

Sexual Misconduct Policy and Procedures

(Gettysburg College may make changes to this policy on an as needed basis in order to ensure compliance with federal and/or state regulatory updates, changes, and/or modifications.)

Emergency Assistance

Personal safety and well-being should be the first priority for any individual who has experienced sexual harassment, misconduct, or violence, including sexual assault. Emergency assistance is available by calling 911 or law enforcement, and/or seeking medical treatment. Additionally, these are the best options to ensure preservation of evidence, in order to file criminal charges immediately or at a later date. Students may also use Gettysburg College Health Services, although Health Services does not have the ability to preserve physical evidence for later use in prosecution.

Gettysburg Police Department	Gettysburg Hospital Emergency Room
911 (emergency) 717-334-1168 (non-emergency) 59 East High Street Gettysburg, PA 17325	717-337-4357 (Emergency Room) 717-334-2121 (non-emergency) 147 Gettys Street Gettysburg, PA 17325
Campus Safety	Gettysburg College Counseling & Health Services
717-337-6911 (emergency) 717-337-6912 (non-emergency) 51 West Stevens Street Gettysburg, PA 17325	Health and Counseling Services is available M-F 8:30 am - 5:00 pm. Health Services 717-337-6970 Counseling Services 717-337-6960 After Hours: request through DPS 717-337-6911

Introduction

Statement of Philosophy

Gettysburg College recognizes the worth and dignity of all people and the limitless value of their potential. Harassment and discrimination in all forms, including sexual harassment and sexual assault, and all other forms of sexual violence are antithetical to the values of Gettysburg College, violations of College policy, and, in some instances, violations of state and/or federal law. All members of the College community are expected to refrain from engaging in harassment and discrimination. When the College learns that discrimination has occurred, the College is committed to remedying the discrimination and its effects

Purpose of Policy

This Sexual Misconduct Policy has been developed to educate the campus community on appropriate conduct, to set forth the College's process for addressing reports of sexual misconduct, that does not fall under the College's Title IX Policy, and to provide a process for the prompt and equitable resolution of complaints.

This policy contains the Sexual Misconduct Process that applies where there is an allegation that a student engaged in sexual misconduct that does not fall within the scope of the College's Title IX Policy. The College has a separate code of conduct that applies where there is an allegation that a faculty member or other employee has engaged in sexual misconduct that does not fall within the scope of the College's Title IX Policy. The Employee Standards of Conduct Policy can be found [here](#).

The College encourages any member of the campus community, including faculty, staff and students who has experienced any type of sexual harassment or misconduct to report their experience either directly to the Title IX Coordinator/Title IX Deputy, to Campus Safety, or through the online reporting form <https://www.gettysburg.edu/offices/college-life/care/secure/reporting-forms>

Jurisdiction

The Sexual Misconduct Grievance Policy applies to student conduct that occurs on College premises, at College sponsored activities, and to off- campus conduct that adversely affects the College Community and/or the pursuit of its objectives. Each student is responsible for their conduct during the academic year and during periods between terms of actual enrollment. This applies in cases where conduct occurs before classes begin, after classes end, and when the conduct is not discovered until after a degree is awarded.

Section I. Prohibited Conduct and Definitions

This Policy prohibits "Sexual Misconduct" and "Relationship Violence," broad categories encompassing the conduct defined below. Sexual Misconduct and Relationship Violence can be committed by anyone and can occur between people of the same or of different gender.

When the College receives a report of any sexual misconduct or sexual harassment, an assessment takes place to determine the appropriate grievance procedure available to the Complainant. See Section XII for more information on how the assessment takes place. When the allegations do not fall within the scope of the College's Title IX Policy, the Title IX Coordinator will refer concerns or reports of prohibited misconduct to the Sexual Misconduct Grievance Process, for reports involving student on student or employee on student complaints, or to the Department of Human Resources for employee on employee complaints, for review and possible resolution under the Sexual Misconduct Grievance Process or the Employee Standards of Conduct Policy

Prohibited conduct includes:

Sexual Misconduct (see below for Gettysburg College definitions):

- | Sexual Harassment
- | Sexual Assault
- | Sexual Exploitation
- | Stalking
- | Retaliation
- | Complicity
- | Coercion
- | Non-consensual sexual contact
- | Sexually inappropriate behavior
- | Harassment, Harm to Others, and Harassing Conduct

Relationship Violence (see below for Gettysburg College definitions):

- | Domestic Violence

- | Stalking
- | Intimate Partner Violence
- | Dating Violence

Gettysburg College Definitions for Sexual Misconduct and Relationship Violence Policy Violations

Sexual Harassment

Sexual Harassment can be a single, serious incident or a series of related, repeated incidents. Sexual harassment is defined as unwelcome conduct of a sexual nature (verbal or physical conduct) when the conduct:

- | is reasonably perceived as creating an intimidating or hostile work, learning or living environment,
- | unreasonably interferes with, denies or limits someone's ability to participate in or benefit from any educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

In addition to the above, specific types of sexual harassment constituting violations of this Policy include

Sexual Assault- This includes the following:

Sexual Penetration Without Consent: Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.

Sexual Contact Without Consent: Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

Statutory Sexual Assault: The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute

Non-Consensual Sexual Contact: Any intentional sexual touching or attempted sexual touching, without Consent.

Sexual Exploitation: Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

1. Sexual voyeurism or permitting others to Witness or observe the sexual or intimate activity of another person without that person's consent;
2. Indecent exposure or inducing others to expose themselves when consent is not present;
3. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent.
4. Prostituting another individual;
5. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
5. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Coercion: The use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force such that the application of pressure or oppression causes the recipient of the behavior to engage in unwanted sexual activity. Coercion includes administering or pressuring another to consume a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

Complicity: Assisting, facilitating, or encouraging the commission of a violation of the

Sexual Misconduct and Relationship Violence Policy.

Harm to Others: Physical violence including (but not limited to) physical abuse, assault, threats of violence, striking, shoving or subjecting another person to unwanted physical contact.

Harassing Conduct: Intentionally or recklessly endangering, threatening, or causing emotional harm to any person. This may also include causing physical damage to their property.

Harassment: Harassment includes any written, verbal or physical acts (including electronically transmitted acts) that is reasonably perceived as creating an intimidating or hostile work, learning or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending Party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment can be a single incident, or a series of repeated incidents.

Sexually Inappropriate Behavior: Conduct that is lewd or obscene including sexually suggestive gestures or communication. Public masturbation, disrobing or exposure of one's self to another person without that person's consent is one example. This may be an isolated occurrence.

Dating Violence: Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

Domestic Violence: Behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, LGBTQA; living together, separated or dating.

Intimate Partner Violence: Physical violence, sexual violence, and/or psychological abuse by a current or former intimate partner.

Stalking: Engaging in a course of conduct or repeatedly communicating and/or committing acts toward another person under circumstances that demonstrate or communicate an intent:

1. to place the other person in reasonable fear of bodily injury; or
2. to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Other Definitions

Actual Knowledge: notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based

solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The standard is not met when the only official of the College with actual knowledge is the Respondent.

Adjudicator(s): The College administrative official or outside adjudicator, who will be responsible for disposition and resolution of a Sexual Misconduct or Relationship Violence Grievance Process. Typically, this will be a panel or the Vice President for College Life or designee, based on availability. The adjudicator has the discretion to consult with others as appropriate or refer to the appropriate designee.

Advisor: Someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under this Policy. Once a complaint has been filed, the Complainant and Respondent may each select an Advisor of their choice. The Advisor is permitted to be a part of any meetings their Complainant or Respondent may have. College employees who provide confidential support services (Advocates, Counseling Services staff, Health Services staff, and pastoral counselors) may not serve as Advisors. Additionally, the Title IX Coordinator, Director of Student Rights and Responsibilities, Campus Safety, and the Dean of Students, for example have an actual or perceived conflict of interest preventing them from serving in this role. A Complainant or Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings because delays will not normally be allowed due to the scheduling conflicts of an advisor.

