

# Title IX 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.

### Department or Hospital

### Address and Contact Information

#### Gettysburg Police Department

911 (emergency)  
[717-334-1168](tel:717-334-1168) (non-emergency)  
59 East High Street  
Gettysburg, PA 17325

#### Gettysburg Hospital Emergency Room

[717-337-4357](tel:717-337-4357) (Emergency Room)  
[717-334-2121](tel:717-334-2121) (non-emergency)  
147 Gettys Street  
Gettysburg, PA 17325

#### Campus Safety

[717-337-6911](tel:717-337-6911) (emergency)  
[717-337-6912](tel:717-337-6912) (non-emergency)  
51 West Stevens Street  
Gettysburg, PA 17325

#### Gettysburg College Counseling & Health Services

Health and Counseling Services is available  
M-F 8:30 am - 5:00 pm.  
Health Services [717-337-6970](tel:717-337-6970)  
Counseling Services [717-337-6960](tel:717-337-6960)  
After Hours: request through DPS [717-337-6911](tel:717-337-6911)

## Department or Hospital

## Address and Contact Information

# Introduction

## Statement of Philosophy

Gettysburg College recognizes the worth and dignity of all people and the limitless value of their potential. Therefore, the College is committed to providing an environment free of harassment and discrimination. 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. Where the College learns that discrimination has occurred, the College is committed to remedying the discrimination and its effects. We encourage all members of the community to report incidents of suspected sexual harassment and misconduct.

## Purpose of Policy

The Title IX Policy has been developed to educate the campus community on appropriate conduct, to set forth the College's process for addressing reports of Title IX Sexual Harassment, and to provide a process for the prompt and equitable resolution of complaints.

On May 6, 2020, the Department of Education released Title IX Regulations that were required to be implemented by August 14, 2020. In accordance with the Title IX Regulations, this Title IX policy addresses the process that applies to conduct that meets the definition of Title IX Sexual Harassment. The College, however, remains committed to addressing all forms of sexual misconduct, including conduct that does not fall within the Scope of this Policy. The College, therefore, has separate policies that apply to sexual misconduct that does not meet the definition of Title IX Sexual Harassment, including the College's Sexual Misconduct Policy (applicable to students), which is available , and the College's Employee Standards of Conduct, which can be found [here](#). To the extent that this Policy is inconsistent with any provisions of any handbook, procedure, or other policy, this Policy will prevail for all matters falling within its Scope, because this Policy is mandated by federal law.

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>

## Anti-Discrimination Statement

Title IX of the Education Amendments of 1972 (discrimination based on sex), 20 U.S.C.A. §§ 1681-1688 (West Supp. 2006), prohibits discrimination on the basis of sex in programs and activities by colleges that receive federal financial assistance. Sex discrimination includes Title IX Sexual Harassment (as defined in the regulations and in this policy) The College complies with Title IX and does not

discriminate on the basis of sex, sexual orientation, gender identity, or gender expression in educational programs, admissions, or employment.

Gettysburg College will not tolerate sexual violence, dating violence, domestic violence, stalking, or sexually inappropriate conduct in any form. Other acts can also be forms of sex or gender-based discrimination and are also prohibited whether sexually based or not, including dating violence, domestic violence, and stalking.

Inquiries concerning the application of these policies may be referred to the Title IX Coordinator or Intake/Investigative Offices or to the Office for Civil Rights, United States Department of Education. For further information, visit <https://ocrcas.ed.gov/contact-ocr> for the address and phone number of the U.S. Department of Education office that serves your area, or call 1-800-421-3481.

Gettysburg College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual assault, sexual violence, or harassment, whether as a Complainant, a Respondent, or a third Party, will have appropriate access to support and counseling services through the College. For additional information on resources and support services please see Section VII.

## Scope of this Policy

This Policy applies to all faculty, staff, and students. This Policy addresses only Title IX Sexual Harassment. Allegations of discrimination based upon other protected traits and allegations of sex discrimination that do not fit within this Policy's definition of Title IX Sexual Harassment will be addressed under other College policies.

In order for this Policy to apply, the College must have actual knowledge of alleged Title IX Sexual Harassment that occurred:

- ▮ Against a Party who is participating in or attempting to participate in the College's education program or activity in the United States;
- ▮ On Gettysburg College property, or;
- ▮ Off Gettysburg College property and within an education program or activity including locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the alleged sexual harassment occurs, or;
- ▮ Any building owned or controlled by a student organization that is officially recognized by the College irrespective of whether the building is on campus or off campus.

