assists the Complainant with the logistics of filing a Formal Complaint.

If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator determines whether to initiate a Formal Complaint without the Complainant's participation.

If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency.

The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Adviser.

If a Formal Grievance Process is preferred and a Formal Complaint has been filed, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

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 Formal Complaint.

If it does not, the Title IX Coordinator will "dismiss" that aspect of the Formal Complaint, assess which other policies may apply, which resolution process is applicable, and, when appropriate, may refer the matter for resolution under Process B. Please note that dismissing a Formal Complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the College's authority to address a Formal Complaint with an appropriate process and remedies.

Dismissal of Formal Complaints (Mandatory and Discretionary)[2]

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

The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or

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 did not have control over the Respondent at the time the conduct occurred; and/or

The conduct did not occur against a person in the United States; and/or

At the time of submitting 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:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- Upon any dismissal of a Formal Complaint, the Title IX Coordinator 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. A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

4. Counterclaims

The College permits the filing of counterclaims, i.e. a Formal Complaint filed by a Respondent against a Complainant in response to the Complainant's initial Formal Complaint, but uses an initial assessment, described above, to assess whether the allegations in the counterclaim Formal Complaint are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. 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 Adviser

The parties may each have an Adviser[3] of their choice present with them for all meetings, interviews, and hearings within the Formal Grievance Process, if they so choose.

a. Who Can Serve as an Adviser

The Adviser 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 Advisers from inside or outside of the Lafayette College community.

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

If the parties choose an Adviser from outside the pool of those identified by the College, the Adviser 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 Adviser in the initial stages of the resolution process, prior to a hearing. Both parties must have an Adviser at any hearing.

b. Adviser's Role in Meetings and Interviews

The parties may be accompanied by their Adviser in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisers 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 Adviser who is an attorney, the College is not obligated to provide an attorney.

c. Advisers in Hearings/ College -Appointed Adviser

Under U.S. Department of Education Title IX regulations, a form of indirect questioning is required during the hearing, and it must be conducted by the parties' Advisers. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Adviser for a hearing, the Title IX Coordinator or hearing administrator will appoint a trained Adviser for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Adviser, but they may not proceed at a hearing without an Adviser. Similarly, if the party's selected Adviser will not conduct questioning, the Title IX Coordinator or hearing administrator will appoint an Adviser who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Questioning of the parties and witnesses may also be conducted by the Decision-makers during the hearing.

d. Adviser Violations of College Policy

All Advisers are subject to the same Lafayette College policies and procedures, whether they are attorneys or not. Advisers are expected to advise their advisees without disrupting proceedings. Advisers should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Adviser 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 Investigators or other Decision-makers except during a hearing proceeding, during cross-examination.

The parties are expected to respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Adviser generally may not speak on behalf of their advisee, the Adviser 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 Advisers should ask for breaks to allow for private consultation.

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

e. Pre-Interview Meetings

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

f. Sharing Information with the Adviser

Title IX regulations require the College to share documentation and evidence related to the allegations with the Parties and their Advisers.

g. Privacy of Records Shared with Adviser

Advisers are expected to maintain the privacy of the records shared with them. The College may seek to restrict the role of any Adviser 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 Adviser

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

The College may also make reasonable provisions to allow an Adviser 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 Advisers

A party may elect to change Advisers during the process and is not obligated to use the same Adviser throughout. The parties are expected to inform the Investigators, or Title IX Coordinator, of the identity of their Adviser 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 Advisers at any time. Parties are expected to inform the hearing administrator of the identity of their hearing Adviser at least two (2) business days before the hearing.

j. Assistance in Securing an Adviser

In addition to those Advisers who may be offered by the College, 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

Once a Formal Complaint has been filed, there are two types of Resolution Processes – Informal Resolution or a Formal Grievance Process (see parts a. and b. below). Resolution can commence as Informal and if not resolved may be switched to Formal; conversely, resolution can commence as Formal and when appropriate, can be switched to Informal.

All 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. Although 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, with the exception of information the parties agree not to disclose related to Informal Resolution. The College encourages parties to discuss any sharing of information with their Advisers before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches and must always include the written consent of both parties:

- The Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation, pursuant to Policy 8. Supportive Measures; or
- The parties agree to resolve the matter through an Alternate Resolution mechanism as described below [including mediation, restorative practices, negotiated resolution,], usually before a formal investigation takes place; see discussion a.1), below; or
- The Respondent accepts responsibility for violating the Policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in 2), below.

To initiate Informal Resolution, a Complainant first needs to submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

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 before a final determination regarding responsibility is reached and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Title IX Coordinator will provide the parties with written notice of the reported misconduct and any sanctions or measures that instead may result from participating in a Formal Grievance

Process, including information regarding any records that will be maintained or shared by the College.

The Title IX Coordinator 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.

Informal Resolution is not available as a means for resolving allegations that an employee sexually harassed a student.

a.1) Alternate Resolution

Alternate Resolution is a type of Informal Resolution which may include mediation, restorative practices, or negotiated resolution. At the end of Alternate Resolution, the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of Alternate Resolution. Alternate Resolutions are not appealable.

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;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability 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 Formal Complaints resolved by Alternate Resolution are not appealable.

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.

a.2) Respondent Accepts Responsibility for Alleged Violations

Another type of Informal Resolution is when the Respondent accepts 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 process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution could be 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 this type of Informal Resolution. If the parties cannot agree on all terms of Informal Resolution, the Formal Grievance Process will be initiated, or will resume at the same point where it was paused.

b. Formal Grievance Process

The other method of resolution is through a Formal Grievance Process. This is a method of formal resolution designated by the College to address conduct that falls within the Policy, as defined by Title IX Regulations 34 CFR 106.30, and which complies with the requirements of the Title IX Regulations 34 CFR 106.45. See below for more information regarding the Formal Grievance Process. If both parties agree, and the Title IX Coordinator approves, the Formal Grievance Process may be paused and the Informal Resolution process may be commenced.

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. This timeline can be extended as necessary for appropriate cause by the Title IX Coordinator or hearing administrator, 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.

7. Formal Grievance Process Pool

The Formal Grievance Process is carried out by a pool of investigators, hearing officers, appeal officers, and advisers ("the Pool"). The Pool may include College employees and/or external members. Members of the Pool may be announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

a. Pool Member Roles

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

- To provide appropriate intake of and initial guidance pertaining to Formal Complaints
- To act as an Adviser to the parties
- To serve in a facilitation role in Informal 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.

c. Pool Member Training

The Pool members receive annual training. This training may vary slightly based on Pool member roles and includes, but is not limited to:

- The scope of the College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and/or 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/or 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
- Recordkeeping

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://sash.lafayette.edu/>.

8. Formal Grievance Process: Notice of Allegations (NOA), and Notice of Investigation and Allegations (NOIA)

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the allegations (“NOA”). If the matter is then moving forward (pursuant to section 3 above, and if an Informal Resolution has not been reached), the Title IX Coordinator will also 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 Adviser to accompany them. The NOA and NOIA are also copied to the Complainant, who is to be given advance notice of when the NOA and NOIA will be delivered to the Respondent.

Both the NOA and the NOIA will include:

- A summary of all of allegations with sufficient detail, known at the time, including
- 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 Respondent is presumed 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 College policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Adviser of their choosing and suggestions for ways to identify an Adviser,
- A statement informing the parties that College 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,
- For the NOIA, 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 lo-

cal 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. 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.

10. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigators, and Decision-makers, 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 Investigators and Decision-makers 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 alleged conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the College’s President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that 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 using the preponderance of the evidence standard.

11. Investigation Timeline

Investigations are completed expeditiously, though some investigations may take longer, 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.

12. 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 Title IX Coordinator or hearing administrator 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 Title IX Coordinator will implement supportive measures as deemed appropriate.

College action(s) or processes 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.

13. 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. However, the ultimate burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College.

The Title IX Coordinator or Investigators typically take the following steps (not necessarily in this order):

- 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
- Provide each interviewed party and witness an opportunity to review and verify the Investigators' summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- 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 Investigators 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
- 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 Investigators 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, the Investigators shall provide the parties (and their respective Advisers, if so desired by the parties) 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 on in reaching a determination. The parties shall have ten (10) business days to review the evidence and

provide any written comments to the Investigators. Any party may elect to waive the full ten day review period.

- The Investigators may respond directly in writing to each party's submitted comments about the evidence, and/or to share those responses with all parties for additional written feedback.
- The Investigators will consider these comments from the parties and may incorporate relevant elements, if any, into the investigation report. At this stage the Investigators may also conduct additional investigation as warranted, gather any additional relevant evidence, and finalize the investigation report.
- The investigation report is then shared with all parties and their Advisers at least ten (10) business days prior to a hearing. The parties may comment on the final report in writing, and such comments will be appended to the report. At the hearing, a file of any directly related evidence that was not included in the report will be made available to the parties.

14. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) are encouraged to cooperate with and participate in the College's investigation and resolution process.

Individuals on campus who are deemed to be confidential resources – such as sexual assault counselors, pastoral counselors, mental health counselors – may not be compelled to participate in any campus proceeding, but they may participate if the student to whom they were providing confidential support first provides their written consent.

Interviews for parties and all potential witnesses may be conducted in-person or remotely, as determined by circumstances (e.g., study abroad, summer break, pandemics) and current practices. 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.

15. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording, and they may not make their own personal recording of the interview.

16. 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.

17. Referral for Hearing

Provided that the Formal 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 – i.e., when the final investigation report is transmitted to the parties and the Decision-makers—unless all parties and the Decision-makers agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is a student, staff member, or faculty member.

18. Hearing Decision-maker Composition

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

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator or hearing administrator may elect to have an alternate from the Pool sit in throughout the hearing 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 Advisers 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 roles 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.

19. Evidentiary Considerations in the Hearing

Any evidence that the Decision-makers determine is relevant may be considered. The following evidence is generally not relevant and will not be considered by the decision-makers: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) 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.

Within the boundaries stated above, the hearing Decision-makers have discretion to consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

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, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-makers and the relevant administrators at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-makers, by majority, will render a determination based on the preponderance of the evidence; in other words, whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send written 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. When faculty or students are involved, the hearing will be scheduled so as to limit conflicts with their course schedule(s).
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing, unless conducted remotely, to occur with the parties located in separate rooms using technology that enables the Decision-makers 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 three (3) 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 or Title IX Coordinator may reschedule the hearing.
- Notification that the parties may have the assistance of an Adviser 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 Adviser, and one will be appointed. Each party must have an Adviser present. There are no exceptions.
- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.[4]

- An invitation to each party to submit to the Title IX Coordinator an impact statement pre-hearing that the Decision-makers will review during any sanction determination.
- An invitation to contact the Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees) 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. Parties should notify the Title IX Coordinator of any such requests.
- Whether parties can/cannot 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.

A student facing charges under this Policy is not in good standing to graduate.

21. Alternative Hearing Participation Options

Current practices provide for hearings to be conducted remotely. For live hearings, 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.

22. Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigators 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 Investigators or have offered 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 presentation of witnesses and/or the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence or interview that new witness.

The parties will be given a list of the names of the Decision-makers 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 three 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-makers a list of the names of all parties, witnesses, and Advisers 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 Advisers 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.

23. Pre-Hearing Meetings

The parties and/or their Advisers may request a pre-hearing meeting with the Chair or hearing administrator to review the hearing procedures.

The pre-hearing meeting(s) will not be recorded.

24. Hearing Procedures

At the hearing, the Decision-makers have 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, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisers to the parties, any called witnesses, the Title IX Coordinator, 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-makers and the parties and the witnesses will then be excused.

25. 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. At the discretion of the Title IX Coordinator, a Formal Complaint and a related Counterclaim may be considered jointly at the same hearing. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Title IX Coordinator may instead permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so.

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

At the outset of a hearing, the Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of Decision-makers 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 and/or hearing facilitator 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 by a non-voting hearing facilitator appointed by the Title IX Coordinator. As noted, 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.

27. 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-makers and the parties (through their Advisers). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisers, 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.

28. 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-makers and then by the parties through their Advisers (“indirect questioning”).

All questions are subject to a relevance determination by the Chair. The Adviser, 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 if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisers, 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. The Chair may ask advisers to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisers 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, 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.

29. Refusal to Submit to Cross-Examination (Indirect Questioning) and Inferences

The Decision-makers may consider statements made by parties or witnesses that are otherwise permitted by these procedures, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility. This means that the Decision-makers may consider statements made by the parties and witnesses during the investigation, emails, or text exchanges between the parties in any way relating to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the rules of relevance, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. The Decision-makers may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-makers can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-makers may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to submit to cross-examination or answer other questions. At the same time, the Decision-makers shall give whatever weight they deem appropriate to such evidence.

If charges of policy violations other than Title IX sexual harassment are considered at the same hearing, the Decision-makers may consider all evidence they deem relevant, and may draw reasonable inferences from any decision by any party or witness who does not participate or respond to questions.