The Advisor may not speak aloud during meetings involving the Complainant or Respondent and an investigator/adjudicator, but may confer quietly or by means of written notes with their advisee. The Student Conduct Administrator keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so.

The Complainant and Responding Party are not obligated to accept the counsel of an Advisor.

Amnesty: The College will not pursue disciplinary action against any person for possession or consumption of alcohol or low level drugs use when that possession or consumption is revealed in the course of a good faith report of sexual misconduct or relationship violence or other good faith statements made in connection with an investigation under this policy.

Gettysburg College recognizes that students who have been drinking and/or using drugs (either such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to the potential consequences for their own conduct. The College strongly encourages students to report incidents of sexual misconduct. A Witness to or individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to the College will not be sanctioned under the College's Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual harassment or sexual violence. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

Appeal: Both Parties are provided the opportunity to Appeal the determination regarding responsibility, and if there is a dismissal of formal complaint or any allegations on the bases of procedural irregularity, new evidence, or bias. For additional information about Appeals see Section VII.

Complaint: When the Complainant requests that formal or informal process is started through the College, the Complainant will be asked to provide a written statement for the purpose of initiating disciplinary proceedings under the Sexual Misconduct and Relationship Violence Policy. This includes complaints submitted through the [Community Concern Form](#).

Complainant: an individual who is alleged to have been the target of conduct that could constitute sexual harassment or sexual misconduct.

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in, and continue to engage in, a specific sexual activity. In order to be valid, consent must be knowing, voluntary, active, present, and ongoing.

To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give consent. Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact individuals differently. Determining whether an individual is incapacitated requires an individualized determination.

Silence, without actions evidencing permission, does not demonstrate consent. Where force or coercion is alleged, the absence of resistance does not demonstrate consent. The responsibility of obtaining consent rests with the person initiating sexual activity. The College encourages verbal consent to be present at all times at each step of sexual activity.

Consent to engage in sexual activity may be withdrawn by either person at any time. A previous or current dating or sexual relationship, by itself, is not sufficient to constitute consent. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving consent (due to falling asleep or passing out into a state of unconsciousness, for example).

When determining whether a person has the capacity to provide consent, the College will consider whether a sober, reasonable person in the same position knew or should have known that the other Party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the Parties will be considered.

Interim Measures: Interim measures may prevent a Party from attending class and other College activities. College Life will communicate with Academic Advising and a Party's faculty instructors and/or advisors at the request of the Party in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

Investigator: The investigator is responsible for coordinating any investigations into an alleged violation of this Policy. Typically, this will be the Campus Safety, the Student Conduct Administrator or other investigator designated by the Dean of Students, or Human Resources including the use of an external investigator.

Party or Parties: A term referring individually or collectively to the Complainant and/or Respondent.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or sexual misconduct.

Responsible Reporters: Responsible Reporters are persons who, as a result of their profession, may be aware of cases of abuse or violence. At Gettysburg College, all faculty, select administrators, staff, and student staff (with the exception of, psychological counselors, health care providers, victim services advocates and pastoral counselors while performing that role as their primary employment with the College) are designated as responsible reporters with regard to cases of suspected sexual assault/violence, sexual misconduct, and relationship violence. It is every person's responsibility to keep our community safe and free from discrimination and violence. Suspected incidents need to be immediately reported to the Campus Safety. In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Department of Public Welfare's Child Line ([800-932-0313](tel:800-932-0313) or <https://www.compass.state.pa.us/cwis/public/home>), the police having jurisdiction, and to their supervisor. Pennsylvania recognizes matriculated students under the age of 18 as "children" for purposes of this law and, as such, the college is mandated to report a criminal complaint of abuse or sexual abuse involving any victim under the age of 18 immediately to ChildLine and the police having jurisdiction.

Report: A report is defined as notification of an incident of sexual misconduct or sexual harassment to the Title IX Coordinator by any responsible employee or reporting person. A report may be accompanied by a request for interim measures, no further action, or a request to initiate a formal or informal resolution process through the College. Should a Complainant decide to initiate a formal or informal process with the College, then the report is used as part of the complaint as defined above.

Retaliation: Acts or attempted acts to retaliate or seek retribution against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, proceeding, or hearing under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. A finding of retaliation under this policy is not dependent on a finding that the underlying sexual misconduct occurred. **Retaliation constitutes a violation of the Sexual Misconduct Policy.**

Standard of Evidence: The standard of evidence used to determine responsibility under this policy is the preponderance of the evidence standard. This standard of evidence is same applied to all formal complaints of sexual harassment. Preponderance of the evidence means is it more likely than not that the respondent is responsible for a violation of the prohibited conduct under this policy.

Student Conduct Administrator: College administrative official responsible for facilitating the adjudication of a Complaint filed under this policy including pre-hearing procedures. Normally, the Student Conduct Administrator will be the Title IX Coordinator or Director of Student Rights and Responsibilities.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's educational program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College's educational environment or deter sexual harassment. Supportive measures may include:

- ▮ Counseling;
- ▮ Extensions of deadlines or other course- related adjustments;
- ▮ Modifications of work or class schedules;
- ▮ Campus escort services;
- ▮ Mutual restrictions on contact between the Parties;
- ▮ Changes in work or housing locations;
- ▮ Leaves of absence;
- ▮ Increased security and monitoring of certain areas of the campus; and
- ▮ Other similar measures.

The college maintains confidentiality, to the highest extent possible, for the Complainant or the Respondent when it comes to the requested supportive measures by either Party. The Title IX Coordinator is responsible for coordinating the effective

implementation of supportive measures.

Title IX: Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination on the basis of sex, gender identity, or gender expression in education programs or activities operated by recipients of federal financial assistance. Gettysburg College is required to comply with Title IX.

Title IX Coordinator: The person or persons designated by Gettysburg College as a Title IX Coordinator, including any persons designated as an “acting,” “deputy” or “interim” Title IX Coordinator. In the event that special circumstances require the Title IX Coordinator to designate another person to address their responsibilities, the term also includes the Title IX Coordinator’s designee. The Title IX Coordinator is responsible for the oversight of the investigation and resolution of all reports of sexual harassment, responsible for monitoring compliance with procedural requirements, recordkeeping and timeframes outlined in this Policy, and responsible for coordinating the effective implementations of supportive measures and any remedies. Additional information on the role of the Title IX Coordinator can be found [here](#).

Threshold of Information: Determination as to whether the allegations would provide sufficient information upon which a hearing panel could find a violation of this policy. For all Sexual Misconduct and Sexual Harassment reports including those that reach Title IX as defined by the Department of Education, the College uses the preponderance of the evidence standard of proof for determining responsibility.

Witness: Any individual who has seen, heard, or otherwise knows or has relevant information about a violation or attempted violation of this Policy. Witnesses are expected to provide a statement during a hearing. Witnesses are protected from retaliation, which includes retaliation from the Complainant, Respondent, or from another party or parties.

Section II. Reporting and Confidentiality

An individual who reports sexual harassment, sexual violence, intimate partner violence or stalking, whether the Complainant or a Witness, can be assured that all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner from the initial report to final result. Similarly, a Respondent can expect to be treated fairly and respectfully from initial report to final result, and is only responsible for a violation of policy if it is determined by the decision maker(s) at the end of the formal sexual misconduct grievance process.