# Section I. Prohibited Conduct and Definitions

## Definitions of Conduct Prohibited By This Policy

**Title IX Sexual Harassment** is defined as conduct:

- (1) on the basis of sex;
- (2) that occurs within the College's educational program or Activity;
- (3) within the United States; and,
- (4) involves:
  - (a) a College employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
  - (b) unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the College's educational program or activity;
  - (c) Sexual Assault;
  - (d) Dating Violence;
  - (e) Domestic Violence; or,
  - (e) Stalking.

- 1. **Sexual Assault** is defined in 20 U.S.C. § 1092(f)(6)(A)(v), "means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting [UCR] system of the Federal Bureau of Investigation [FBI]."
- 2. **Rape**: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- 3. **Sodomy**: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of

giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

4. Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
5. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
6. Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
7. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence** is violence committed by a person

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
  1. The length of the relationship
  2. The type of relationship
  3. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

## Other Definitions Applicable to this Policy

**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.

**Advisor:** A person selected by a Complainant or Respondent to support that person during a proceeding under this Policy, or a person appointed by the College to ask cross-examination questions, if the Party has not selected an Advisor. Complainant and Respondent may each select an Advisor of their choice. 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. The Advisor may be, but is not required to be an attorney. Each Party is permitted to have their Advisor attend any meetings, interviews, or hearings that occur pursuant to this Policy. 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.

During the live hearing under the Title IX Grievance Process, the Advisors of the Complainant and the Respondent will present cross examination questions to the other Party. This cross examination must be conducted by an Advisor, and cannot be conducted by the Complainant or Respondent. If either Party does not have an Advisor at the time of the live hearing under the Title IX Grievance process, then the College will provide an Advisor to the Party.

**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 Title IX Sexual Harassment 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 harassment 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 harassment. A witness to or individual who experiences sexual harassment, acting in good faith, who discloses any incident of sexual harassment 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.

The College will also not pursue disciplinary action against any person for violations under the COVID-19 expectations in the course of a good faith report of Title IX Sexual Harassment or other good faith statements made in connection with an investigation under this policy.

**Appeals:** Both Parties are provided the opportunity to appeal the determination regarding responsibility or, the dismissal of Formal Complaint or any allegations within a Formal Complaint on the bases of procedural irregularity, new evidence, or bias. For additional information about appeals see Section IV.

**Complainant:** an individual who is alleged to have been the target of conduct that could constitute Title IX Sexual Harassment.

**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.

**Decision-Maker:** The person or persons who are responsible to conduct the live hearing during the formal Title IX Grievance processes found in this policy, to decide whether or not a violation of this Policy has occurred, to determine sanctions and remedies where a violation has occurred, and/or decide Appeals. Decision-Makers are trained annually and serve impartially without prejudging the facts at issue. The Decision-Maker cannot be the Title IX Coordinator or the Investigator.

**Formal Complaint:** a document signed by a Complainant or signed by the Title IX Coordinator alleging conduct that, if proven, would constitute Title IX Sexual Harassment against a Respondent and requesting that the College investigate the allegations.. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the educational program or activity of the College with which the formal complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

**Investigator:** A person or persons designated by the College to investigate the allegations of a Formal Complaint. The Investigator may be one or more members of the College's Campus Safety, a College Administrator, the Title IX Coordinator, or another person or persons designated by the Dean of Students, or Human Resources, including an external investigator(s).

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

**Remedies:** Measures taken by the College following a determination that a violation of this Policy has occurred designed to restore or preserve equal access to the College's education program or activity. Remedies may be disciplinary or punitive and may burden the Respondent who has been determined to have violated this Policy.

**Report:** The submission of information to the Title IX Coordinator or a Campus Official regarding a potential violation of this Policy. A Report is not a Formal Complaint and, therefore, will not be investigated and does not trigger the Grievance Process.

**Respondent:** An individual who has been alleged to have engaged in conduct that, if proven, would constitute a violation of this Policy.

**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 harassment, 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 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 person under the age of 18 immediately to ChildLine and the police having jurisdiction.

**Retaliation:** Acts or attempted acts to retaliate or seek retribution against anyone who has reported Sexual harassment, who has made a Formal Complaint, 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 harassment 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 applied to all matters within the Scope of this Policy. Preponderance of the evidence means it is more likely than not that the respondent is responsible for a violation of this policy.

**Supportive Measures:** Non-disciplinary, non-punitive, individualized services offered by the College on an individual basis to a Complainant or Respondent as appropriate, as reasonably available, and without fee or charge, 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. Examples of supportive measures 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; and
- ▮ Increased security and monitoring of certain areas of the campus.

Supportive Measures will be maintained as confidential by the College to the extent that confidentiality will not impair the ability to provide the Supportive Measures. 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](#).

**Witness:** Any individual who has seen, heard, or otherwise knows or has relevant information about an alleged violation of this Policy, but not including the Investigator. Witnesses are expected to provide a statement during a hearing. Witnesses are protected from retaliation, which includes retaliation from the Complainant, Respondent, or from any another Party or Parties.