If a party’s Adviser 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 Adviser. If a College-provided Adviser refuses to comply with the rules of decorum, the College may provide that party with a different Adviser to conduct cross-examination on behalf of that party.

30. 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-makers, the parties, their Advisers, and appropriate College administrators 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.

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

After the hearing is complete, the Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator 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.

If the Respondent is found responsible for a policy violation on one or more of the allegations, the Decision-makers will review the previously submitted impact statements and any pertinent conduct history for the Respondent and will determine the appropriate sanction(s) after consultation with other appropriate administrators (who shall also review the impact statements). For students, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Student Conduct. For staff, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Human Resources. For faculty, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Provost. The Decision-makers and the relevant administrators may – at their discretion – consider the impact statements, but they are not binding. The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies).

Once a determination and sanction has been decided, the Chair will then prepare a notice of outcome and deliver it to the Title IX Coordinator, stating the determination on both responsibility and sanctions, if any.

This notice of outcome 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.

32. Written Determination Regarding Responsibility

Using the notice of outcome, the Title IX Coordinator will then work with the Chair to prepare a Written Determination Regarding Responsibility. The Title IX Coordinator will then share the Written Determination Regarding Responsibility with the parties and their Advisers within seven (7) business days of receiving the notice of outcome.

The Written Determination Regarding Responsibility will 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 Written Determination Regarding Responsibility will articulate 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 Written Determination Regarding Responsibility 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 whether any remedies will be provided to the Complainant designed to ensure access to the College's educational or employment program or activity (the specific remedies, if any, that are being offered is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Written Determination Regarding Responsibility 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.

33. Statement of the Rights of the Parties (see Appendix A)

- The right to an equitable investigation and resolution of all Formal Complaints of prohibited harassment or discrimination to College
- Upon receipt of a Formal Complaint, 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.
- After a Formal Complaint has been filed, 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 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 informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted

by College authorities in notifying such authorities, if the party so chooses.

- 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 request a No Contact Order.
- 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 assistance is reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions to be considered 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
- 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 ask the Investigators and Decision-makers to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigators/Decision-makers with a list of questions that, if deemed relevant by the Investigators/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 by the Investigators and to respond to that evidence before any final determination is made.
- The right to fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record, and to provide the Investigators with evidence.
- The right to receive a copy of the investigation report, 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 any 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 in writing.
- 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 have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
- The right to ask 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 Adviser of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- 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 be promptly informed of a Written Determination Regarding Responsibility letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision, delivered simultaneously (without undue delay) to the parties.
- 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.

34. 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-makers

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 other internal processes or external authorities.

a. Student Sanctions

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

- **Formal 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.

- **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. The College will include a transcript notation for the duration of suspension.
- **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.
- **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 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

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

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation or review
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Assignment to new supervisor
- 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.

35. Withdrawal or Resignation While Charges Pending

a. Students: Should either party decide not to participate, or advise that they no longer wish to participate, in the Formal Grievance Process, the Process may proceed absent their participation. Should a student Respondent permanently withdraw from the College, the resolution process may end, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, in every circumstance 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. It is possible that a student who withdraws or leaves while the process is pending may not be able to return to the College. 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 there has been an outcome and all sanctions, if any, have been satisfied.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process may end, 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.

36. Appeals

Any party may file a request for appeal ("Request for Appeal"). It must be submitted in writing to the Title IX Coordinator within five (5) business days after that party receives the Notice of Dismissal of a Formal Complaint, or the Written Determination Regarding Responsibility.

A three-person 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. A voting Chair of the Appeal panel will be designated by the Title IX Coordinator.

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

This Review for Standing 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:

- Procedural irregularity that affected the outcome of the matter;
- 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; and

- 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.
- A challenge to the severity of sanctions. Appeals by students based on severity of sanctions shall be determined by the Appeal Panel. Appeals by staff based on severity of sanctions shall be determined by the Office of Human Resources. Appeals by faculty based on severity of sanctions shall be determined pursuant to the procedure set forth in the faculty handbook.

If after a Review For Standing the grounds stated in the Request for Appeal do not meet the grounds in this Policy, that Request for Appeal will be denied by the Appeal Chair, and the parties and their Advisers 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, as determined by the Appeal Chair, then the Title IX Coordinator will notify the parties and their Advisers, and, when appropriate, the Investigators and/or the original Decision-makers. The other party(ies) and their Advisers, 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 five (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 Title IX Coordinator to all parties to submit a written statement in support of, or challenging, the outcome.

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 via a Review for Standing to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigators and/or original Decision-makers, as necessary, who will submit their responses in five (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 seven (7) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A written 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, if appropriate, 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, but pre-appeal, 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 for the Appeal Decision-makers

- 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 (or basis for dismissal of a Formal Complaint) 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-makers or Title IX Coordinator merely because they disagree with the decision to dismiss the Formal Complaint, and/or finding.
- The Appeal Chair/Decision-makers may consult with the Title IX Coordinator on questions of procedure, for clarification, if needed. Documentation of all such consultation will be maintained.
- If an appeal is denied, that decision is final and there are no further appeals.
- If an appeal is granted, and the Appeal Panel itself makes a change to the outcome or sanctions, that decision is final and there are no further appeals.
- If the Appeal Panel grants the appeal and remands the matter to either the original Decision-makers or new Decision-makers to consider a discrete procedural or logistical issue (i.e., something that does not require a new hearing), on remand, the Decision-makers should consider that issue and either affirm or modify the initial decision on outcome and sanctions. In this circumstance, that is the end of the matter, and no additional appeal may be taken.
- If the Appeal Panel grants the appeal and remands the matter to the original Decision-makers or new Decision-makers and directs them to conduct a new hearing, a new hearing should be conducted. The results of that new hearing may be appealed.
- 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.

37. 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.

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

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.

39. Recordkeeping

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

1. Each investigation pursuant to these procedures 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 or Formal Grievance Process. These training materials will be available on the sash.lafayette.edu website.
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
 - » The basis for all conclusions that the response was not deliberately indifferent;
 - » Any measures designed to restore or preserve equal access to the education program or activity; and
 - » 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.

40. Disabilities Accommodations in the Resolution Process

Lafayette 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 Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees), 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.

41. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX, and will be reviewed and, if appropriate, updated annually by the Presidential Oversight Committee on Sexual Misconduct. 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 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.

The Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolu-

tion, unless the parties consent to be bound by the current policy.

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

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.

The Policy and this Process A are effective August 14, 2020.

[1] 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.

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

[3] This could include an attorney, advocate, or support person. The law permits one Adviser for each party (witnesses are not entitled to Advisers within the process, though they can be advised externally).

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

Process B (Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment, and Nondiscrimination – NON-Title IX)

Process B applies to allegations of harassment and discrimination, based on a protected class under the College's Non-Discrimination Policy, that do not fall within Process A.

Process B also applies to allegations of sexual harassment, sexual assault, dating violence, domestic violence and stalking not covered by Title IX due to jurisdictional issues.

If the conduct at issue is covered by Process A, Process A must be followed.

Lafayette College will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Director of Educational Equity/Title IX Coordinator[1] or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy.

The procedures described below apply to all allegations of harassment or discrimination brought against students, staff, or faculty on the basis of the protected class status. For allegations made by or against a third-party, the College will respond properly and equitably, although these procedures may not apply.

The procedures apply to conduct occurring: on Lafayette College property; in the context of any College-related or sanctioned education program or activity, regardless of the location (including travel, research, or internship programs); through the use of College-owned or provided technology re-

sources; or that otherwise creates a Hostile Environment on campus or in the context of any College-related or sanctioned education program or activity.

Allegations of harassment and discrimination are subject to procedures under Process B, the Student Code of Conduct, and other resolution processes at the discretion of appropriate administrators upon the initial assessment of a report as stated in the Student, Employee and Faculty Handbooks.

The procedures also apply to all other off campus conduct by a Lafayette student, consistent with the Student Code of Conduct.

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 staff handbooks.

1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the College's Policy on Equal Opportunity, Harassment and Non-Discrimination, the Director of Educational Equity/Title IX Coordinator (or designee herein) [2] engages in an initial assessment, which typically occurs within five (5) business days. The steps in an initial assessment can include:

- The Director of Educational Equity reaches out to the Complainant to offer supportive measures.
- The Director of Educational Equity works with the Complainant to ensure they have an Adviser.
- The Director of Educational Equity works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
 - ◊ If a supportive and remedial response is preferred, the Director of Educational Equity works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - ◊ If an Informal Resolution option is preferred, the Director of Educational Equity assesses whether the matter 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 Administrative Resolution is preferred, the Director of Educational Equity initiates the investigation process and determines whether the scope of the investigation will address:
 - » Incident, and/or
 - » A potential pattern of misconduct, and/or
 - » A culture/climate issue.

2. Next Steps After Initial Assessment

As noted, based on the initial assessment, the Director of Educational Equity will initiate one of two responses:

- **Informal Resolution** – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- **Administrative Resolution** – investigation of policy violation(s) and recommended finding, subject to a determination by the Decision-makers, consisting of a three-member panel, herein referred to as the “Decision-makers”, and the opportunity to appeal to an Appeal Panel. The investigation and the subsequent Administrative Resolution determine whether the Policy has been violated. If so, the Director of Educational Equity will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The Director of Educational Equity will consider the preference of the parties as to whether Informal Resolution or Administrative Resolution will be followed, but the decision is within the discretion of the Director of Educational Equity. At any point during the initial assessment or investigation, if the Director of Educational Equity determines that reasonable cause does not support the conclusion that the Policy has been violated, the process will end, and the parties will be notified.

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

3. Resolution Process Pool

The resolution processes rely on a pool of officials (the “Pool”) to carry out the process. The Pool is described in Process A (#7).

4. Counterclaims

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

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

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

5. Advisers

a. Expectations of an Adviser

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

The College may also make reasonable provisions to allow an Adviser 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 Advisers are disruptive or who do not abide by College policies and procedures may face the loss of that Adviser and/or possible Policy violations.

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

b. Expectations of the Parties with Respect to Advisers

Each party may choose an Adviser^[3] who is eligible and available^[4] to accompany them throughout the process. The Adviser 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 Advisers during the process and is not obligated to use the same Adviser throughout.

The parties are expected to inform the Investigators of the identity of their Adviser 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 Director of Educational Equity if they change Advisers at any time.

Upon written request of a party, the College will copy the Adviser on all communications between the College and the party.

c. Assistance in Securing an Adviser

These resources are described in detail in Process A (#5, letter j).

6. Resolution Options

Proceedings are private. All persons present at any time during any 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 is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss this with their Advisers first before doing so.

a. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through (i.) Supportive Measures, a remedies-only approach initiated by the Director of Educational Equity, (ii.) Alternate Resolution [mediation,

restorative practices, negotiated resolution, etc.], or (iii.) when the Respondent accepts responsibility for violating the Policy.

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

i. Supportive Measures, a remedies-only approach

With the Complainant's agreement, the Director of Educational Equity may resolve the matter informally by providing supportive measures (only) to remedy the situation, pursuant to the Policy 8. Supportive Measures.

ii. Alternate Resolution

Alternate Resolution is a type of Informal Resolution that includes mediation, restorative practices, or negotiated resolution. At the end of Alternate Resolution, the parties reach a mutually agreed upon resolution of an allegation. It may be used as an alternative to the Administrative Resolution process (described below) to resolve conflicts. All parties must consent to the use of Alternate Resolution. Alternate Resolutions are not appealable.

The Director of Educational Equity 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 accept sanctions and/or appropriate remedies.

The Director of Educational Equity 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 the Administrative Resolution process is completed, should the parties and the Director of Educational Equity believe it could be beneficial. The results of Alternate Resolution are not appealable.

iii. Respondent Accepts Responsibility for Alleged Violations

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

The Director of Educational Equity then determines 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 Director of Educational Equity or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. This result is not subject to appeal. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Director of Educational Equity 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.

b. Administrative Resolution

Administrative Resolution is the more "formal" mechanism under Process B. It 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. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Director of Educational Equity will provide written notification of the allegations and the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least two (2) business days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Adviser, 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.

Lafayette College aims to complete the Administrative Resolution process within a sixty to ninety (60-90) business day time period, which can be extended as necessary for appropriate cause by the Director of Educational Equity, with notice to the parties as appropriate. Some examples of appropriate cause might depend on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Director of Educational Equity 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 Director of Educational Equity will vet the assigned Investigator(s) to ensure impartiality by determining that there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Administrative Resolution process, raise a concern regarding any investigator's

bias or conflict of interest, and the Director of Educational Equity 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 Director of Educational Equity, concerns should be raised with the College's President.

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, and obtaining available, relevant evidence, 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.

7. 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 Director of Educational Equity), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Director of Educational Equity with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated College 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
- 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 an Adviser 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 Investigators' 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 Investigators 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 five (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
- Provide the final report to the Director of Educational Equity. The final report will make a recommendation to the Decision-makers on a determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

8. Additional Details of the Investigation Process

a. Witness responsibilities

Witnesses (as distinguished from the parties) are encouraged to cooperate with and participate in the College's investigation and resolution process.