Official Reporting Procedures

Responsible Reporters: All Responsible Reporters will promptly report to the Title IX Coordinator any and all information that the Responsible Reporter has about conduct that reasonably may constitute Title IX Sex Discrimination. Responsible Reporters are not permitted to report the information anonymously. Responsible Reporters are required to report all such information even if the Complainant elects not to or is unable to make an official Report. This allows for the Title IX Coordinator to connect the

Complainant with resources and support both on and off campus. A Responsible Reporter may report but is not required to report, conduct that they have personally experienced that may constitute Title IX Sex Discrimination.

Confidential Employees. All Confidential Employees who receive information about conduct that reasonably may constitute Title IX Sex Discrimination must promptly inform the person who provides the information: (a) that the Confidential Employee is not required to notify the Title IX Coordinator of the information; (b) how to contact the Title IX Coordinator; (b) how to make a Complaint; (c) that the Title IX Coordinator may be able to offer supportive measures, an Informal Resolution, or an investigation under this Policy.

All other non-student employees. All employees who are not Required Reporters, Confidential Employees, or full-time students of the College, who receive information about conduct that may reasonably constitute Title IX Sex Discrimination must either (a) notify the Title IX Coordinator of the information; or (b) provide the Title IX Coordinator's contact information and information about how to make a Complaint to the person who reported the information.

All others. All other members of the Gettysburg College Community who become aware of information about conduct that reasonably may constitute Title IX Sex Discrimination are encouraged to report the information to the Dean of Students, Campus Safety, or Title IX Coordinator and/or share the Title IX Coordinator's contact information with the person who provided the information.

Anonymous Reporting. The College accepts anonymous reports about conduct that may constitute Title IX Sex Discrimination through its on-line reporting system. While anonymous reports are accepted, the College's ability to address the conduct alleged in an anonymous report is significantly limited.

Reporting to Police. Some sexual misconduct may constitute violations of criminal law. A Complainant has the right to choose whether or not to file a Complaint with law enforcement agencies. Campus Safety is available to facilitate a report to law enforcement when a Complainant seeks to make such reports.

All members of the Gettysburg College Community are encouraged to report incidents that they consider violations of this policy to the Dean of Students, Campus Safety, Title IX Coordinator or Deputy (Intake/Investigative Offices). For purposes of this policy, the administrators in each of these areas are identified by the College as reporting authorities and provide the report to the Title IX Coordinator who will initiate the College's preliminary assessment process into an incident. Responsible Reporters are required to report an incident of sexual assault or sexual misconduct to the Campus Safety and/ or the Title IX Coordinator or Title IX Coordinator Deputy even if the Complainant elects not to or is unable to make an official report. This allows for the Title IX Coordinator to connect the Complainant with supportive measures, resources and support both on and off campus.

A report does not automatically trigger an investigation. In most cases the affected individual decides if they would want to pursue a formal investigation of the report. An investigation occurs when there is a complaint submitted and signed by the Complainant. When a report of sexual misconduct is made, a preliminary assessment of the reported information is made in order to respond to any immediate health or safety concerns. If the affected individual's identity is disclosed in the report, the Title IX Coordinator will extend an invitation to meet with the affected individual to discuss their procedural options and provide information on supportive measures. Or if the report is from a third Party, the Title IX Coordinator may reach out to the reporting Party to gain additional information if needed.

Outreach to the Complainant and Intake Meeting

After the Office of Sexual Respect and Title IX receives a report of sexual or gender-based allegations, the Title IX Coordinator or designee will contact the Complainant first, if they are identified in the report, in order to provide the Complainant with information about supportive measures on and off campus and to discuss their options regarding the College process. During this meeting the Title IX Coordinator will also review the rights of the Complainant in regard to their participation in any Sexual Misconduct and Relationship Violence resolution process. The Title IX Coordinator will ask the Complainant to share information regarding the allegation(s) and their preferred manner of resolution.

The preliminary assessment process into an incident includes the notification of Campus Safety if they were not the office who took the original report. DPS will help facilitate the reporting of a sexual assault to the Gettysburg police should the Complainant elect to pursue criminal charges. The police may be notified automatically by Campus Safety or a College official in any incident of sexual assault where the Respondent is not known or otherwise identified or is perceived to be a continuing threat to the Complainant or larger campus community, or as mandated by State Law as outlined above. Campus Safety will also assess the reported information for the need for a Campus Safety Alert or timely warning under the Clery Act.

If it is determined at the time of the preliminary assessment that the reported behavior, if proven, would constitute a violation of the College's Title IX Policy, then the matter will proceed as set forth in the Title IX Policy.

If it is determined at the time of the preliminary assessment that the reported behavior, if proven, would constitute a violation of this Sexual Misconduct Policy and the Complainant wishes to pursue a formal or informal resolution process then the Investigation of Reports of Sexual Misconduct in Section V will begin.

Official reports can be made using the college's on-line report concern form, by phone to a reporting entity, or in person to a reporting entity as outlined above. Parties reporting incidents of sexual violence to official and non-confidential campus resources will receive a Victims' Rights Pamphlet that outlines on and off campus resources, supportive measures, confidential resources, reporting processes, etc. Parties against whom an incident of sexual or relationship violence has been reported will receive information that outlines on and off campus resources, supportive measures, confidential resources, process expectations, etc. Both

the Complainant and the Respondent will receive notice of their rights and resources by the Title IX Coordinator or designee, or Campus Safety. Those rights include, but not limited to the following:

- ▮ The right to have disclosures of sexual harassment, sexual assault, domestic violence, dating violence and stalking treated seriously;
- ▮ The right to be treated with fairness and respect throughout the process;
- ▮ The right to be informed of College policies and procedures being applied to the case and have those policies and procedures followed without material deviation whenever possible;
- ▮ The right to have the College keep information related to the case as confidential as possible;
- ▮ The right to be accompanied by an advisor during any meeting, interview, or hearing conduct in connection with your case;
- ▮ The right to access appropriate supportive measures;
- ▮ The right to be notified of the time frame for major stages of the College's process;
- ▮ The right to have a reliable, thorough, and impartial investigation, including the right to meet with the investigator to present relevant information, Witnesses, and other evidence;
- ▮ The right to have a determination of the facts of the case be based on a preponderance of the evidence standard;
- ▮ The right to be notified in writing of the outcome of any formal College process related to the case;

- ▮ The right to be protected from retaliation by any member of the College community for participating in the College's process;
- ▮ The right to access an Appeal process if/when an outcome has been determined with respect to the case.

Confidential and Anonymous Reporting

A member of the College community may file a report about sexual misconduct anonymously through the college's on-line reporting system. But please note, while anonymous reports are accepted, the College's ability to address misconduct reported anonymously is significantly limited.

Members of the Gettysburg College Counseling Services staff and pastoral counselors performing that role on behalf of the College are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the Official On-Campus Resources unless the Party specifically requests them to do so; however, the College encourages counselors to inform Parties to report incidents of crime to Campus Safety, which can be done directly or anonymously. Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the college's Annual Security and Fire Safety report's crime statistics disclosure. The College does not provide anonymous reporting outside of these entities.

The amount of detail provided may enable the college to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or Complainant.

Statement on Minors

In accordance with Pennsylvania State Law, it is the legal obligation of the College to report incidents involving victims of sexual assault and/or sexual violence/abuse under the age of 18 immediately to ChildLine [1-800-932-0313](tel:1-800-932-0313).

Persons under the age of 18, whether employees, matriculated students, youth campers, high-school overnight guests, or other guests, are considered by State Law as "children." As such, if College personnel reasonable suspect abuse of a person under the age of 18, they and/or the College will make a report to ChildLine.