Witnesses who provide statements pertaining to a formal grievance process under Title IX will be asked to participate in the live hearing process that is part of the formal grievance process. During the live hearing, witnesses may be asked questions from the Complainant or Respondent’s Advisor.

## Section II. Reporting and Confidentiality

An individual who reports Title IX Sexual Harassment, 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. A Respondent is presumed not

responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## Official Reporting Procedures

All members of the Gettysburg College Community are encouraged to report conduct that may violate of this policy to the Dean of Students, Campus Safety, or Title IX Coordinator. 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 processes provided in this Policy. Responsible Reporters are required to report an incident of sexual harassment, sexual assault, or sexual misconduct to the Campus Safety and/or a 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 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 want their allegations to be investigated. An investigation will be initiated when a Formal Complaint is made.** When a report of sexual harassment 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. 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 Parties and Intake Meeting

After a report of alleged Title IX Sexual Harassment is received, and whether or not a Formal Complaint is filed, the Title IX Coordinator will contact the Complainant and Respondent, if they are identified in the report, in order to offer them Supportive Measures and to discuss their options regarding the College process. During this meeting, the Title IX Coordinator will also review the rights of the Complainant and Respondent in regard to their participation in any formal or informal resolution process under the Title IX Grievance Procedures.

The preliminary assessment includes the notification of the Campus Safety if they were not the office who took the original report. Campus Safety will help facilitate the reporting of the conduct 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 there is 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 this Policy, and the Complainant files a Formal Complaint, then the Title IX grievance procedure will begin. See Section IV.

If it is determined at the time of the preliminary assessment that the reported behavior, if proven, would not constitute a violation of this Policy but would constitute a violation of the College's Sexual Misconduct definitions, the Employee Standards of Conduct, or any other College policy, then the report will be addressed through the College's applicable policy or policies.

Both the Complainant and the Respondent will receive notice of their rights and resources. Those rights include, but are 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 receive 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 of Title IX Sexual Harassment anonymously through the College's 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.

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 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.

## **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.

Persons under the age of 18, whether employees, matriculated students, youth campers, high-school overnight guests, 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**

The College may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, the Complainant notifies the Title IX Coordinator in writing that the Complaint would like to withdraw the Formal Complaint or any allegations therein. The Title IX Coordinator may sign a Formal Complaint to initiate the grievance process against a Respondent if doing so is not unreasonable in light of the known circumstances.

## Section III. Supportive Measures

### Overview

Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant and Respondent (if identified or identifiable based upon the Report) to discuss the availability of Supportive Measures. Supportive Measures are available with or without the filing of a Formal Complaint. In determining Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering the Parties' wishes and other relevant factors of the non-disciplinary, non-punitive measures that will be provided to the Complainant and Respondent to restore or preserve equal access to the College's educational programs or activities, to protect the safety of the Parties, and/or to deter Title IX Sexual Harassment. All Supportive Measures will be provided without fee or charge and without unreasonably burdening the other Party.

Supportive Measures may include access to 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 reasonably available, to support the safety and wellbeing of the Party.

The implementation of Supportive Measures is coordinated by the Title IX Coordinator and they are kept 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.

Prior to implementing an emergency removal, the College gathers and assesses the information available to complete an individualized safety and risk analysis. The analysis will be conducted by an individual(s) who are free from bias or conflict of interest, who has relevant knowledge and experience, and who will not be involved in any later Grievance Process related to the student who is being evaluated for potential removal.

The analysis of whether an immediate threat to physical health and safety exists will focus on the specific Respondent and consider the specific circumstances arising from the allegations of the Title IX Sexual Harassment that potential pose an immediate threat to a person's physical health or safety. If a person expresses subjective fear, the College will consider it and will also apply an objective reasonable person standard. The College will consider Respondent's propensity, opportunity, and ability to carry out a stated or potential threat. The analysis will evaluate whether Supportive Measures or other less restrictive means can negate or sufficiently minimize the threat. As part of its analysis, the College may rely on objective evidence and current medical knowledge and may consult with a licensed evaluator to analyze the information gathered. The College will also consider the Respondent's rights, under any applicable federal and/or state disability laws.

The College also will carefully evaluate the relationship between a threat and the physical health or physical safety of any individual of the campus community. In some but not all cases, threatening speech or virtual interactions without an associated action may rise to the level of a threat to physical health or physical safety. If the threat posed is in the nature of potential emotional impact only, the College will instead focus on identifying appropriate Supportive Measures.