Individuals on campus who are deemed to be confidential resources – such as sexual assault counselors, pastoral counselors, mental health counselors – may not be compelled to participate in any campus proceeding, but they may participate if the student to whom they were providing confidential support first provides their written consent.

b. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigators or Decision-makers determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigators, though this approach is not ideal. Where remote technologies are used, the College makes reasonable efforts to ensure privacy, and that any tech-

nology does not work to the detriment of any party or subject them to unfairness.

c. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

d. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct.

e. Sexual history/patterns

Unless the Director of Educational Equity determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though a limited exception may be made with regard to the sexual history between the parties); or (3) the character of the parties.

f. Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigators may supply the Director of Educational Equity/Decision-makers with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s)/corrective measure(s).

9. Determination

Within five (5) business days of receiving the Investigators' recommendation, the Decision-makers from the Pool review the report and all responses. If the record is incomplete, the Decision-makers may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses to ask them questions directly, if needed. In addition, the parties and their advisers may be invited to meet with the Decision-makers for the purposes of cross examination, or "indirect questioning". The parties may submit to questioning by the Decision-makers and then by the parties through their Advisers ("indirect questioning"). The Decision-makers will vet all questions for relevance, and will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive.

The recommendation of the Investigators should be strongly considered but is not binding on the Decision-Makers, who make the final determination based on a preponderance of the evidence. The Decision-makers may invite and consider impact statements from the parties if and when determining appropriate sanction(s), or corrective measure(s), if any.

The Decision-makers will inform the Director of Educational Equity of the final determination, who will then

timely provide the parties and their advisers with a written Notice of Outcome to include findings, any sanction(s)/corrective measure(s), and a detailed rationale, delivered simultaneously and without undue delay to the parties.

10. Notification of Outcome

If the Respondent admits to the violation(s), or is found responsible, the Director of Educational Equity/Decision-makers, after consultation with other appropriate administrators, determine sanction(s) and/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 discriminatory conduct, both on the Complainant and the community. For students, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Student Conduct. For staff, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Office of Human Resources. For faculty, sanctions based on findings of responsibility will be determined by the Decision-makers in consultation with the Provost.

The Director of Educational Equity simultaneously, and without significant time delay, informs the parties of the determination within five (5) business days of the resolution. This Notification of Outcome is 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 is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s)/corrective measure(s) that may result which the College is permitted to share pursuant 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.

The notice will detail when the determination is considered final.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

11. Sanctions/Corrective Measures

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 Director of Educational Equity/Decision-makers

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

Sanctions that may be imposed upon students or student organizations, singly or in combination, are outlined in Process A (#34, letter a.)

b. Employee Sanctions/Responsive Actions

Sanctions or responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation are outlined in Process A (#34, letter b.)

12. Withdrawal or Resignation While Charges are Pending

a. Students: Should either party decide not to participate, or advise that they no longer wish to participate, in the Administrative Resolution process, the Director of Educational Equity may determine that the Process should proceed to resolution, absent their participation. Should a student Respondent permanently withdraw from the College, the resolution process may end, as the College no longer has disciplinary jurisdiction over the withdrawn student.

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. It is possible that a student who withdraws or leaves while the process is pending may not be able to return to the College. They may also be barred from College property and/or events.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process may end, 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.

13. Appeals

All requests for appeal consideration must be submitted in writing to the Director of Educational Equity within five (5) business days of the delivery of the written finding of the Decision-makers. Any party may appeal the findings only under the grounds described below.

A three-member Appeal panel chosen from the Pool will be designated by the Director of Educational Equity 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)
- 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 Director of Educational Equity, 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.
- A challenge to the severity of sanctions. Appeals by students based on severity of sanctions shall be determined by the Appeal Panel. Appeals by staff based on severity of sanctions shall be determined by the Office of Human Resources. Appeals by faculty based on severity of sanctions shall be determined pursuant to the procedure set forth in the faculty handbook.

When any party requests an appeal, the Director of Educational Equity will share the appeal request with the other party(ies) or other appropriate persons such as the Investigators, original Decision-makers who may file a response within three (3) 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 five (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 five (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 for appeal 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 Investigators or Decision-makers merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigators 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 Director of Educational Equity 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 seven (7) 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.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural error cannot be cured by the original Investigators and/or Decision-makers (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 four 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.

14. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions/corrective measures implemented, the Director of Educational Equity 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 Director of Educational Equity, long-term remedies may also be provided to the Complainant even if no policy violation is found. When no policy violation is found, the Director of Educational Equity will address any remedial requirements owed by the College to the Respondent.

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

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 Director of Educational Equity.

16. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept a minimum of seven (7) years, or indefinitely, or as required by state or federal law or institutional policy, by the Director of Educational Equity in the Title IX case database.

17. Statement of the Rights of the Parties (see Appendix A)

- The right to an equitable investigation and resolution of all Formal Complaints of prohibited harassment or discrimination to College
- Upon receipt of a Formal Complaint, 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.
- After a Formal Complaint has been filed, 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 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 informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses.
- 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 request a No Contact Order.
- 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 assistance is reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions to be considered 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
- 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 ask the Investigators and Decision-makers to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigators/Decision-makers with a list of questions that, if deemed relevant by the Investigators/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 by the Investigators and to respond to that evidence before any final determination is made.
- The right to fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record, and to provide the Investigators with evidence.
- The right to receive a copy of the investigation report, 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 any 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 in writing.
- 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 have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
- The right to ask 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 Adviser of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- 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 be promptly informed of a Written Determination Regarding Responsibility letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision, delivered simultaneously (without undue delay) to the parties.
- 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.

18. Disabilities Accommodation in the Resolution Process

Lafayette 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. Anyone needing such accommodations or support should contact the Academic Resource Hub for Accessibility Services (for students) or the Office of Human Resources (for employees), who will review the request and, in consultation with the person requesting the accommodation, and the Director of Educational Equity, determine which accommodations are appropriate and necessary for full participation in the process.

Education and Prevention Programs

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, and assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- identify domestic violence, dating violence, sexual assault, and stalking, as defined by the Clery Act, as prohibited conduct;
- educate about state law definitions of domestic violence, dating violence, sexual assault, stalking, and consent;
- educate about the definitions of domestic violence, dating violence, sexual assault, stalking, and consent established in the Colleges' policies and applied in the Colleges' on-campus disciplinary process;
- rights offered within disciplinary procedures;
- provide information on procedures the College follows including the rights offered within disciplinary proceedings;
- provide descriptions of safe and positive options for bystander intervention;
- provide information on risk reduction; and
- provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Students Primary Prevention and Awareness Programming

All new students participate and complete the following programs:

U Got This and Report=Support

Catharsis Productions online SVP pre-matriculation training module for new students. Catharsis online SVP training module for new/current employees – Report = Support. *Note:

all new students and all employees are required to complete these modules.

Descriptions for U Got This! and Report=Support!: an interactive online bystander intervention training that addresses interpersonal violence (sexual assault, intimate partner violence, and stalking) and will provide you with tools to help challenge disrespectful and abusive behavior when you witness it.

New Student Orientation Program – Catharsis'

The Sex Signals show will improve institutional awareness and response to sexual violence by engaging students in conversations regarding interpersonal violence, affirmative consent, and bystander intervention, the relationship between alcohol and sexual assault and debunks myths surrounding rape and survivors of violence.

Post-orientation Continuing Education for First Year Students

The Empowered Consent program is a 75-minute, peer-led, interactive, discussion-based prevention program. The program focuses on building awareness of the qualities of healthy/unhealthy relationships, what constitutes rape culture and consent, practicing skills around bystander intervention and how to respond to a peer disclosure of sexual assault, relationship violence or stalking.

Students Ongoing Prevention and Awareness Programming

Student Advocacy & Prevention Website

The College's Office of Student Advocacy & Prevention website is: <https://deanofstudents.lafayette.edu/student-advocacy-and-prevention/>. Student Advocacy & Prevention provides confidential advocacy and supportive services to students impacted by sexual assault, dating/domestic violence, or stalking, as well as educational offerings.

It's On Us grant initiatives

The College partnered with Turning Point and Crime Victims Council (CVC) and Aster & Petrichor, LLC to provide engaging programming centering the identities of marginalized populations, including LGBTQIA+ survivors and survivors with disabilities. Each interactive program explored the situation of a survivor, where students could navigate the case study given various barriers and protective factors provided.

The grant also provides further opportunity for PASA to enhance their awareness programming, as well as supporting PAVE in their continued education as peer educators.

TIX Website

The College has developed a web site: <http://sash.lafayette.edu> that includes educational and other supportive resources for the community regarding gender-based harassment and sexual exploitation, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Resource Guide - Considering Your Rights and Options

Sexual harassment, which includes sexual assault, dating violence, domestic violence, and stalking, is not tolerated in the Lafayette community. If you or someone you know has experienced sexual harassment, the following information is provided to assist in making informed choices regarding next steps, including seeking assistance, medical care, and reporting the incident.

Developing Healthy Relationships Website

The site is at <http://counselingcenter.lafayette.edu/developing-meaningful-relationships/>.

Resources to support the development of healthy relationships and to obtain support following the experience of relationship abuse, sexual assault and gender-based violence. Information on warning signs of abusive behavior and how to avoid potential attacks. Lafayette College currently utilizes web-based educational materials to educate our students and staff concerning signs of abusive behavior and how to avoid potential attacks.

One Pard

It only takes One Pard to make a difference. We are a community and we care about each other. One person stepping up to help another can make a world of difference, and as members of a common community anyone can be the one to make that difference for a fellow Pard. If you see something you are concerned about, the Lafayette community needs you to intervene and/or report. Resources at this website <https://onepard.lafayette.edu/> provide information about how to talk to someone about whom you are concerned, as well as what Lafayette can do to help. In addition to the reporting options, this site contains comprehensive resource information for a variety of issues.

Peer Anti-Violence Educators (PAVE)

PAVE is a dedicated and passionate group of students working to promote a healthier and safer campus for all students. The mission is to raise awareness about the severity and widespread impact of interpersonal violence and deliver prevention programming to address the foundational causes. Members undergo extensive training on a variety of topics related to anti-violence and anti-oppression.

Pards Against Sexual Assault (PASA)

PASA is a student organization group founded to provide support to survivors and bring awareness of gender-based violence and sexual assault to the Lafayette community through programming. Some of the events held included Denim Day, Walk in Their Shoes, Chalk Back Interactive Workshop, and the Clothesline Project, followed by a speak out, and panels on Title IX and the "me too." movement organization training and is the main organizers of SAAM on campus.

Sexual Violence Awareness Month (SAAM)

SAAM is an annual campaign to raise public awareness about sexual assault and educate individuals on how to prevent sexual violence. Each year during the month of April there

are planned events and activities to highlight sexual violence as a public health, human rights and social justice issue that reinforce the need for prevention efforts.

Take Back the Night (PASA)

Lafayette's annual Take Back the Night, is part of a week-long initiative to create awareness, education, and engagement on issues of sexual violence, particularly as they apply to the Lafayette community. Take Back the Night is led by PASA, with support from the Office of Student Advocacy & Prevention, PAVE, as well as other on and off campus partners.

Employee Primary Prevention and Awareness Programming

All new employees receive an overview of policies, online sexual harassment prevention module, including bystander intervention techniques and sponsored in-person workshops on policies and mandatory reporter status.

U Got This and Report=Support

Catharsis Productions online SVP pre-matriculation training module for new students. Catharsis online SVP training module for new/current employees – Report = Support. *Note: all new students and all employees are required to complete these modules.

Descriptions for U Got This! and Report=Support!: an interactive online bystander intervention training that addresses interpersonal violence (sexual assault, intimate partner violence, and stalking) and will provide you with tools to help challenge disrespectful and abusive behavior when you witness it.

New Employee Orientation

During new employee orientation, offered several times during the academic year, employees' reporting obligations, rights under Title IX, and College and criminal response options are discussed.

New Faculty Orientation

The Director of Institutional Equity/Title IX Coordinator presents on topics including sexual assault, stalking, dating violence, and domestic violence, discussing reporting obligations and College and criminal response options.

Employee Ongoing Prevention and Awareness Programming

Student Advocacy & Prevention Website

The College's Office of Student Advocacy & Prevention website is: <https://deanofstudents.lafayette.edu/student-advocacy-and-prevention/>. Student Advocacy & Prevention provides confidential advocacy and supportive services to students impacted by sexual assault, dating/domestic violence, or stalking, as well as educational offerings.

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TIX Website

The College has developed a web site: <http://sash.lafayette.edu> that includes educational and other supportive resources for the community regarding gender-based harassment and sexual exploitation, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Resource Guide - Considering Your Rights and Options

This booklet provides information to individuals who have experienced sexual harassment, which includes sexual assault, stalking, dating violence, and domestic violence. The Resource Guide contains information to assist individuals in making informed decisions regarding their options, such as seeking support, accessing supportive measures, and reporting the incident.