If the Complainant does not wish to pursue Resolution

All reported cases of sexual misconduct will be referred to the Title IX Coordinator for a preliminary assessment. In cases where the Complainant does not wish to participate in the Sexual Misconduct Grievance Process, the College has 2 (two) options:

1. The College may attempt to resolve the complaint in a manner consistent with the Complainant's request. This may include holding the report for action at a later date.
2. The College may pursue an investigation against the Respondent named in the report. Under these circumstances, the College would take into consideration the nature of the assault, the safety of the Complainant and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Statement on Privacy

The College will protect the identity of persons who report having experienced sexual assault, domestic violence, dating violence, or stalking to the extent possible, consistent with the College's obligations to take action under this policy. Additionally, the College will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant.

If the Complainant requests anonymity or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe environment for all College community members. In cases where the College cannot respect the wishes of the Complainant, the College will consult with the Complainant and keep them informed about the College's course of action.

If the report of misconduct discloses an immediate threat to the College campus community, where timely notice must be given to protect the health or safety of the community, the College will maintain the privacy of the Complainant or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out. For additional details on the college's Campus Safety Alert process, please refer to the [Annual Security and Fire Safety Report](#).

The College will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation and the College will take strong responsive action to protect the Complainant.

The College has designated the following individual(s) to evaluate requests for privacy once the College is aware of alleged sexual violence:

Amanda Blaugher, Title IX Coordinator or a trained designee

Section III. Organizational Behavior

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the College community may bring allegations against a student group/organization for violation of the Sexual Misconduct and Relationship Violence Policy. The College will conduct a preliminary investigation into an incident. For cases involving a social fraternity or sorority, the case may be referred to the Director of Student Rights and Responsibilities and/or the Director of Greek Life and Student Activities. An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined above) to move forward with charges. The Title IX Coordinator, Director of Student Rights and Responsibilities or Director of Greek Life may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the College is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations. See Section IX for Organizational Sanctions.

Section IV. Supportive Measures

Overview

During the investigation and prior to the final determination, the College may take appropriate Supportive Measures to protect the Parties involved; after a fair assessment to determine the need for such Supportive Measures. Supportive Measures will be individualized and appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request a Supportive measure or the College may impose Supportive measures at its discretion to ensure the safety of all Parties, the College community, and/or the integrity of the process. Supportive measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual Misconduct and Relationship Violence Policy. Supportive Measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the College.

Supportive Measures may prevent a Party from attending class and other College activities. College Life will communicate with Academic Advising and a Party's faculty instructors and/or advisors at the request of the Party in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

The College will try to provide academic support where necessary. Academic support means that College Life will communicate with Academic Advising or faculty on a Party's behalf. Faculty, however, work at their own discretion and therefore, College Life can make no guarantees that a Party will receive the support they may desire. The Complainant and Respondent will be notified in writing of any or all supportive measures.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the College's educational program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College's educational environment or deter sexual harassment.

Supportive Measures may include accessing counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restriction on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include any measure that can be arranged by the College, to the extent where reasonably available to ensure the safety and wellbeing of the Party affected by the prohibited conduct under this policy.

The implementation of Supportive Measures are coordinated by the Title IX Coordinator and are kept as confidential to the extent possible without impairing the ability for supportive measures to be implemented.

Examples of Supportive Measures

Academic measures: Assistance in changing sections of a course, assistance in requesting a withdrawal or incomplete in a course, assistance in requesting alternative measures of completing coursework, and providing notice to faculty for flexibility during a certain time. Academic measures may also include leaves of absences or withdrawals from the College.

Housing measures: Relocating a student's College housing assignment pending the outcome of the Grievance Process. Housing measures may also include facilitating changes within on-campus options or exploring alternative housing options.

Restrictions from College activities and/or facilities. A Party may be denied, on a temporary basis, participation in a College activity or privilege for which they may be otherwise eligible as determine to be appropriate. A Party may also be prohibited from certain facilities including, but not limited to, academic buildings, fraternities, athletic facilities and/or practice and competition spaces, and transportation services.

Work or job assignment changes: Changes to a Party's work or job assignment (including internships) may be made on a temporary basis.

No-Contact Directive: All No-Contact Directives are mutual in nature, and both Parties receive written notification of when a No-Contact Directive is implemented. Generally, No Contact is defined as having no direct or indirect contact with another Party or Parties at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging text

messaging, and all forms of social media. Verbal communication includes phone calls and voice mail messages. A No-Contact Directive may include additional restrictions and terms. Violations of the No-Contact Directive may result in disciplinary action.

Emergency Removal: If there is an immediate threat to the physical health or safety of any student or other individual arising from an allegation of Title IX Sexual Harassment, the College may initiate emergency removal of the Respondent from the campus community.

For an emergency removal to take place the College assesses the information that they have available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a Complainant is not enough to warrant an emergency removal and supportive measures can be provided to the Complainant. If the Respondent threatens their own physical health, that does warrant the ability to institute an emergency removal.

The Respondent is provided notice of the removal and is provided with an opportunity to appeal the decision. The Respondent is provided 5 business days to respond if they are appealing the emergency removal. The appeal may occur after the removal takes place and does not require a full hearing; rather the appeal will be submitted and the Respondent will meet with the Vice President for College Life or designee to be heard as to why they are appealing the emergency removal

Section V. Investigation of Reports of Sexual Misconduct

The Sexual Misconduct Grievance process will be used in cases where a student engaged in sexual misconduct that does not fall within the definition Title IX Sexual Harassment or the jurisdiction of Title IX.. For allegations where a faculty member or employee engaged in sexual misconduct that does not fall within the definition Title IX Sexual Harassment or the jurisdiction of Title IX, the Employee Standards of Conduct will be used, which can be found [here](#).

After the Complainant meets with the Title IX Coordinator to learn about their procedural options and what supportive measures are available to them, the Complainant can decide to move forward with an investigation of the reported behavior.

The College will take prompt action to investigate and adjudicate the complaint. A written notice of investigation will be provided in writing to the Complainant and the Respondent informing them of the allegations, possible policy violations, resources, supportive/interim measures and their rights in the sexual misconduct process at least five (5) business days prior to the investigation meeting.

After statements are provided to the Investigator by the Complainant and the Respondent, there will be an initial assessment of the information collected by the Investigator. The initial assessment will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the College has sufficient information to determine the best course of action. The Title IX Coordinator will determine the appropriate manner of resolution, which may include Informal

Resolution or Formal Resolution. The College does respect and consider the wishes of the Complainant regarding how and if to move forward with a Formal Resolution. In some circumstances, the College will need to move forward with a different process. If a decision is made as to how to resolve the matter that is different from what the Complainant prefers, the Title IX Coordinator will inform the individual(s) as appropriate. The Title IX Coordinator has the discretion to determine which method of resolution is appropriate.

The Title IX Coordinator may also dismiss the report if it is determined that the report does not allege facts that, if substantiated, would constitute a violation(s) of the College Sexual Misconduct policy.

Should it be determined that the complaint is resolved through a formal resolution, the investigation will continue. If it is determined that an informal resolution would be a more appropriate process for the complaint then the Title IX Coordinator will meet with the Complainant to discuss that process. See Section VI for Informal Resolution for Sexual Misconduct.

During the investigative process, all Parties will have an opportunity to review the draft investigative report prior to it going to the Title IX Coordinator. The Parties will have ten (10) business days to review the draft of the investigative report and submit in writing comments about content, requests for additional meetings with the investigator to conduct further investigation or questions. The draft of the investigative report is able to be reviewed in its entirety by both Parties. The draft report should not be copied or shared beyond the Complainant and Respondent and their advisor of choice. Should there be a violation of this expectation, the alleged Party that copied or shared the documents may be held accountable through the Student Code of Conduct. This information will be included in the final documents that will be reviewed by the Title IX Coordinator and adjudicator(s); if applicable.

The Parties may request one (1) extension that may be granted, if reasonable, at the discretion of the investigator. Any extension granted to one Party will be granted to the other Party. Failure to make submissions within ten (10) business days or any approved extension will result in a forfeiture of the right to do so later. Both Parties will be provided the final report, statements, and equal access to all evidence prior to the adjudication process.

If the Party wishes to participate in a police investigation, the College may wait a reasonable amount of time (usually 7 to 10 business days but could be extended at the request of the Police Chief or District Attorney or their designee) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation. Campus Safety Director or designee and the Police Chief or designee may regularly confer on the status of an active investigation to ensure compliance with federal requirements while maintaining the integrity of any active criminal process.

The College will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all Parties with resolution. However, there may be times where the process may take longer and the College will communicate on an on-going basis with the Parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the

burden is on the College—not on the Parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: Campus Safety, the Title IX Coordinator, an external investigator, or other investigator designated by the Dean of Students or Title IX Coordinator. This designee may be an employee of the College, an external investigator, or both. All reasonable efforts will be made to keep information private during the College's investigation and adjudication of a complaint. Investigators receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the safety of Complainants, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. Should a Complainant or Respondent feel that the investigator assigned to the report would not be able to be objective or impartial throughout the investigation, they must contact the Title IX Coordinator to request a different investigator be assigned to the report. The Title IX Coordinator will determine based on the concerns from the Complainant or the Respondent, if there is enough cause to have a different investigator assigned to the report.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. The Campus Safety staff members who are responsible for these investigations have been trained on investigation, Title IX, and LGBTQIA concerns, trauma informed training and are aware of this policy. As described in the confidentiality section of this Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The investigation is a process that involves obtaining and evaluating information given by persons having personal knowledge of the events or circumstances concerning the reported incident. This may include the collection of all statements (both oral and written), pertinent facts, and/or evidence. This process will be exhaustive and is likely to include the interviewing and re-interviewing of involved Parties so as to ensure as much clarity around conflicting or differing statements as may be possible. The Dean of Students, Title IX Coordinator, or their designees may refer an investigative report back to the investigator for further follow-up pending the availability of new information, for additional clarity regarding conflicting or inconsistent information/reports, or for any other reason necessary to ensure further clarity or strengthen the final report. Reports or information from an individual, group, or expert which is external to the College and identified by a complainant or respondent as relevant information to the investigation is subject to review by the College before the external report or information is included in the College's investigative report.

At the conclusion of the investigation, the investigator will prepare the final report setting forth the facts gathered. The report will provide the scope of the reported incident, statements from the Parties involved in the incident, evidence provided to the investigator by the Parties involved, and an overview of facts in agreement and facts in contention

Section VI. Informal Resolution for Sexual Misconduct Grievance Process

A Complainant may elect to pursue an informal resolution to a sexual misconduct complaint. The Title IX Coordinator or Director of Student Rights and Responsibilities has the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution is designed to officially resolve complaints promptly, and with mutual approval of all Parties involved. Informal resolution process is voluntary and intended to be flexible while providing a range of possible outcomes.

Informal resolutions include, but are not limited to, on-line education courses, counseling sessions, other educational remedies or mediation of the complaint conducted by a trained facilitator of mediation and/or restorative conferencing, a Student Conduct Administrator, and/or an Associate Dean of College Life.

Both the Complainant and Respondent must agree to engage in informal resolution. Either Party can end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal resolution may not be initiated after the conclusion of informal resolution

Outcomes of Informal Resolution

To initiate an informal resolution, both the Complainant and the Respondent, must first meet with the Title IX Coordinator or designee to learn more about the resolution process prior to participating. The request for an informal resolution can be made at any time before, during, or after the start of an investigation. The request must be made in writing to the Title IX Coordinator. The informal resolution process may include, but is not limited to, the following outcomes:

- ▮ Facilitated agreement between the Complainant and the Respondent
- ▮ Formal restorative conference
- ▮ Informal restorative conference
- ▮ Counseling sessions
- ▮ Alcohol education
- ▮ Extension of No Contact Order

Completion of education plan

The College reserves the right to stop the informal resolution process at any time and revert back to the investigation. Agreements that are reached during the informal resolution process are documented, signed by the Complainant and the Respondent, and approved by the Title IX Coordinator. If no agreement is reached the matter may be referred to the Title IX Coordinator for further action

Election of Formal Resolution

The College, Complainant, or the Respondent may, **at any time prior to the conclusion** of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the Parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

Section VII. Formal Resolution for Sexual Misconduct Grievance Process

The college will ensure an investigation, process and proceeding that is balanced, impartial, and fair and provides a guarantee of fundamental fairness to all Parties involved without a presumption of responsibility until the completion of a live administrative process or hearing. This fairness includes advanced notification of the allegations and charges, notice of all rights and responsibilities under a proceeding, and advanced and equal access to all material evidence and information.

Pre-Hearing Process

After the Student Conduct Administrator, usually the Title IX Coordinator in such cases, charges a student with a potential violation of this Sexual Misconduct Policy:

1. The Student Conduct Administrator or Title IX Coordinator, will contact the Complainant and Respondent where applicable, to go over details of the case, their rights for the hearing, and answer any questions concerning the process, this pre-hearing meeting will take place at least seven days before the scheduled hearing
2. The Complainant and Respondent will be permitted to submit a written list of questions for consideration at the hearing. These questions must be submitted to the Student Conduct Administrator five (5) business days before the hearing. The Hearing Panel Chair/Adjudicator will approve all questions or topics that are relevant and that are not: 1) prohibited by these procedures or

applicable laws, 2) unduly prejudicial, or 3) or questions previously answered by the investigative report. Questions around prior sexual history, mental health treatment and/or diagnosis, sensitive personal identifying information and medical records will not be permitted.

The approved questions provided by the Parties will be asked by the Hearing Panel Chair/Adjudicator during the live administrative hearing.

1. The Complainant and Respondent will be asked to provide the Student Conduct Administrator with a list of Witnesses (if there are any). Character Witnesses are not permitted as part of the hearing process. Anonymous Witnesses are not permitted as part of the hearing process.
2. The Student Conduct Administrator will request the names of the Complainant's and Respondent's advisors. The advisors will be contacted by the Student Conduct Administrator to be certain that they understand their role in the hearing process. It is the student's responsibility to meet with the advisor and to provide the advisor with hearing materials if they so desire.

In the event of a hearing panel, the Complainant and the Respondent will be provided with the hearing panel member names and be provided the opportunity to request a different panel member, should they believe that a panel member would have a bias that would not allow for a neutral approach to the hearing. The Student Conduct Administrator will be available to speak with the parent(s)/guardian(s) of the Complainant and Respondent to answer any questions about the process.