One Pard

It only takes One Pard to make a difference. We are a community and we care about each other. One person stepping up to help another can make a world of difference, and as members of a common community anyone can be the one to make that difference for a fellow Pard. If you see something you are concerned about, the Lafayette community needs you to intervene and/or report. Resources at this website <https://onepard.lafayette.edu/> provide information about how to talk to someone about whom you are concerned, as well as what Lafayette can do to help. In addition to the reporting options, this site contains comprehensive resource information for a variety of issues.

Pards Against Sexual Assault (PASA)

PASA is a student organization group founded to provide support to survivors and bring awareness of gender-based violence and sexual assault to the Lafayette community through programming. Some of the events held included Denim Day, Walk in Their Shoes, Chalk Back Interactive Workshop, and the Clothesline Project, followed by a speak out, and panels on Title IX and the "me too." movement organization training and is the main organizers of SAAM on campus.

Sexual Violence Awareness Month (SAAM)

SAAM is an annual campaign to raise public awareness about sexual assault and educate individuals on how to prevent sexual violence. Each year during the month of April there are planned events and activities to highlight sexual violence as a public health, human rights and social justice issue that reinforce the need for prevention efforts.

Take Back the Night (PASA)

Lafayette's annual Take Back the Night, is part of a week-long initiative to create awareness, education, and engagement on issues of sexual violence, particularly as they apply to the Lafayette community. Take Back the Night is led by

PASA, with support from the Office of Student Advocacy & Prevention, PAVE, as well as other on and off campus partners.

Sex Offender Registration Information

The Campus Sex Crimes Prevention Act (hereinafter “CSCPA”) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires the Pennsylvania State Police to provide Lafayette College with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at Lafayette College.

Pennsylvania’s Megan’s Law, 42 Pa.C.S. 9799.1, requires the State Police to create and maintain a registry of persons who have either been convicted of, entered a plea of guilty to, or been adjudicated delinquent of certain sex offenses. Additionally, the Pennsylvania State Police are required to make certain information on registered sex offenders available to the public through an Internet website. Information regarding registered sex offenders on or near the campus of Lafayette College may be obtained at www.pameganslaw.state.pa.us. Additionally, the Easton Police Department provides “Sex Offender Registration Information” to the Department of Public Safety as appropriate.

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.

Missing Student Policy and Procedure

All official missing student reports are immediately referred to campus police. The Department of Public Safety is responsible for investigating reports of missing students. If anyone suspects, or receives information that a student is missing, they should immediately contact Public Safety at (610) 330-4444. Public Safety will generate a missing-person report and initiate an investigation. There is NO minimal period that the person must be missing prior to reporting the person missing. Once a student is determined to be missing, the Department of Public Safety will notify appropriate college authorities and the Easton Police Department within 24 hours of the determination that the student is missing.

In addition to registering a contact person to be notified in case of a general emergency situation, students residing in on-campus housing have the option to designate one or more persons whom they would like the College to notify in the specific emergency situation that they have been determined by the Department of Public Safety to be missing. This allows students to designate one or more contacts specifically for a missing-person situation who is/are different from the one(s) they have listed as general emergency contacts. Students may do this through Banner Self-Service (<https://bannerselfservice.lafayette.edu>). The contact information they supply will be registered and maintained confidentially and is only accessible to the law enforcement personnel in the Department of Public

Safety by logging into IBM Cognos (reporting.lafayette.edu/bi) and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

Should the Department of Public Safety determine that a student is missing, the Department of Public Safety office will notify within 24 hours the missing contact person that student has registered with the College. Additionally, if a missing student is under the age of 18 and is not emancipated, the Department of Public Safety will notify the student’s parent or legal guardian and any other designated contact person within 24 hours after the time the student was determined to be missing.

Weapons on Campus

Possessing or concealing a firearm or other weapon while on College premises or anywhere else while working on behalf of or representing the College. For purposes of this prohibition, a weapon is defined to include, but not be limited to, guns, rifles, firearms, knives, blackjacks, sandbags, metal knuckles, stun guns, stun batons, tasers or other electronic weapons, explosives, bombs, and other similar objects capable of inflicting harm to persons or property, except those carried by authorized personnel such as commissioned campus police officers and law enforcement (local and state police and federal agents). College premises include: buildings, parking lots, and surrounding grounds. Motor vehicles owned or leased by the College and vehicles parked on College property are subject to this prohibition. In the case of guns, rifles and other firearms, it is irrelevant that the person has a license or that the gun, rifle or firearm has no ammunition in it.

Alcohol and Other Drugs Policies

Lafayette College complies with and enforces all federal, state, and local laws regulating the possession, use, or sale of alcoholic beverages (including underage drinking) and controlled substances. The Department of Public Safety is primarily responsible for the enforcement of Pennsylvania’s underage drinking laws which include consumption, possession and transportation of alcoholic beverages of persons under twenty-one years of age. The Easton Police Department and the State Liquor Control Enforcement Agency also have jurisdiction in the enforcement of liquor law violations.

The Drug-Free Workplace Act of 1988 (P.L. 100-690) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-206) require that each college and university receiving federal financial assistance distribute annually Drug and Alcohol Prevention Program (DAAPP) materials about drugs and alcohol to all of its students and employees.

This Report sets forth the College’s standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of its activities. It also includes a description of applicable drug and alcohol-related sanctions under local, Pennsylvania, and federal law; a summary of health risks associated with drug and alcohol use; a list of drug and alcohol counseling opportunities available to students and employees; and a discussion of sanctions related to drugs and alcohol that may be imposed by the College.

We urge you to read the Report to the Campus Community, it can be read in its entirety at: [64](https://hr.lafayette.edu/wp-content/uploads/sites/24/2024/02/Drug-Free-Community-</p></div><div data-bbox=)

The unlawful possession, use, or distribution of illicit drugs or alcohol on institutional property or at any officially sanctioned College activity by any member of the College community is strictly prohibited. Students and employees who violate this regulation are subject to severe disciplinary action by the College and may incur penalties prescribed by civil authorities.

For students, sanctions imposed by the College for violations of the above regulations may range from probation to expulsion from the College and referral to College police and/or local, state, or federal authorities. Sanctions for employees may vary from mandatory participation in rehabilitation programs to termination of employment and referral to authorities for prosecution.

Lafayette policies with respect to alcohol and illegal drugs are spelled out in the Student Handbook and in other materials published by the Division of Student Life (conduct.lafayette.edu).

College policies regarding Alcohol

Lafayette College embraces a broad educational mission that focuses on the nurturing of the inquiring mind in an environment that integrates intellectual, social, and personal growth. Recognizing that the abuse of alcohol and other drugs is detrimental to this mission, the College strives to educate students concerning the dangers of alcohol and other drug abuse and the importance of making healthy and responsible choices. In addition to regulating the use of alcohol on its properties, the College encourages and supports the efforts of students and student organizations to sponsor alcohol-free social events that are open to the College community.

Lafayette College reserves the right to regulate the use of alcohol on its properties and at any institution-associated activity, regardless of location. The Division of Student Life is responsible for the clarification, interpretation, and implementation of the Alcohol Policy.

Legal Age: The attempted or actual purchase, consumption, transportation, or possession of alcoholic beverages by a person under 21 is prohibited.

False Identification: Using or attempting to use an identification card falsely representing oneself as being 21 years of age or older for the purpose of obtaining alcohol or obtaining entrance to a facility that serves alcohol is prohibited.

Residence Halls and Private Rooms: Alcohol may not be present in the common areas of residence halls (i.e., lounges, recreation rooms, etc.), without advance permission from the vice president for Student Life or the dean of students. In suite style housing, alcohol may be possessed and consumed in suite common areas if all occupants are over 21.

Sale of Alcoholic Beverages: The unlicensed sale or distribution of alcoholic beverages is prohibited. This includes the selling of tickets to events where alcoholic beverages are provided, charging admission, or accepting donations for any activity involving alcohol. Students and student organizations may not use College funds to purchase or provide alcohol at social events, either on or off campus.

Open Container: Possession of open containers of alcohol on the grounds outside any College-owned or College-

operated property, including residence halls, College-owned or College-operated off-campus residences, athletic fields or fraternities and sororities (including balconies and backyards) is prohibited by College policy and City of Easton ordinance. Exceptions must be approved by the vice president for Student Life or the dean of students.

Common Sources of Alcohol: Bulk containers, such as kegs or any alcohol dispensing-device requiring a tap, are not permitted anywhere on College-owned or operated property at any time.

Providing Alcohol to Minors: Providing alcohol to underage individuals is prohibited, including leaving alcohol unattended in locations where those under 21 may serve themselves. The student or student organization that serves alcohol to a person regardless of age shares responsibility with that person for any violation of the Lafayette College Code of Conduct while that person is under the influence of alcohol.

Irresponsible Use of Alcohol: Activities or possession of items that promote the rapid or excessive consumption of alcohol (i.e., funneling, drinking games, chugging contests, etc.), serving alcohol to intoxicated persons, public drunkenness, and/or events where there is pressure or an expectation to consume alcohol are prohibited. Serving, possessing, and/or consuming grain alcohol that is at or above 120 proof is prohibited.

Advertisements: Neither direct nor implied references of any kind to the availability of alcohol at an event may be made in any publicity for the event.

Program Co-sponsorship: The College ordinarily will not enter into sponsorship of College activities, programs, or events with firms whose primary purpose is the manufacture, sale, or distribution of alcoholic beverages.

Policy for Student Organization Events Involving Alcohol

Student organizations that intend to host social events at which alcohol is present must adhere to the guidelines outlined. The Division of Student Life should be consulted for policy interpretation and clarification. Students and Student organizations that violate the College's Alcohol Policy should expect to receive sanctions as outlined in this code.

Some student organizations are accountable to external organizations. The College's Alcohol Policy does not preclude those student organizations from complying with the risk management guidelines imposed by their external organizations and/or insurance carriers. The College encourages these organizations to follow all of their risk management policies pertaining to alcohol, drugs, hazing, sexual assault, etc. Student organizations should consult the guidelines of their external organizations (if applicable) prior to planning an event with alcohol. If the College becomes aware or suspects that a student organization has violated its own risk management guidelines, any external organization's leadership or appropriate representatives may be notified. It should be noted, however, that if an organization's external organization has policies that are less restrictive than those of the College, the College policies must be adhered to.

Organization Events: Any activity for which the organization pays, directly or indirectly, constitutes an event sponsored by that organization. Also, any event or activity that takes place in an organization's house (where applicable)

is the responsibility of the organization. Other factors may be considered by the case administrator or panel in determining whether an event is the responsibility of an organization including, but not limited to, attendance at the event, publicity for the event, and reasonable perception of those in attendance or aware of the event. Organizations that use any private, off-campus facility to host social events may be held accountable by the College for violations of city and Commonwealth laws as well as the applicable policies outlined in the Code of Conduct.

Host Responsibility: A student and/or organization sponsoring an event is solely responsible for ensuring that the Alcohol Policy is observed, and will be held responsible for violations of the Policy by individuals in attendance whether or not those attendees are current Lafayette students. Each case will be evaluated, however, based on the efforts of the organization to ensure compliance. Individual students who violate these rules will be held accountable and, when appropriate, both individuals and organizations will be subject to the conduct process.

Distribution of Alcohol: It is not uncommon for the majority of those in attendance at social functions to be under 21 years of age. Hosts are responsible for ensuring only those over 21 bring and/or consume alcohol at the event, and ensuring prohibited alcohol (i.e., liquor, grain alcohol) is neither present nor consumed at the event. Underage guests may not bring alcohol to the event nor consume alcohol at the event.

Security and Safety: One host is required for every ten guests. Hosts must be TIPS trained, must remain alcohol-free for the entire event, and are responsible for ensuring the safety of guests and compliance with College, state, and local policies. Individuals may not host more than 50 guests. Organizations wishing to host more than 50 guests must identify an appropriate venue, subject to approval by the Office of Student Involvement, and provide a minimum of two security officers to monitor the event in addition to the required number of student hosts.

The Office of Public Safety may periodically monitor social events at which alcohol is present. College officials reserve the right of access to all areas of any facility on its properties at any time. The use of early warning systems is prohibited.

Quantity of Alcohol: The quantity of alcohol permitted at a social event shall be limited for the number of persons of legal age expected to be present at the event. A reasonable amount of alcohol is that quantity sufficient to serve each person of legal age one drink (12-oz. beer @4-5% ABV or 6-oz. wine @ 11-12% ABV) per hour of the event. Hard liquor is not permitted at events where attendees are primarily students.

Off-Campus Events: Students and student organizations hosting events at local businesses must complete the event notification form and adhere to all College, state, and local policies. Additionally, if the event is not within walking distance, transportation must be provided to and from the event.

Event Notification: An event notification form must be submitted fourteen days in advance of social events at which alcohol is to be served.

Host Training: All hosts listed on the event registration form must have completed TIPS training prior to the date of the event and within the current academic year.