Hearing Procedures

- a. The Title IX Coordinator will produce notification of charges to be delivered to the Complainant and Respondent. The notification of charges letter indicate the elements of this policy that are alleged to have been violated. The Complainant and Respondent will have five (5) calendar days from receipt of the charge letter and statements to submit an additional response to the Title IX Coordinator to be shared with the Hearing Panel or the Vice President for College Life.
- b. Adjudication of the Sexual Misconduct and Relationship Violence Policy will be conducted by a Hearing Panel or the Vice President for College Life based on availability. The investigative report will be provided to the Hearing Panel or the Vice President for College Life (from here on referred to as Adjudicator(s)).
- c. The Adjudicator(s) will base their decision on the information available in the written report. The Adjudicator(s) will meet with both the Complainant and the Respondent during the scheduled live hearing serves to ask any additional questions of the Parties involved. If the Adjudicator(s) has insufficient information, they may follow-up with the investigator to get additional information from the Complainant, Respondent, Witnesses, and any other information that is deemed relevant and pertinent to the case. The live hearing will be conducted either in person or by a video conference, where all Parties will be able to see and hear each other during the live hearing. If either the Complainant or the Respondent submitted questions as part of the pre-hearing process they will be asked by the Adjudicator(s) during the live hearing.
- d. The standard of proof that the Adjudicator(s) will utilize is **preponderance of evidence**. The preponderance standard means that the Adjudicator(s) finds it is **more likely than not** the Respondent is responsible or not responsible for a violation of this policy based on the information presented to the Adjudicator(s).
- e. The Respondent and Complainant will be notified in writing of the decision made by the Adjudicator(s). This notification to both Respondent and Complainant(s) will be done at the same time or as close to the same time as possible. If the Complainant is deceased, the next of kin will receive results of disciplinary proceedings.
- f. The Adjudicator(s) will audio-record the hearing, but not the deliberations of the hearing panel members. The audio recording is created for limited purposes only. The audio recording can be used as reference by the hearing panel during deliberations and for review by the Appeals board or Vice President of Students (or designee) in connection with an Appeal. The audio recording is a record of the college, and is destroyed 10 days after all Appeal options are exhausted. After this point the audio recording will be destroyed by the Title IX Coordinator.
- g. A student found responsible for violating this policy may be assigned sanctions that include, but are not limited to, expulsion, suspension, or probation. For a full list of sanctions, see Section IX.
- h.

The imposition of sanctions will take effect immediately and will not be delayed pending the resolution of the Appeal.

Appeal Process

Reasons for Appeal

The Respondent or Complainant may Appeal a decision in a case for the following reasons:

1. Bias: 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 individual Complainant or Respondent that affected the outcome of the matter.
2. Procedural Error: To determine procedural error or absence of conformity with proscribed procedures during the investigative stage or any stage of the process (including an error during the hearing) preventing either the Complainant or Respondent a reasonable opportunity to prepare and present information to the investigator.
3. New Information: To determine new information is discovered which was not available at the time of the investigative process and could have affected the outcome of the case.
4. Disproportionate Sanction: The sanction was disproportionate to the conduct.

Appeals

Appeals will be heard by the Vice President of College Life or their designee.

Parties wishing to Appeal should submit their written Appeal to the College Life Office within five (5) calendar days of receipt of the decision by the Adjudicator(s). Appeals are due by 5:00 p.m. on the fifth day following the original decision. The Title IX Coordinator or Title IX Deputy will determine if the grounds for Appeal were met. If grounds are not met, the Appeal will not move forward to the Vice President of College Life or their designee. Common reasons why an Appeal may be rejected, or not accepted for consideration, include the following:

- ▮ Where a remedy has been requested that is not available through the Appeal
- ▮ Where the Appeal does not fit within the definition of any of the relevant grounds for Appeal

If the Respondent or Complainant submits an Appeal and the Appeal is granted, both parties will be informed by the Title IX Coordinator that an Appeal has been granted.

- Once all Parties have been notified that an Appeal has been granted, the Complainant or Respondent will have the option to submit a response to the Appeal in writing. This response must be received by 5:00pm on the third calendar day following the receipt of the Appeal notification.

If being heard by the Vice President of College Life or their designee: the original Appeal letter and any response will be submitted to the Vice President of College Life or their designee.

Appeals with Vice President of College Life or their designee

- The Vice President of College Life or their designee will have access to reports, statements made by the Complainant, Respondent, Witness and any other materials gathered during the investigation.
- The Vice President of College Life or their designee will determine whether or not the original sanction(s) should be amended. Amendment of the sanctions may include an increase or decrease in severity.
- The Vice President of College Life or their designee may, in their sole discretion, meet with the Complainant, Respondent, other involved in the process, or the Adjudicator in order to determine whether the original sanction(s) should be amended. During any meeting with the Complainant, Respondent and/or other individuals, the Vice President of College Life or their designee will not revisit the entire matter, but limit their discussion to whether the sanction is unreasonable as previously identified.
- The decision of the Vice President of College Life or their designee is final.

Section VIII. Records

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and College policy. No information will be released from such proceedings except as required or permitted by law and College policy.

1. Other than College expulsion, disciplinary sanctions will not be made part of the student's permanent academic record, but will become part of the student's disciplinary record:
 1. Disciplinary records are maintained by the Dean of Students' Office.
2. Within 45 days of graduation, all hard copies of student disciplinary records will be destroyed for students involved in disciplinary matters resulting in sanctions other than College suspension or College expulsion. Personal identifiers are removed from electronic disciplinary records. However, the College maintains numeric identifiers which are discoverable if the College receives a subpoena or search warrant.
3. Disciplinary records of students involved in a pending College disciplinary proceeding, criminal matter, or civil matter related to a Clery Act specific crime (Rape, Fondling, Statutory Rape, Incest, Stalking, Domestic Violence or Dating Violence) requiring retention of the record may be retained for seven years from the date of the initial report to the College.
4. Disciplinary records of students who have been suspended will be retained for no fewer than seven years after graduation or withdrawal. "Suspension" will be noted on the transcript for the duration of the suspension.
5. Disciplinary records of students who have been expelled will be retained indefinitely in addition to a permanent notation on the student's transcript.
6. Disciplinary records of students who have withdrawn from the College and have not been suspended, expelled, involved in a pending criminal matter, or those found responsible for a violation of the Sexual Misconduct and Relationship Violence policy, specifically, sexual assault, domestic violence, dating violence, stalking, and sexual harassment will be retained for no fewer than seven years after the date of the incident.

1. Information and disciplinary records are generally not released to third Parties without the student's permission. There are two main areas of exception:
 1. The College may release information to parents without student consent when deemed appropriate and is not otherwise prohibited by FERPA or other applicable laws. The College's complete FERPA policy may be found in the Student Handbook.
 2. Information and/or records may be produced in response to a subpoena, warrant, or court order.
 3. In situations involving both a Respondent(s) and a student Complainant who is the victim or target of another student's conduct, the records of the process and of the sanctions imposed, if any, will be considered to be the records of the Respondent and Complainant students.
2. For cases involving a report, complaint, investigation, or informal conduct resolution, or formal conduct resolution under the purview of the Sexual Misconduct and Relationship Violence Policy, specifically for students found responsible for sexual assault, domestic violence, dating violence, stalking and sexual harassment, the Dean of Students Office will retain a record of the report, complaint, investigation, informal, and/or formal conduct resolution for a period of no less than seven years after graduation or withdrawal. Personal identifiers will be removed from all records in accordance to the disciplinary records retention policy. These cases are discoverable by search warrant, subpoena or federal audit.

Affirmative findings of responsibility in matters resolved through formal conduct resolution are part of a student's conduct record. Such records will be used in reviewing any further conduct or in developing sanctions and will remain a part of a student's conduct record until graduation.

1. Students seeking transfer to other schools or participation in off-campus study programs may also be requested or required to release their disciplinary records. Graduate schools, medical schools, law schools and some

governmental agencies may also request disclosure of student disciplinary records.

2. Regarding students who withdraw from Gettysburg with outstanding charges of a violation of the Sexual Misconduct and Relation Violence Policy: Upon receiving the appropriate release of information form signed by the student or former student, institutions and agencies (e.g. Common Application) inquiring as to a student's conduct record and/or eligibility to return or re-enroll at Gettysburg College may be provided with information regarding the outstanding charges

Section IX. Sanctions for Sexual Misconduct Grievance Processes

Below is a list of all sanctions that may be assigned by a Student Conduct Administrator, Adjudicator, Appeals Officers, Sexual Misconduct Hearing Board, the Vice President of College Life or Designee. If a Party is found responsible for a violation of policy, the following sanctions may be imposed upon any Party found to have violated the Student Code of Conduct, or Title IX Policy.