Food and Alternative Beverages: Social function hosts must provide sufficient food and non-alcoholic beverages in proportion to the number of people in attendance throughout the function. These must be readily available and displayed with prominence for the duration of the event.

Cleaning Responsibilities: Events held in on-campus, non-residential buildings or outside on campus require custodial service, which must be arranged in advance and paid for by the student or student organization. In off-campus residences, all debris resulting from a social event must be cleaned up no later than 9 a.m. the following day by the student or student organization that sponsored the event.

Good Samaritan Policy

In the event that a student or student organization assists a Lafayette College student whom the reporter believes is intoxicated or is experiencing a drug overdose in contacting Public Safety and/or professional medical assistance, neither the student who is intoxicated or experiencing the drug overdose nor the individual or group who provides assistance for that individual will be subject to College disciplinary action for (1) being intoxicated, (2) using drugs, or (3) having provided that person with alcohol. Students calling for assistance for themselves also will be covered under this policy. This policy does not excuse or protect those who flagrantly and/or repeatedly violate the College's Alcohol or Drugs Policies. It applies to circumstances due to alcohol or drugs, and does not extend to related infractions such as assault or property damage and also does not apply to those who have sold or distributed drugs to another individual. Student or student organizations covered under this policy will not be subject to the formal conduct process, and the incident will not be included as part of the individual's student file in the Office of Advising & Co-Curricular Programs nor the organization's file in the Office of Student Conduct. Individuals involved will be required to meet with an administrator to discuss the incident and may be required to complete harm-reduction educational sessions and/or a substance use assessment at the discretion of the administrator and as appropriate. The incident will result in notification to parent(s) and/or guardian(s) only in serious health and safety emergencies in compliance with FERPA privacy laws. It should be noted that this policy refers only to the application of the Code of Conduct and does not preclude other College or non-College entities from applying their own policies, procedures, and outcomes to the situation. The Good Samaritan Policy does not apply to situations where College administrators, staff, or faculty members observe or report a violation of the Alcohol or Drugs Policies.

Alcohol and Other Drug Policy Review

The College's Faculty Committee on Student Life will review at the conclusion of each academic year the policies and practices regarding alcohol and other drugs, for the purpose of increasing their effectiveness and maintaining a healthy and safe campus environment. The College conducts a biennial review of its alcohol and drug abuse prevention program as required by the Drug Free Schools and Community Act, and the Alcohol and Other Drug Standing Committee reviews these programs on an ongoing basis.

Emergency Response and Evacuation Policies and Procedures

Emergency Notification Process

The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

All emergencies should be immediately reported to the Department of Public Safety (DPS) via any of the following methods: 4444 from any “campus” telephone; (610)-330-4444 from any telephone other than a “campus” telephone; or from any “blue light” telephone located across the campus. The Department of Public Safety will use the following procedures to notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the Lafayette College campus.

Confirming the Existence of a Significant Emergency or Dangerous Situation

In the event of a reported significant emergency or dangerous situation, Lafayette Dispatch Center will notify the appropriate emergency services unless those services have already been notified and are responding. Emergency services will typically be provided by Lafayette Police/Security, Easton PD, Easton Fire and/or Easton Emergency Squad. If a dangerous situation is reported to Lafayette Dispatch Center, Lafayette Officers or other local authorities will confirm the threat by either responding to the scene or through the report of a credible witness. This determination is made on a case-by-case basis after considering the nature of the crime, the facts of the case and any other information. Some emergencies (i.e. infectious diseases) may be reported through other college offices first, such as College Health Services. Once first responders confirm that there is a significant emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, Lafayette Dispatch Center will notify the Director of Public Safety or designee or other authorized college offices to issue an emergency notification.

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification

College and/or local first responders on the scene of a critical incident or dangerous situation will report all related information to the Incident Commander (IC). The Incident Commander will be the first officer on scene until a higher ranking Public Safety staff member arrives. The IC will keep Public Safety Dispatch informed of incident details by radio, phone, or in person. In some cases a Unified Command Center (UCC) will be established by first responders on/near campus or at Public Safety’s Headquarters. The UCC will keep Public Safety Dispatch informed of incident details. Intelligence received by Public Safety Dispatch will be shared with those preparing the emergency notification and assist with determining what segment or segments of the campus community should receive the notification. If the emergency

affects a significant portion of the entire campus, college officials will distribute the notification to the entire campus community. If the threat is limited to a specific location, the notification will be sent to the appropriate segment of the community. For example, if/when there is a fire in a building, the fire alarm system may serve as the sole method of emergency notification.

Determining the Content of an Emergency Notification

The content of the notification will be constructed utilizing one of the College’s existing template messages that address several different emergencies. The official authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the official authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to give out pertinent information regarding a confirmed threat to campus safety, and if necessary, the steps students, faculty, and staff should take to help ensure their own safety from that particular threat. Lafayette College may not immediately issue a notification for an emergency if, in the professional judgment of public safety officials, the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Emergency Notifications will be made via the Leopard Alerts Emergency Alert Service. At times, this system may be supplemented through use of the College’s outdoor mass alert siren/public address system, reminding members of the college community to check for text and email messages that will inform them of the nature of the emergency and appropriate steps to take. Information in the emergency notification will be updated as necessary via the Leopard Alerts Emergency Alert Service or College email to reflect the status of the incident in order to ensure the safety of the campus community. The Leopard Alerts Emergency Alert Service allows Lafayette College to communicate important information on an expedited basis with students and employees via text message and email. Participation in the Leopard Alerts Emergency Alert Service is voluntary and Lafayette College students, faculty, and staff are strongly encouraged via email notices, orientation/group meetings and other media (ie. posters, flyers, cards and bookmarks) to register via <http://public-safety.lafayette.edu/omnilert/>.

Initiating the Emergency Notification System

The authorized representatives to request or initiate all or some portions of the emergency notification system in an emergency, urgent, or important situation include:

1. Director of Public Safety, DPS command staff, or designee;
2. Designated Communications personnel.

If an emergency notification is warranted, the system will be initiated by an authorized representative without delay by logging onto Ominilert’s on-line administrators log-in page. This official will select “Send Message” to initiate the three

step process: 1. Select Who is to receive the message (i.e. All subscribers). 2. Select How or which endpoints to deliver the message (i.e. sms, email, and/or desktop); and 3. Create Message Content (i.e. templates) of the notification and initiate the Leopard Alerts by clicking “Send”.

Disseminating information to the larger community.

When appropriate, the Department of Public Safety will notify the Easton Police Department, Easton Fire Department, and Easton Emergency Squad as circumstances warrant. The Lafayette College Division of Communications will notify regional media outlets as appropriate.

Evacuation of campus facilities.

Will be determined based on the magnitude and urgency of the incident. When evacuation is determined to be necessary, public safety officers assisted by other campus officials will facilitate an orderly evacuation of the affected building(s) and provide assistance to students, faculty and staff. To accomplish a building evacuation, the building fire alarm system may be utilized. If evacuation is called for in regard to a specific building, students, staff and faculty will be advised what location they should evacuate to. A complete evacuation of campus would require all campus occupants to leave campus by shuttle bus, private vehicles, and by foot in an extreme emergency situation.

Testing the Emergency Notification System

The Department of Public Safety annually tests the emergency notification systems (Leopard Alerts/sirens) on campus. The annual tests may be announced or unannounced. Tests are broadcast to the Campus Community via the College’s email system. Emails announcing the system test contain information about the test; how to register for Leopard Alerts; where to find a summary of our Incident Action Plan and our emergency response and evacuation procedures which are on the Public Safety website at <http://publicsafety.lafayette.edu/crime-prevention/emergency-management/incident-action-plan>. Each test is documented to include a description of the exercise, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced. The tests include follow-through activities designed to review the test to improve the notification system.

Emergency Response and Evacuation Testing Procedures

An evacuation fire drill is coordinated by the Department of Public Safety two times each year for all residence halls. Students learn the locations of the emergency exits, the location of each building’s evacuation meeting point, as well as each building’s primary and secondary assembly area (locations students will be directed to in the event the primary meeting place is unavailable or the incident will require evacuation for a protracted period), and become familiar with the sound of the fire alarm. During these evacuation drills, campus safety personnel provide students with information about shelter-in-place, evacuation, avoid area and lock-down procedures. Residential Advisors (RAs) are also trained in these procedures and are a continuing resource for students living in their residence halls.

Shelter-in-Place:

Sheltering in place means to remain indoors or to seek immediate shelter indoors and remain there during an emergency. Sheltering in place includes closing exterior doors and windows, drawing shades, turning off HVAC systems and possibly moving to a more protected interior area of a building depending on the nature of the emergency, and then remaining there until the “all clear” confirmation has been given.

Emergencies such as a hazardous material release or a severe weather occurrence will trigger a shelter-in place command.

Evacuate:

Evacuate means to exit a building using the nearest available exit, reporting to the building’s pre-determined meeting area and following further instructions from college officials or campus safety.

Emergencies such as an indoor hazardous material spill or release, fire, natural gas leak, or bomb threat will trigger an evacuation command.

Avoid Area:

Avoid an area means to keep away from an event for your own safety. Do not approach the area unless you are advised by police to shelter in place. Move away from and avoid the area where the situation is ongoing. This could be any part of or all of campus. Follow the directions and advice of law enforcement and first responders.

Lockdown:

A “lockdown” is a temporary sheltering technique utilized to limit human exposure to an apparent life-threatening, hostile or hazardous situation or threat. When a lockdown is declared by the Colleges’ officials or Department of Public Safety, occupants of any building within the impacted area are to remain in their respective spaces locking or, if unable to lock, barricading doors, closing and locking windows, drawing shades, covering classroom or office door windows, silencing cell phones, remaining quiet, and not allowing entry or exit to a secured area until the “all clear” confirmation has been given.

Emergencies such as an armed intruder on campus or an active shooter on campus (an individual actively engaged in killing or attempting to kill people with a firearm in a confined populated area) will trigger a lockdown command.

The Department of Public Safety conducts tests of its emergency response plans and capabilities at least annually. Tests may include table-top exercises; lockdown drills or a combination of exercises. These tests allow the Department of Public Safety to evaluate its response capabilities, the ability to interface cooperatively with Lafayette’s Crisis Management Team, other Lafayette departments and other public safety agencies and improve plans and response procedures. The Department of Public Safety will document all drills and tests and record the description of the drill/test, the date, the time and whether the test was announced or unannounced. In addition, after action reviews are conducted for all emergency management exercises.

Publicly available information regarding the Colleges emergency response procedures is available on the Department

of Public Safety's Emergency Situations webpage at <https://publicsafety.lafayette.edu/crime-prevention/emergency-management/>

Daily crime and fire log

The Department of Public Safety maintains a daily log of all crimes that are reported to the Department of Public Safety and of crimes that occurred within public safety's patrol jurisdiction. The log lists the nature of the crime, the date, time, general location of the crime, and the disposition of the complaint if known. Entries are made into the Crime/Fire Log within two business days of the reporting of information to the department. On occasion, information concerning a crime may be temporarily withheld if release of the information poses a continuing danger to the victim or there is a need to keep the investigation confidential because the release of the information will likely jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Additionally, in cases of sexual assault, domestic violence, dating violence or stalking, the name of victim and other identifying information will be withheld as confidential and, the specific location of the offense may be withheld from the crime log if divulging that information could potentially identify the victim.

Additionally, the department maintains a log of any fire that occurs in on-campus student housing.

The daily crime/fire log may be reviewed Monday through Friday during normal business hours at the Department of Public Safety for the most recent 60-day period. Data older than 60 days will be made available within two business days of a request for public inspection. All records required by the Jeanne Clery Campus Safety Act will be retained for a period of three years following the publication of the last annual campus security report to which they apply.

Report preparation for the annual disclosure of crime statistics

The Department of Public Safety is responsible for gathering statistics, identifying reportable crimes, and reporting/publishing statistics to the U.S. Department of Education, the Pennsylvania State Police, the FBI, and to the public. Statistics are reported in different formats and categories depending upon specific legal requirements. FBI and Pennsylvania State Police reports include different crimes than does the Clery Act. While the Clery Act requires statistics to be reported from a wider geographic area than does the FBI (e.g. adjacent public property and non-campus properties), and also requires reporting of student disciplinary referrals and arrests for drug, alcohol, and weapons offenses.

The Annual Campus Security and Fire Safety Report has been compiled from statistics based upon crime reports received by the Department of Public Safety, from outside police agencies (Easton and Forks Police Departments) responsible for areas immediately adjacent to campus, and from reports received from Campus Security Authorities. Methods are in place to avoid duplicate, inaccurate statistical reporting and also to ensure that the crimes listed are consistent with

Pennsylvania and FBI Uniform Crime Reporting classifications.

This report includes statistics for arrests for liquor law, drug, and weapons violations occurring on campus, in student housing, at non-campus buildings, and on public property adjacent to campus. Additionally, the report includes internal disciplinary referrals for drug, liquor law, and weapons violations. A disciplinary referral is reported if it is not otherwise reported as an arrest.

Crime Location Definitions

On-Campus: any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-Campus Building or Property: any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Definitions of Reportable Crimes

Murder/Manslaughter—is defined as the willful killing of one human being by another.

Negligent Manslaughter—is defined as the killing of another person through gross negligence.

Sex offenses—is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape—is the 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.

Fondling—is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Statutory Rape—is non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery—is defined as taking or attempting to take anything of value from the car, 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—is defined as 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.

Burglary—is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft—is the theft or attempted theft of a motor vehicle.

Arson—is 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.

Hate Crimes—includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

Larceny/Theft—includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

Hazing—is any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. Including:
 - ◊ whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - ◊ causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - ◊ causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - ◊ causing, coercing, or otherwise inducing another person to perform sexual acts;
 - ◊ any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - ◊ any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - ◊ any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

- a student organization is defined as an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Simple Assault—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation—is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice

Race—a preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Religion—a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation—a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender—preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity—preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity—a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon

biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin—a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability—a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Violence Against Women Act (VAWA) Offenses

A sexual assault is defined as an offense that meets the definition of rape, fondling, statutory rape, or incest as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

Domestic violence is defined as a felony or misdemeanor crime of violence 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 cohabitating with, or has cohabitated 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 in which the crime of violence occurred; 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 in which the crime occurred.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

College Crime Statistics for Calendar Years 2022, 2023, 2024

This chart includes offenses that were reported to the Lafayette College Department of Public Safety, law enforcement agencies with jurisdiction over all parts of Lafayette's Clery geography (including non-campus properties) other than the Lafayette Department of Public Safety, and to any official of Lafayette who has significant responsibilities for student and campus activities. Those offenses are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

FEDERAL STATISTICS	ON-CAMPUS						Non-Campus Building or Property			Public Property			Unfounded		
	Lafayette Campus Areas (includes student housing facilities)			Student Housing Facilities Only (a subset of campus areas)											
Offenses	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	6	2	3	3	2	3	0	0	0	0	0	0	0	0	0
Fondling	1	3	2	1	2	2	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Burglary	3	3	5	2	2	4	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	1	1	9	0	0	0	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	1	0	1	1	0	0	0	0	0	0	0	0	0
Stalking	1	5	2	1	2	0	0	0	0	0	0	0	0	0	0
Total Unfounded Offenses													0	0	0
ARRESTS															
Liquor Law Violations	9	1	0	9	1	0	0	0	0	0	0	0			
Drug Abuse Violations	1	0	1	0	0	0	0	0	0	0	0	0			
Weapons Possessions	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS															
Liquor Law Violations	55	135	98	47	122	48	0	0	0	3	0	0			
Drug Abuse Violations	3	27	10	3	22	3	0	0	0	0	0	0			
Weapons Possessions	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0

Lafayette College complies with all applicable federal and state legislation and does not discriminate in any way on the basis of gender, age, race, color, religion, creed, national origin, ancestry, physical ability, or sexual orientation.

Department of Public Safety, 901 Bushkill Drive, Lafayette College, Easton, PA 18042; (610) 330-5330.

Hate Crimes

[illegible]

Pennsylvania Uniform Crime Reporting Act

The Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and rates to students and employees, and it requires that those statistics be available to applicants and new employees upon request. The rate is based on the actual number of Full Time Equivalent (FTE) students and employees, calculated according to a state-mandated formula. The index in the table below is based on incidents per 100,000 FTEs.

OFFENSE	2022 CY		2023 CY		2024 CY	
	Offenses Known	Index 100,000	Offenses Known	Index 100,000	Offenses Known	Index 100,000
Part I Offenses						
Criminal Homicide	0	0	0	0	0	0
Rape (total)	2	57	0	0	0	0
Robbery (total)	0	0	0	0	0	0
Assault (total)	1	28	0	0	0	0
Burglary	6	171	11	308	5	139
Larceny - Theft	56	1,592	36	1,007	53	1,469
Motor Vehicle Theft (total)	0	0	1	28	1	28
Arson	0	0	0	0	0	0
Human Trafficking	0	0	0	0	0	0
Total Part I Offenses	65	1,848	48	1,342	59	1,636
Part II Offenses						
Other Assaults (Simple)	5	142	8	224	9	250
Forgery and Counterfeiting	20	569	9	252	9	250
Fraud	4	114	9	252	0	0
Embezzlement	0	0	0	0	0	0
Stolen Property (Buying, Receiving, Possessing)	1	28	0	0	0	0
Vandalism	67	1,904	30	839	35	970
Weapons Offense	9	256	0	0	0	0
Prostitution and Commercialized Vice	0	0	0	0	0	0
Sex Offenses (except Rape and Prostitution)	7	199	2	56	4	111
Drug Abuse Violations	4	114	8	224	6	166
Gambling	0	0	0	0	0	0
Driving Under the Influence	0	0	0	0	0	0
Offenses Against Family	0	0	0	0	0	0
Liquor Laws	70	1,990	44	1,230	36	998
Drunkenness (except Liquor Laws violations)	4	114	1	28	1	28
Disorderly Conduct	12	341	11	308	14	388
Vagrancy	0	0	0	0	0	0
All Other Offenses (except traffic)	13	370	32	895	8	222
Total Part II Offenses	216	6,140	154	4,306	122	3,382
GRAND TOTALS	281		202		181	
FTE Students =	2718		2743		2753	
FTE Employees =	800		833		854	
Total FTE =	3518		3576		3607	

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Department of Public Safety, 901 Bushkill Drive, Lafayette College, Easton, PA 18042; (610) 330-5330.

Annual Fire Safety Report

Lafayette College is serviced by the City of Easton's full-time, paid, professional fire department. Members of the College community should immediately notify the Department of Public Safety at (610) 330-4444 if a fire occurs in a campus building or on campus grounds. The Department of Public Safety will immediately initiate a response by the Easton Fire Department using its communication link with the Northampton County Dispatch/Communications Center.

All members of the Department of Public Safety have direct radio communication with the responding fire fighters and may update the responding fire fighters regarding the cause of fire alarm and status. A member of the College community who finds evidence of a fire that has been extinguished and does not know whether the department of public safety has already responded should notify the department immediately.

Fire alarms in campus facilities are designed to alert the College community to potential hazards, and members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The College and/or the City of Easton's Fire Marshall may levy fines and penalties on individuals who fail to evacuate a building promptly when an alarm sounds—but safety is a more important reason for evacuating immediately.

When a fire alarm is activated in any building, all passenger elevators in all buildings will automatically discharge on the main floor. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the dispatcher in the Department of Public Safety.

The Department of Public Safety publishes this fire safety report as part of its annual Clery Act Compliance and contains information with respect to the fire safety practices and standards for the College. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to fires, and the value of the property damage caused by a fire.

In conjunction with the Easton Fire Department, Easton Bureau of Codes and Inspections, and Easton Health Bureau, College officials inspect all fraternity houses at least three times per year. The Department of Public Safety conducts fire preplanning tours for the Easton Fire Department as well as fire drills in each residence hall, fraternity house, and sorority house twice each year and in selected academic buildings periodically. In addition, Public Safety's Environmental, Health and Safety conducts safety inspections of selected buildings.

Fire protection equipment/systems

All College buildings, with the exception of detached garages, are equipped with automatic fire-detection and alarm systems. Refer to the Fire Safety Amenities in the Public Safety Student Housing Facilities Chart in this report for detailed information about fire detection, notification, and suppression systems in each residential facility.

Plans for future improvements in fire safety

Currently there are no formal plans to upgrade/replace any fire alarm systems. Lafayette College plans to continually improve our fire safety program and to comply with all codes and standards and upgrade equipment as appropriate. The Department of Public Safety monitors campus-wide fire alarm systems on a True Site Work Station system and works closely with Lafayette College Facilities Operations and the Easton Fire Department to address and correct any deficiencies in an ongoing effort to mitigate fire safety issues.

Fire safety policies

Fire equipment is to be used only as necessary in case of fire. Its use (or misuse) must be reported to Office of Residence Life immediately so that the equipment may be restored to useful condition without delay.

Decorations or furniture must never hinder exit from a room. Students are expected to leave the building for all fire alarms and drills. Lack of cooperation during fire drills or alarms will be considered a severe breach of discipline. Violators will be disciplined. Students must not decorate their room with combustible materials (paneling, combustible fabrics, etc.). Fiberglass or other fire-resistant hangings are acceptable if hung from picture molding. No items may be affixed to, installed in, or suspended from the ceiling in any student room. Fabric decorations may only cover a maximum of 50 percent of any wall in any student room. Posters may only cover a maximum of 50 percent of the wall space in any student room.

Firecrackers, gunpowder, and chemicals are strictly prohibited and, if found, will be confiscated and the owner subject to disciplinary action. Possession of burning or previously burned candles, incense, or kerosene lamps for any purpose is prohibited. Lamps may not use a halogen bulb. No appliances containing open heating elements may be used in student rooms. Hot plates, heaters, toaster ovens, etc., pose distinct fire hazards and overload electrical circuits. Microwave ovens (other than units available through the College designated rental program) are not permitted in student rooms.

All residence halls are equipped with an automatic fire detection system that notifies the Department of Public Safety immediately of the alarm. Fire alarm boxes and fire extinguishers are in all College buildings. Emergency exits are clearly marked.

Fire safety education

All resident advisers are trained in fire-safety procedures and policies each year. This training contains procedures students should follow in case of a fire. The Department of Public Safety provides videos and other educational materials relating to fire safety for use in residence halls. During residence hall fire exit drills, participants are reminded of the importance of fire prevention and exiting the facility in a timely manner.

New employees are trained in fire-safety procedures during New-Hire Orientation. This training contains procedures employees should follow in case of a fire.

Fire safety tips

- Buildings are equipped with a variety of features that are designed to detect, stop, and/or suppress the spread of a fire.
- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than the doors of individual rooms. It is important that these fire doors are closed for them to work effectively. If a fire door is equipped with a device to automatically close it in case of fire, it should not be propped open.
- When they operate properly, sprinklers are very effective in preventing the spread of fire. Do not prevent sprinklers from operating properly by obstructing sprinkler heads with materials like clothing hanging from the piping.
- Smoke detectors cannot do their job if they are disabled or covered. It is a violation of College policy to disable or cover a smoke detector.
- Smoking is not permitted in any College building.
- A daily fire log is available for review during normal business hours at the Department of Public Safety, 901 Bushkill Drive. This log typically includes information about fires that occur in student housing facilities, including the nature, date, time, and general location.
- Cooking of meals is not permitted in student rooms. This is both a fire and health hazard. There are appropriate cooking areas in all student housing facilities.

Fire response procedure—in case of fire only

- Activate the nearest fire-alarm box. All alarm boxes connect directly with the Department of Public Safety.
- Call the Department of Public Safety at (610)-330-4444, giving the exact location and nature of the fire. Evacuate the building using the procedure below.
- When you hear a fire alarm sound:
 - ◇ Close the windows but do not lock them.
 - ◇ Use a towel, handkerchief, or other cloth to cover your face in case there is heavy smoke. Stay close to the floor, moving on your hands and knees.
 - ◇ Feel the door. If it is warm, remain in the room. Seal the door with wet towels and call for help – (610)-330-4444, then 911. If the door is cool, leave room but do not lock it.
 - ◇ DO NOT RUN. Proceed to the nearest stairway fire-exit (not the elevator).
 - ◇ Exit the building immediately and stand well clear of the area. Gather in the spot designated for your residence hall or individual floor.
 - ◇ DO NOT re-enter the building until you have been given permission.
 - ◇ Faculty and resident advisers should assist in an orderly evacuation. Afterward, they should report all persons who violate fire safety procedures. Treat every fire drill as you would an actual fire. Everyone is expected to cooperate.

Fire Safety Systems in Lafayette College Student Housing Facilities

Student Housing Facilities	Fire Alarm Monitoring by Public Safety	Full Sprinkler System	Smoke and Heat Detectors	Fire Extinguishers	Fire Drills Previous Calendar Year *
106 Cattell Street	x		x	x	0
110 Cattell Street	x		x	x	0
114 Cattell Street	x		x	x	0
118 Cattell Street	x		x	x	0
124 Cattell Street	x		x	x	0
225 Reeder Street	x	x	x	x	2
317 McCartney Street	x		x	x	0
402 McCartney Street	x		x	x	0
404 McCartney Street	x		x	x	0
406 McCartney Street	x		x	x	0
408 McCartney Street	x		x	x	0
410 McCartney Street	x		x	x	0
412 McCartney Street	x		x	x	0
414 McCartney Street	x		x	x	0
416 McCartney Street	x		x	x	0
418 McCartney Street	x		x	x	0
420 McCartney Street	x		x	x	0
421 Hamilton Street	x		x	x	0
422 McCartney Street	x		x	x	0
434 McCartney Street	x		x	x	0
511 Hamilton Street	x		x	x	0
512 March Street	x	x	x	x	2
513 Hamilton Street	x		x	x	0
513 High Street	x		x	x	0

*Fire Drill dates and times were 8/12/24 at 3 p.m. and 1/13/25 at 1 p.m.