When determining the appropriate sanctions, the conduct administrator, hearing panel, or decision-maker(s) may take into account any previous violations or sanctions imposed in a prior conduct proceeding. The conduct administrator or board may issue one or a combination of the following or similar types of sanctions:

1. College Expulsion – permanent separation of the student from the College. Records will be permanently maintained by the College, and the transcript will note the expulsion.
2. College Suspension – separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended forfeit all fees that have been paid to the College; and are ineligible to visit the campus (including fraternity chapter houses) unless permission is granted by the Director of Student Rights and Responsibilities. In addition, a “suspension” notation is placed on their College transcript until the term of suspension has expired

(notation changed to “withdrew” after suspension ends). Students must seek readmission as outlined in the Academic Procedures section of the Handbook.

3. Revocation of Admission – Applicants and admitted students are expected to abide by the same code of conduct as Gettysburg College students and are covered by the same Code of Conduct. Gettysburg College reserves the right to revoke admission to admitted or deposited students for fraud, misrepresentation, violation of College standards, or for other serious violations committed by a student prior to enrolling at Gettysburg.
4. Withholding and/or Revocation of Degree – Gettysburg College reserves the right to withhold or revoke a degree awarded from the College for sexual assault and other violations of sexual misconduct.
5. Withholding Diploma – the College may withhold a student’s diploma for a specified period of time. The student may also be denied participation in commencement exercises while charges are pending or as a sanction.

In addition, the College may withhold a student’s transcript if the student has judicial charges pending or the student was found responsible for violating Policy.

1. Conduct Probation – a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, such as suspension or expulsion, if the student is found to violate any institutional regulation(s) during the probationary period. Students on probation are normally not permitted to live off-campus, join a Greek letter social organization, or study off-campus.
2. Written Warning – a notice in writing to the student that the student is violating or has violated college policies.
3. Loss of Privileges – denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of position in club or

organization, suspension from athletic team or performing group, loss of privileges to use specified facilities, prohibition from participation in co-curricular activities, loss of privilege to have car on campus, loss of privilege to live in residence hall or lottery system, loss of privilege to join a fraternity or sorority, restricted access to a fraternity chapter house.

4. Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. Discretionary Sanctions – work assignments, essays, behavioral contracts, alcohol and drug assessment or substance use advising, service to the College, community service, or other related discretionary assignments.
6. No contact directive – the College may impose a "no contact" directive in cases where an agreement cannot be reached or is not applicable. Generally, "no contact" is defined as having no direct or indirect contact at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms. Students found responsible for violation of the no contact may face sanctions that result in immediate removal from campus, suspension, or expulsion.
7. Residence Hall Relocation – students may be assigned to a different residential space on campus if they violate policy or demonstrate an inability to continue living in their current community or room.
8. Residence Hall Separation – separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission to the residence halls may be specified.

3. Educational Activity – the student is required to complete a project or activity designed to help the student understand why the behavior was inappropriate. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on members of the College Community. Educational activities may include, but are not limited to, assessments of behaviors, community service, workshops, papers and similar assignments.

Organizational Sanctions may also include but are not limited to

1. Organizational Expulsion. Permanent loss of privileges, including College recognition. When a College organization fails to fulfill the College's expectations of previously imposed conduct probation or has what a reasonable person would consider an egregious violation of College policy, the Vice President for College Life or Dean of Students may decide to permanently terminate the recognition of the organization. This could include actions taken by unauthorized/unrecognized members, or violations by individuals acting on behalf of the group while suspended from campus.
2. Organizational Suspension. Loss of all privileges, including College recognition, for a specified period of time. When a College organization fails to fulfill the College's expectations or violates the terms of previously imposed conduct probation, the Vice President for College Life or Dean of Students may decide to terminate the recognition of or suspend the organization.
3. Social Probation. A loss of privilege to host social events on campus, in fraternity chapter houses or off-campus for a specified period of time. Social probation may include all events or only social events with alcohol.
4. Loss of selected rights and privileges for a specified period of time.

Section X. Resources for Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault & Stalking

Off-campus

We encourage students to go to the hospital for medical care, as the staff there is trained in evidence collection.

Health Services, Counseling Services, or Campus Safety can assist an affected Party who is seeking out a Sexual Assault Nurse Examiner (SANE) at the Gettysburg Hospital Emergency Department (GHED).

SANEs are trained to provide counseling, perform the examination to retrieve forensic evidence, and screen the victim for pregnancy and sexually transmitted infections (STI). Other off-campus resources are also available as listed below.

Gettysburg College also encourages students to understand that the Protection of Victims of Sexual Violence or Intimidation (PSVI) Act is available and provides victims of sexual violence or intimidation a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution

Office or Resource	Phone Number or Additional Information
Gettysburg Hospital	<u>717-334-2121</u>
Adam County Sexual Assault Services	<u>888-772-7227</u>
RAINN- National Sexual Assault Hotline	<u>800-656-4673</u>
Safe Home- Domestic Violence Services	<u>717-632-0007</u>
Mobile Crisis	<u>866-352-0339</u>

On-campus

Gettysburg College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions.

Gettysburg College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources, and procedural options, and assistance to both Parties in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to visit Health Services and to use all available resources, regardless of when or where the incident occurred.

Office or Resource	Phone Number or Additional Information
Counseling Services	<u>717-337-6960</u> *Confidential Resource
Health Services	<u>717-337-6970</u> * Confidential Resource
Pastoral Counseling	<u>717-337-6280</u> *Confidential Resource
Campus Safety	<u>717-337-6911</u>
Dean of Students	<u>717-337-6900</u>
Title IX Coordinator	<u>717-337-6907</u>
Office of Multicultural Engagement	<u>717-337-6311</u>
International Student Advising	<u>717-337-6377</u>
Gender and Sexuality Resource Center	<u>717-337-6991</u>
Sexual Misconduct Resource Site	www.gettysburg.edu/sexualmisconductresource
Facilitated Anonymous Reporting	A student can go to the Health or Counseling Center to submit an anonymous report. The amount of detail provided in an anonymous report will determine the College's ability to investigate or respond.

**Counseling, Pastoral Counseling and the Victim Services Advocate will NOT release any information to the College or others unless the student asks them to do so. Counselors are encouraged by the College to inform persons they are counseling to report crimes to Campus Safety for inclusion in the college's Annual Security and Fire Safety Report crime statistics. This can be done anonymously as outlined above. Health Services will not violate patient confidentiality as it relates to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Health Services are, however, required to report crimes that occur within the college's geography*

to Campus Safety on an annual basis for inclusion in the college's Annual Security and Fire Safety Report crime statistics. This reporting is done in a manner that does not disclose any personally identifying information of victims or Reporting Parties.

Importance of Preserving Evidence

Victims of sexual assaults should take every precaution to preserve all evidence of the assault and abstain from tampering with any items at the scene, changing clothing, or washing any area of their body. Upon receiving a report of a sex-related crime, a Campus Safety officer(s) and/or police officer will investigate the incident and assist the victim in obtaining support from the appropriate College and local resources. In cases of sexual assault, relationship violence, sexual harassment and stalking, students should preserve all phone call logs, emails, text messages, and any other forms of communication.

Office or Department	Phone Number(s)	Address
Campus Safety	<u>717-337-6911</u> (emergency) <u>717-337-6912</u> (non-emergency)	51 West Stevens Street, Gettysburg, PA 17325
Gettysburg Police Department	911 (emergency) <u>717-334-1168</u> (non-emergency)	59 East High Street, Gettysburg, PA 17325

Additionally, the College can provide resources and support services for those who may be accused of sexual harassment and sexual misconduct. See Section IV for additional information on Supportive and Interim Measures that are available.