Fire Safety Systems in Lafayette College Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Alarm Monitoring by Public Safety	Full Sprinkler System	Smoke and Heat Detectors	Fire Extinguishers	Fire Drills Previous Calendar Year *
515 Clinton Terrace	x		x	x	0
517 Clinton Terrace	x		x	x	0
518 Clinton Terrace	x		x	x	0
520 Clinton Terrace	x		x	x	0
543 Hamilton Street	x		x	x	0
594 Pardee Street	x		x	x	0
595 Pardee Street	x		x	x	0
601 Pardee Street	x		x	x	0
615 Monroe Street	x		x	x	0
616 Parsons Street	x		x	x	0
617 Monroe Street	x		x	x	0
619 Monroe Street	x		x	x	0
620 Monroe Street	x		x	x	0
620 Parsons Street	x		x	x	0
621 Monroe Street	x		x	x	0
622 Monroe Street	x		x	x	0
623 Monroe Street	x		x	x	0
623 Parsons Street	x		x	x	0
624 Monroe Street	x		x	x	0
624 Parsons Street	x		x	x	0
625 Monroe Street	x		x	x	0
626 Monroe Street	x		x	x	0
626 Parsons Street	x		x	x	0
627 Monroe Street	x		x	x	0
628 Monroe Street	x		x	x	0
629 Monroe Street	x		x	x	0
630 Monroe Street	x		x	x	0
630 Parsons Street	x		x	x	0
631 Monroe Street	x		x	x	0
632 Monroe Street	x		x	x	0

*Fire Drill dates and times were 8/12/24 at 3 p.m. and 1/13/25 at 1 p.m.

Fire Safety Systems in Lafayette College Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Alarm Monitoring by Public Safety	Full Sprinkler System	Smoke and Heat Detectors	Fire Extinguishers	Fire Drills Previous Calendar Year *
632 Parsons Street	x		x	x	0
633 Monroe Street	x		x	x	0
633 Parsons Street	x		x	x	0
634 Monroe Street	x		x	x	0
634 Parsons Street	x		x	x	0
635 High Street	x		x	x	2
636 Monroe Street	x		x	x	0
638 Monroe Street	x		x	x	0
640 Pierce Street	x		x	x	0
641 Parsons Street	x		x	x	0
643 Parsons Street	x		x	x	0
Alpha Gamma Delta, 511 College Avenue	x	x	x	x	2
Alpha Phi, 752B Sullivan Rd.	x	x	x	x	2
Black Cultural Center, 43 McCartney St	x	x	x	x	2
Chi Phi, 4 West Campus	x	x	x	x	2
Conway House, 752A Sullivan Rd.	x	x	x	x	2
Lavender Lane, 2 West Campus Ln.	x	x	x	x	2
Delta Kappa Epsilon, 719 Sullivan Rd.	x	x	x	x	2
Delta Upsilon, 750A Sullivan Rd.	x	x	x	x	2
Easton Hall, 7 West Campus Lane	x	x	x	x	2
Farber Hall, 707 Sullivan Rd.	x	x	x	x	2
Fisher Hall East, 778B Sullivan Rd.	x	x	x	x	2
Fisher Hall West, 778A Sullivan Rd.	x	x	x	x	2
Gates Hall, 210 McCartney St.	x	x	x	x	2
Grossman House, 611 High St.	x	x	x	x	2
Hamilton House, 718 Hamilton St.	x	x	x	x	2
Hillel House, 524 Clinton Terrace	x	x	x	x	2
Kamine Hall, 776A Sullivan Rd.	x	x	x	x	2
Keefe Hall, 22 South College Dr.	x	x	x	x	2
Kirby House, 701 High St.	x	x	x	x	2
Lerch House, 721 Sullivan Rd.	x	x	x	x	2
Marquis Hall, 730 Sullivan Rd.	x	x	x	x	2
McCartney North, 211 McCartney St	x	x	x	x	2
McCartney South, 201 McCartney St	x	x	x	x	2
McCartney II, 101 McCartney St	x	x	x	x	0
McKeen Hall, 110 McCartney St.	x	x	x	x	2
McKelvy House, 200 High St.	x	x	x	x	2
Phi Kappa Psi, 715 Sullivan Rd.	x	x	x	x	2
Pi Beta Phi, 750B Sullivan Rd.	x	x	x	x	2
Ramer Hall, 711 Sullivan Rd.	x	x	x	x	2
Rubin Hall, 776B Sullivan Rd.	x	x	x	x	2
Ruef Hall North, 20A South College Dr.	x	x	x	x	2
Ruef Hall South, 20B South College Dr.	x	x	x	x	2
Soles Hall, 212 McCartney St.	x	x	x	x	2
South College, 7 South College Dr.	x	x	x	x	2
Watson Courts "A", 605 Clinton Terr.	x	x	x	x	2
Watson Courts "B", 607 Clinton Terr.	x	x	x	x	2
Watson Courts "C", 32 McCartney St.	x	x	x	x	2
Watson Hall, 750 High St.	x	x	x	x	2
Wise House, 426 Clinton Terrace	x		x	x	0
Zeta Psi, 49 South College Dr.	x	x	x	x	2

*Fire Drill dates and times were 8/12/24 at 3 p.m. and 1/13/25 at 1 p.m.

2022: Statistics and Related Information Regarding Fires in Student Housing Facilities

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
106 Cattell Street	0	0	N/A	N/A	N/A	N/A
110 Cattell Street	0	0	N/A	N/A	N/A	N/A
114 Cattell Street	0	0	N/A	N/A	N/A	N/A
115 McCartney Street	0	0	N/A	N/A	N/A	N/A
115.5 McCartney Street	0	0	N/A	N/A	N/A	N/A
117 McCartney Street	0	0	N/A	N/A	N/A	N/A
118 Cattell Street	0	0	N/A	N/A	N/A	N/A
122 Cattell Street	0	0	N/A	N/A	N/A	N/A
123 McCartney Street	0	0	N/A	N/A	N/A	N/A
131 McCartney Street	0	0	N/A	N/A	N/A	N/A
133 McCartney Street	0	0	N/A	N/A	N/A	N/A
225 Reeder Street	0	0	N/A	N/A	N/A	N/A
319 McCartney Street	0	0	N/A	N/A	N/A	N/A
329 McCartney Street	0	0	N/A	N/A	N/A	N/A
41 McCartney Street	0	0	N/A	N/A	N/A	N/A
402 McCartney Street	0	0	N/A	N/A	N/A	N/A
404 McCartney Street	0	0	N/A	N/A	N/A	N/A
406 McCartney Street	0	0	N/A	N/A	N/A	N/A
408 McCartney Street	0	0	N/A	N/A	N/A	N/A
410 McCartney Street	0	0	N/A	N/A	N/A	N/A
412 McCartney Street	0	0	N/A	N/A	N/A	N/A
414 McCartney Street	0	0	N/A	N/A	N/A	N/A
416 McCartney Street	0	0	N/A	N/A	N/A	N/A
418 McCartney Street	0	0	N/A	N/A	N/A	N/A
420 McCartney Street	0	0	N/A	N/A	N/A	N/A
421 Hamilton Street	0	0	N/A	N/A	N/A	N/A
422 McCartney Street	0	0	N/A	N/A	N/A	N/A
426 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
43 McCartney Street	0	0	N/A	N/A	N/A	N/A
434 McCartney Street	0	0	N/A	N/A	N/A	N/A
45 McCartney Street	0	0	N/A	N/A	N/A	N/A
502 McCartney Street	0	0	N/A	N/A	N/A	N/A
509 High Street	0	0	N/A	N/A	N/A	N/A
511 Hamilton Street	0	0	N/A	N/A	N/A	N/A
512 March Street	0	0	N/A	N/A	N/A	N/A
513 Hamilton Street	0	0	N/A	N/A	N/A	N/A
513 High Street	0	0	N/A	N/A	N/A	N/A
514 March Street	0	0	N/A	N/A	N/A	N/A
515 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
517 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
518 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
518 March Street	0	0	N/A	N/A	N/A	N/A
520 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
520 March Street	0	0	N/A	N/A	N/A	N/A
522 March Street	0	0	N/A	N/A	N/A	N/A
524 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
525 Hamilton Street	0	0	N/A	N/A	N/A	N/A
543 Hamilton Street	0	0	N/A	N/A	N/A	N/A
594 Pardee Street	0	0	N/A	N/A	N/A	N/A
595 Pardee Street	0	0	N/A	N/A	N/A	N/A
601 Pardee Street	0	0	N/A	N/A	N/A	N/A
605 Pardee Street	0	0	N/A	N/A	N/A	N/A

2022: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
615 Monroe Street	0	0	N/A	N/A	N/A	N/A
616 Parsons Street	0	0	N/A	N/A	N/A	N/A
617 Monroe Street	0	0	N/A	N/A	N/A	N/A
619 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Parsons Street	0	0	N/A	N/A	N/A	N/A
621 Monroe Street	0	0	N/A	N/A	N/A	N/A
622 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Parsons Street	0	0	N/A	N/A	N/A	N/A
623 Pierce Street	0	0	N/A	N/A	N/A	N/A
624 Monroe Street	0	0	N/A	N/A	N/A	N/A
624 Parsons Street	0	0	N/A	N/A	N/A	N/A
625 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Parsons Street	0	0	N/A	N/A	N/A	N/A
627 Monroe Street	0	0	N/A	N/A	N/A	N/A
628 Monroe Street	0	0	N/A	N/A	N/A	N/A
629 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Parsons Street	0	0	N/A	N/A	N/A	N/A
631 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Parsons Street	0	0	N/A	N/A	N/A	N/A
635 High Street	0	0	N/A	N/A	N/A	N/A
636 Monroe Street	0	0	N/A	N/A	N/A	N/A
638 Monroe Street	0	0	N/A	N/A	N/A	N/A
640 Pierce Street	0	0	N/A	N/A	N/A	N/A
641 Parsons Street	0	0	N/A	N/A	N/A	N/A
643 Parsons Street	0	0	N/A	N/A	N/A	N/A
Alpha Gamma Delta, 511 College Avenue	0	0	N/A	N/A	N/A	N/A
Alpha Phi, 752B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Black Cultural Center, 101 McCartney St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 4 West Campus	0	0	N/A	N/A	N/A	N/A
Conway House, 752A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Delta Delta Delta, 2 West Campus Ln.	0	0	N/A	N/A	N/A	N/A
Delta Kappa Epsilon, 719 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Delta Upsilon, 750A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Easton Hall, 7 West Campus Lane	0	0	N/A	N/A	N/A	N/A
Farber Hall, 707 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall East, 778B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall West, 778A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Gates Hall, 210 McCartney St.	0	0	N/A	N/A	N/A	N/A
Grossman House, 611 High St.	0	0	N/A	N/A	N/A	N/A
Hamilton House, 718 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Kamine Hall, 776A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Keefe Hall, 22 South College Dr.	0	0	N/A	N/A	N/A	N/A

2022: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
Kirby House, 701 High St.	0	0	N/A	N/A	N/A	N/A
Lerch House, 721 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
March Hall, 723 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Marquis Hall, 730 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
McCartney North, 211 McCartney St	0	0	N/A	N/A	N/A	N/A
McCartney South, 201 McCartney St	0	0	N/A	N/A	N/A	N/A
McKeen Hall, 110 McCartney St.	0	0	N/A	N/A	N/A	N/A
McKelvy House, 200 High St.	0	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 715 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Pi Beta Phi, 750B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ramer Hall, 711 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Rubin Hall, 776B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ruef Hall North, 20A South College Dr.	0	0	N/A	N/A	N/A	N/A
Ruef Hall South, 20B South College Dr.	0	0	N/A	N/A	N/A	N/A
Soles Hall, 212 McCartney St.	0	0	N/A	N/A	N/A	N/A
South College, 7 South College Dr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "A", 605 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "B", 607 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "C", 32 McCartney St.	0	0	N/A	N/A	N/A	N/A
Watson Hall, 750 High St.	0	0	N/A	N/A	N/A	N/A
Zeta Psi, 49 South College Drive	0	0	N/A	N/A	N/A	N/A

2023: Statistics and Related Information Regarding Fires in Student Housing Facilities

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
106 Cattell Street	0	0	N/A	N/A	N/A	N/A
110 Cattell Street	0	0	N/A	N/A	N/A	N/A
114 Cattell Street	0	0	N/A	N/A	N/A	N/A
115 McCartney Street	0	0	N/A	N/A	N/A	N/A
115.5 McCartney Street	0	0	N/A	N/A	N/A	N/A
117 McCartney Street	0	0	N/A	N/A	N/A	N/A
118 Cattell Street	0	0	N/A	N/A	N/A	N/A
122 Cattell Street	0	0	N/A	N/A	N/A	N/A
123 McCartney Street	0	0	N/A	N/A	N/A	N/A
131 McCartney Street	0	0	N/A	N/A	N/A	N/A
133 McCartney Street	0	0	N/A	N/A	N/A	N/A
225 Reeder Street	0	0	N/A	N/A	N/A	N/A
319 McCartney Street	0	0	N/A	N/A	N/A	N/A
329 McCartney Street	0	0	N/A	N/A	N/A	N/A
41 McCartney Street	0	0	N/A	N/A	N/A	N/A
402 McCartney Street	0	0	N/A	N/A	N/A	N/A
404 McCartney Street	0	0	N/A	N/A	N/A	N/A
406 McCartney Street	0	0	N/A	N/A	N/A	N/A
408 McCartney Street	0	0	N/A	N/A	N/A	N/A
410 McCartney Street	0	0	N/A	N/A	N/A	N/A
412 McCartney Street	0	0	N/A	N/A	N/A	N/A
414 McCartney Street	0	0	N/A	N/A	N/A	N/A
416 McCartney Street	0	0	N/A	N/A	N/A	N/A
418 McCartney Street	0	0	N/A	N/A	N/A	N/A
420 McCartney Street	0	0	N/A	N/A	N/A	N/A
421 Hamilton Street	0	0	N/A	N/A	N/A	N/A
422 McCartney Street	0	0	N/A	N/A	N/A	N/A
426 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
43 McCartney Street	0	0	N/A	N/A	N/A	N/A
434 McCartney Street	0	0	N/A	N/A	N/A	N/A
45 McCartney Street	0	0	N/A	N/A	N/A	N/A
502 McCartney Street	0	0	N/A	N/A	N/A	N/A
509 High Street	0	0	N/A	N/A	N/A	N/A
511 Hamilton Street	0	0	N/A	N/A	N/A	N/A
512 March Street	0	0	N/A	N/A	N/A	N/A
513 Hamilton Street	0	0	N/A	N/A	N/A	N/A
513 High Street	0	0	N/A	N/A	N/A	N/A
514 March Street	0	0	N/A	N/A	N/A	N/A
515 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
517 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
518 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
518 March Street	0	0	N/A	N/A	N/A	N/A
520 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
520 March Street	0	0	N/A	N/A	N/A	N/A
522 March Street	0	0	N/A	N/A	N/A	N/A
524 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
525 Hamilton Street	0	0	N/A	N/A	N/A	N/A
543 Hamilton Street	0	0	N/A	N/A	N/A	N/A
594 Pardee Street	0	0	N/A	N/A	N/A	N/A
595 Pardee Street	0	0	N/A	N/A	N/A	N/A
601 Pardee Street	0	0	N/A	N/A	N/A	N/A
605 Pardee Street	0	0	N/A	N/A	N/A	N/A

2023: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
615 Monroe Street	0	0	N/A	N/A	N/A	N/A
616 Parsons Street	0	0	N/A	N/A	N/A	N/A
617 Monroe Street	0	0	N/A	N/A	N/A	N/A
619 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Parsons Street	0	0	N/A	N/A	N/A	N/A
621 Monroe Street	0	0	N/A	N/A	N/A	N/A
622 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Parsons Street	0	0	N/A	N/A	N/A	N/A
623 Pierce Street	0	0	N/A	N/A	N/A	N/A
624 Monroe Street	0	0	N/A	N/A	N/A	N/A
624 Parsons Street	0	0	N/A	N/A	N/A	N/A
625 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Parsons Street	0	0	N/A	N/A	N/A	N/A
627 Monroe Street	0	0	N/A	N/A	N/A	N/A
628 Monroe Street	0	0	N/A	N/A	N/A	N/A
629 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Parsons Street	0	0	N/A	N/A	N/A	N/A
631 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Parsons Street	0	0	N/A	N/A	N/A	N/A
635 High Street	0	0	N/A	N/A	N/A	N/A
636 Monroe Street	0	0	N/A	N/A	N/A	N/A
638 Monroe Street	0	0	N/A	N/A	N/A	N/A
640 Pierce Street	0	0	N/A	N/A	N/A	N/A
641 Parsons Street	0	0	N/A	N/A	N/A	N/A
643 Parsons Street	0	0	N/A	N/A	N/A	N/A
Alpha Gamma Delta, 511 College Avenue	0	0	N/A	N/A	N/A	N/A
Alpha Phi, 752B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Black Cultural Center, 101 McCartney St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 4 West Campus	0	0	N/A	N/A	N/A	N/A
Conway House, 752A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Delta Delta Delta, 2 West Campus Ln.	0	0	N/A	N/A	N/A	N/A
Delta Kappa Epsilon, 719 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Delta Upsilon, 750A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Easton Hall, 7 West Campus Lane	0	0	N/A	N/A	N/A	N/A
Farber Hall, 707 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall East, 778B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall West, 778A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Gates Hall, 210 McCartney St.	0	0	N/A	N/A	N/A	N/A
Grossman House, 611 High St.	0	0	N/A	N/A	N/A	N/A
Hamilton House, 718 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Kamine Hall, 776A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Keefe Hall, 22 South College Dr.	0	0	N/A	N/A	N/A	N/A

2023: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
Kirby House, 701 High St.	0	0	N/A	N/A	N/A	N/A
Lerch House, 721 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
March Hall, 723 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Marquis Hall, 730 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
McCartney North, 211 McCartney St	0	0	N/A	N/A	N/A	N/A
McCartney South, 201 McCartney St	0	0	N/A	N/A	N/A	N/A
McKeen Hall, 110 McCartney St.	0	0	N/A	N/A	N/A	N/A
McKelvy House, 200 High St.	0	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 715 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Pi Beta Phi, 750B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ramer Hall, 711 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Rubin Hall, 776B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ruef Hall North, 20A South College Dr.	0	0	N/A	N/A	N/A	N/A
Ruef Hall South, 20B South College Dr.	0	0	N/A	N/A	N/A	N/A
Soles Hall, 212 McCartney St.	0	0	N/A	N/A	N/A	N/A
South College, 7 South College Dr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "A", 605 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "B", 607 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "C", 32 McCartney St.	0	0	N/A	N/A	N/A	N/A
Watson Hall, 750 High St.	0	0	N/A	N/A	N/A	N/A
Zeta Psi, 49 South College Drive	0	0	N/A	N/A	N/A	N/A

2024: Statistics and Related Information Regarding Fires in Student Housing Facilities

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
106 Cattell Street	0	0	N/A	N/A	N/A	N/A
110 Cattell Street	0	0	N/A	N/A	N/A	N/A
114 Cattell Street	0	0	N/A	N/A	N/A	N/A
118 Cattell Street	0	0	N/A	N/A	N/A	N/A
122 Cattell Street	0	0	N/A	N/A	N/A	N/A
124 Cattell Street	0	0	N/A	N/A	N/A	N/A
225 Reeder Street	0	0	N/A	N/A	N/A	N/A
317 McCartney Street	0	0	N/A	N/A	N/A	N/A
402 McCartney Street	0	0	N/A	N/A	N/A	N/A
404 McCartney Street	0	0	N/A	N/A	N/A	N/A
406 McCartney Street	0	0	N/A	N/A	N/A	N/A
408 McCartney Street	0	0	N/A	N/A	N/A	N/A
410 McCartney Street	0	0	N/A	N/A	N/A	N/A
412 McCartney Street	0	0	N/A	N/A	N/A	N/A
414 McCartney Street	0	0	N/A	N/A	N/A	N/A
416 McCartney Street	0	0	N/A	N/A	N/A	N/A
418 McCartney Street	0	0	N/A	N/A	N/A	N/A
420 McCartney Street	0	0	N/A	N/A	N/A	N/A
421 Hamilton Street	0	0	N/A	N/A	N/A	N/A
422 McCartney Street	0	0	N/A	N/A	N/A	N/A
434 McCartney Street	0	0	N/A	N/A	N/A	N/A
511 Hamilton Street	0	0	N/A	N/A	N/A	N/A
512 March Street	0	0	N/A	N/A	N/A	N/A
513 Hamilton Street	0	0	N/A	N/A	N/A	N/A
513 High Street	0	0	N/A	N/A	N/A	N/A
515 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
517 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
518 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
520 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
543 Hamilton Street	0	0	N/A	N/A	N/A	N/A
594 Pardee Street	0	0	N/A	N/A	N/A	N/A
595 Pardee Street	0	0	N/A	N/A	N/A	N/A
601 Pardee Street	0	0	N/A	N/A	N/A	N/A

2024: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
615 Monroe Street	0	0	N/A	N/A	N/A	N/A
616 Parsons Street	0	0	N/A	N/A	N/A	N/A
617 Monroe Street	0	0	N/A	N/A	N/A	N/A
619 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Monroe Street	0	0	N/A	N/A	N/A	N/A
620 Parsons Street	0	0	N/A	N/A	N/A	N/A
621 Monroe Street	0	0	N/A	N/A	N/A	N/A
622 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Monroe Street	0	0	N/A	N/A	N/A	N/A
623 Parsons Street	0	0	N/A	N/A	N/A	N/A
624 Monroe Street	0	0	N/A	N/A	N/A	N/A
624 Parsons Street	0	0	N/A	N/A	N/A	N/A
625 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Monroe Street	0	0	N/A	N/A	N/A	N/A
626 Parsons Street	0	0	N/A	N/A	N/A	N/A
627 Monroe Street	0	0	N/A	N/A	N/A	N/A
628 Monroe Street	0	0	N/A	N/A	N/A	N/A
629 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Monroe Street	0	0	N/A	N/A	N/A	N/A
630 Parsons Street	0	0	N/A	N/A	N/A	N/A
631 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Monroe Street	0	0	N/A	N/A	N/A	N/A
632 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Parsons Street	0	0	N/A	N/A	N/A	N/A
633 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Monroe Street	0	0	N/A	N/A	N/A	N/A
634 Parsons Street	0	0	N/A	N/A	N/A	N/A
635 High Street	0	0	N/A	N/A	N/A	N/A
636 Monroe Street	0	0	N/A	N/A	N/A	N/A
638 Monroe Street	0	0	N/A	N/A	N/A	N/A
640 Pierce Street	0	0	N/A	N/A	N/A	N/A
641 Parsons Street	0	0	N/A	N/A	N/A	N/A
643 Parsons Street	0	0	N/A	N/A	N/A	N/A
Alpha Gamma Delta, 511 College Avenue	0	0	N/A	N/A	N/A	N/A
Alpha Phi, 752B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Black Cultural Center, 43 McCartney St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 4 West Campus	0	0	N/A	N/A	N/A	N/A
Conway House, 752A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Lavender Lane, 2 West Campus Ln.	0	0	N/A	N/A	N/A	N/A
Delta Kappa Epsilon, 719 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Delta Upsilon, 750A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Easton Hall, 7 West Campus Lane	0	0	N/A	N/A	N/A	N/A
Farber Hall, 707 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall East, 778B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Fisher Hall West, 778A Sullivan Rd.0	0	0	N/A	N/A	N/A	N/A
Gates Hall,210 McCartney St.	0	0	N/A	N/A	N/A	N/A
Grossman House, 611 High St.	0	0	N/A	N/A	N/A	N/A
Hamilton House, 718 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Hillel House, 524 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
Kamine Hall, 776A Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Keefe Hall,22 South College Dr.	0	0	N/A	N/A	N/A	N/A

2024: Statistics and Related Information Regarding Fires in Student Housing Facilities *(continued)*

Student Housing Facilities	Fire Count	Fire #	Category/Cause of Fire	Injuries	Deaths	Damaged Property Value
Kirby House, 701 High St.	0	0	N/A	N/A	N/A	N/A
Lerch House, 721 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Marquis Hall, 730 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
McCartney North, 211 McCartney St	0	0	N/A	N/A	N/A	N/A
McCartney South, 201 McCartney St	0	0	N/A	N/A	N/A	N/A
McCartney II, 101 McCartney St	0	0	N/A	N/A	N/A	N/A
McKeen Hall, 110 McCartney St.	0	0	N/A	N/A	N/A	N/A
McKelvy House, 200 High St.	0	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 715 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Pi Beta Phi, 750B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ramer Hall, 711 Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Rubin Hall, 776B Sullivan Rd.	0	0	N/A	N/A	N/A	N/A
Ruef Hall North, 20A South College Dr.	0	0	N/A	N/A	N/A	N/A
Ruef Hall South, 20B South College Dr.	0	0	N/A	N/A	N/A	N/A
Soles Hall, 212 McCartney St.	0	0	N/A	N/A	N/A	N/A
South College, 7 South College Dr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "A", 605 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "B", 607 Clinton Terr.	0	0	N/A	N/A	N/A	N/A
Watson Courts "C", 32 McCartney St.	0	0	N/A	N/A	N/A	N/A
Watson Hall, 750 High St.	0	0	N/A	N/A	N/A	N/A
Wise House, 426 Clinton Terrace	0	0	N/A	N/A	N/A	N/A
Zeta Psi, 49 South College Drive	0	0	N/A	N/A	N/A	N/A