Office	Phone Number
Counseling Services	<u>717-337-6960</u> *Confidential Resource
Health Services	<u>717-337-6970</u> * Confidential Resource
Pastoral Counseling	<u>717-337-6280</u> *Confidential Resource

Section XI: Additional Information

Title IX Coordinator

Amanda Blaugher, Title IX Coordinator Second Floor, College Union Building, ablaughe@gettysburg.edu, 717-337-6907

Additional Resources for Reporting

Athletics:

Mike Mattia, Executive Director of Athletics Second Floor, Wright Building, mmattia@gettysburg.edu, [717-337-6530](tel:717-337-6530)

Department of Campus Safety:

Alex Wiltz, Executive Director of Campus Safety, Campus Safety Office, 51 West Stevens Street, awiltz@gettysburg.edu, [717-337-6912](tel:717-337-6912)

Human Resources:

Jen Lucas, Executive Director of Human Resources First Floor, Pennsylvania Hall, jlucas@gettysburg.edu, [717-337-6211](tel:717-337-6211)

Provost's Office:

Michelle Schmidt, Associate Provost for Faculty Affairs Third Floor, Pennsylvania Hall, mschmidt@gettysburg.edu, [717-337-6840](tel:717-337-6840)

Student Rights & Responsibilities:

Elizabeth Farner, Director of Student Rights and Responsibilities Second Floor, College Union Building, efarner@gettysburg.edu, [717-337-6907](tel:717-337-6907)

Rights & Options as outlined by the Violence Against Women Act

Regardless of whether a person affected by sexual misconduct elects to pursue a criminal complaint, the college will assist persons who experience sexual assault, domestic violence, dating violence, and stalking and will provide each person with a written explanation of their rights. In Pennsylvania, a person who has experienced domestic violence, dating violence, sexual assault or stalking has the right to file a petition with the courts requesting a Protection from Abuse Order (PFA) which could include the following:

- ▮ An order restraining the abuser from further acts of abuse.
- ▮ An order directing the abuser to leave your household/place of residence.
- ▮ An order directing the abuser to refrain from stalking or harassing you or other designated persons.
- ▮ Other protections based on issues related to cohabitation, residency, employment, and child custody.

Campus Safety will help put an affected Party who are interested in pursuing a PFA in contact with local courts. Any person who obtains a PFA from Pennsylvania or any reciprocal State should provide a copy to Campus Safety and the Office of Student Rights and Responsibilities. A Complainant may then meet with Campus Safety to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, etc. Campus Safety will help facilitate the reporting of PFA violations to the local police.

While not the same as the PFA, the College can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms

Protection of Victims of Sexual Violence or Intimidation Act

The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act provides victims of sexual violence or intimidation a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution. 42 Pa. C.S. §§ 62A01(5)-(6). Victims of sexual violence and intimidation are eligible for relief who do not have a family or household member relationship with the defendant, i.e., who ARE NOT spouses, ex-spouses, living or 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. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act. For more information please contact Campus Safety. Campus Safety will help put victims who are interested in pursuing a PSVI in contact with local courts/District Attorney's Office.

Reporting to the Police

Campus Safety will help facilitate the reporting of incidents of sexual assault and relationship violence to the Gettysburg Police Department (or law enforcement agency with jurisdiction) should the Complainant desire to pursue potential criminal charges. The police may be notified directly of an incident of sexual assault or relationship violence if the assailant is not known or otherwise identified or should the circumstances surrounding the incident pose a continuing threat to the Complainant or larger campus community or if the victim is under the age of 18.

Training and On-Going Education by College Officials Conducting Institutional Disciplinary Proceedings and all Title IX Personnel:

Title IX Personnel and College Officials Conducting Institutional Disciplinary Proceedings include the Title IX Coordinator, all Title IX Deputy/Intake Officers, Title IX Investigators, and any administrator or faculty member who serves as an adjudicator and/or a

decision-maker for the College's disciplinary proceedings, including those who serve as an adjudicator and/or a decision-maker in an Appeal process.

The Title IX Coordinator and Deputies/Intake Officers receive training on the following: Definition of sexual harassment; Scope of the institution's education programs and activity; Issues related to dating violence, domestic violence, sexual assault and stalking; sexual assault and stalking; How to conduct an investigation and grievance process that protects the safety of the victims and promotes accountability; How to conduct hearings, Appeals, and informal resolution processes including basic procedural rules; Relevant evidence and how it should be used during a proceeding; Proper techniques for questioning Witnesses; How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias including "actual and perceived" conflicts of interest.

Decision-Makers and Adjudicators receive training on the following: Definition of sexual harassment; Scope of the institution's education programs and activity; Issues related to dating violence, domestic violence, sexual assault and stalking; How to conduct an investigation and grievance process that protects the safety of the victims and promotes accountability; How to conduct hearings, Appeals, and informal resolution processes including basic procedural rules; How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias including "actual and perceived" conflicts of interest; Technology to be used at a live hearing; Issues of relevance of questions and evidence and how it should be used during a proceeding; Proper techniques for questioning Witnesses; and inadmissible evidence (previous sexual history, privileged information, statements if Parties do not appear).

The Title IX Investigators receive training on the following: Definition of sexual harassment; Scope of the institution's education programs and activity; Issues related to dating violence, domestic violence, sexual assault and stalking; How to conduct an investigation and grievance process that protects the safety of the victims and promotes accountability; How to conduct hearings, Appeals, and informal resolution processes including basic procedural rules; How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias including "actual and perceived" conflicts of interest; Issues of relevance to create an investigative report that fairly summarizes relevant evidence; and proper techniques for questioning Witnesses.

All materials used in training College Officials Conducting Institutional Disciplinary Proceedings and all Title IX Personnel, do not rely on sex stereotypes and promote impartial investigations and adjudications of formal complaints of sexual harassment and sexual misconduct

Education and Primary Prevention Programs

The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. 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 faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking.
3. Defines what behavior and actions constitute consent to sexual activity.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
6. Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

The College has an annual educational campaign that distributes educational materials to new students, new employee and faculty, and educational programs throughout the year as outlined below

Ongoing Prevention and Awareness Campaigns

The College provides an annual educational campaign for all students and employees designed to provide on-going education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking.

Campaign strategies employed include face-to-face presentations, online training programs, printed materials, self-defense programming, and related lectures.

The following are examples of annual programs currently offered (for a list of programming please visit the Office of Sexual Respect and Title IX's website <https://www.gettysburg.edu/offices/violence-prevention-title-ix/initiatives/>)

Online Education

All students complete online learning created by the Office of Sexual Respect and Title IX to learn effective ways to prevent and report sexual assault on our campus. Employees also receive in person educational programs.

Orientation Programing

Peer Education Monologues are performed by students during first-year orientation. Performances focus on alcohol and other drugs, in addition to educating on sexual violence and bystander intervention.

Ongoing Training and Workshops

The Office of Sexual Respect and Title IX provides ongoing training and workshops to student groups on campus annually. This includes all of the athletic teams as part of the requirements under the NCAA, all fraternity and sororities as part of their new member orientation and ongoing education, and by request of student clubs and organizations or faculty for classroom discussions.

Campus Wide Programming

The Office of Sexual Respect and Title IX provides programming throughout the academic year that is open to the entire campus community. This programming includes various topics such as consent, men's engagement in violence prevention, sexual assault awareness and prevention with the It's On Us Campaign, and healthy relationships. These programs are facilitated by staff and by the Office of Sexual Respect and Title IX Student Fellows.

Awareness Month Programming

The Office of Sexual Respect and Title IX provides programming that highlights Domestic Violence and Sexual Assault Awareness Months each year. Programming offered during these months includes programming with local service agencies that provide Domestic Violence and Sexual Assault Services to the local community and our campus community members