The College's assessment of the appropriateness of emergency removal will account for its multiple potential impacts, including: whether providing Supportive Measures will be sufficient to ensure equal educational access; the adverse impacts of separating a Respondent from educational opportunities and benefits; the protection of the health and safety of the College's community; and, the anticipated timeline of an investigation and hearing. Because these evaluations are necessarily fact specific, in some cases the

College may determine that restricting a Respondent's participation in specific programs or activities will adequately address the situation.

Through all stages of the process, the College will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a determination that a Respondent has engaged in a violation of this policy and will not result in a presumption of responsibility in any subsequent Grievance Process.

If the College determines that emergency removal of a Respondent is appropriate, the Respondent will be notified immediately in writing. The written notice will include details about the specifically identified emergency threat of physical safety or harm underlying the decision. In addition, the written notice includes information about the Respondent's 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.

In the event a Formal Complaint alleges conduct that could constitute Title IX Sexual Harassment and identifies an employee as Respondent, the College may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the employee while the Grievance Process is ongoing. The College will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an employee-Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

## **Section IV. Title IX Grievance Process**

For the purpose of addressing formal complaints of Title IX Sexual Harassment, the following grievance process will be used. Note that this grievance process is applied equally to both Parties. The College will provide remedies to a Complainant only where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent. The College will follow the grievance process outlined below before any disciplinary sanctions or other actions that are not supportive measures are made against the Respondent.

Both Parties will have the opportunity to review all relevant evidence that is collected during the investigation, both inculpatory and exculpatory. No credibility determinations will be made based on a Parties' status as Complainant, Respondent, or Witness. The Respondent cannot be found responsible for a violation of this Policy until the Decision-Maker makes the determination that the Respondent is responsible for a violation of this Policy.

The College strives to complete the grievance process within a reasonably prompt time frame. Both Parties will be notified of the time frames allotted to them throughout the process. The Title IX Grievance Process ordinarily takes 90 days, not including when the



College is not in session, to be completed, from the receipt of the Formal Complaint through the investigation and hearing, and concluding with a determination of responsibility. The College may extend this time frame for good cause by providing notice to the Parties. Should there be a request for a temporary delay in the grievance process or the limited extension of time frames, written notice will be provided to the Complainant and the Respondent of the reason for the delay. Requests for a delay will be considered for good cause considerations, such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Requests for delays from either Party, need to be sent to the Title IX Coordinator in writing via email stating the reason for the request and the amount of time that is being requested.

The Decision-Maker will use the preponderance of the evidence standard when determining if the Respondent is responsible or not responsible for a violation of policy. When the Decision-Maker, after all applicable processes, finds a Respondent responsible, the Decision-Maker will assign appropriate sanctions. Potential sanctions can be found in Section VI.

At the conclusion of the hearing process both Parties will have the ability to appeal the outcome provided by the Decision-Maker, for any of the following reasons:

- ▮ Procedural irregularity that affected the outcome of the matter,
- ▮ New evidence that was not readily available at the time the determination regarding responsibility or dismissal was made, that could have affected the outcome of the matter; and
- ▮ The Title IX Coordinator, Investigator(s), or Decision-Maker 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.

## **Notice of Allegations**

When the College receives a Formal Complaint, the College will provide written notice to the Parties that includes the following:

1. Notice of the College's grievance process, including any informal resolution process.
2. Notice of the allegations potentially constituting Title IX Sexual Harassment, including sufficient details known and sufficient time (not less than 7 days) to prepare a response before any initial interview. The details will include the

identities of the Parties involved in the incident, the conduct that is in violation of the policy, and the date and location of the incident, if known. The written notice will also include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. Both Parties will also be notified of their right to have an Advisor.

3. If during the course of the investigation, the College determines that there are additional allegations that will need to be investigated, that were not included in the initial notice of allegations, the College will provide notice of the additional allegations in written form.

## **Dismissal of a Formal Complaint**

If the conduct alleged in a Formal Complaint would not, if proven, constitute Title IX Sexual Harassment then the College must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under Title IX and this Policy. When the dismissal of a Formal Complaint occurs, the Complainant may still be able to move forward with a formal process under the sexual misconduct policy, the student code of conduct, the Employee Standards of Conduct, or other applicable College policies.

Formal Complaints may also be dismissed during the investigation or hearing process for the following reasons; the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to allegations of the Formal Complaint.

Upon dismissal of a Formal Complaint the College will promptly send written notice of the dismissal and reason of the dismissal to both Parties. Both Parties will have the right to appeal if the College dismisses the formal complaint prior to a hearing.

## **Consolidation of Formal Complaints**

The College may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, such as with an organization or team, or by more than one Complainant against one or more Respondents, or where the allegations of sexual harassment arise out of the same fact pattern or circumstances.

## **Investigation of Formal Complaint**

The burden of gathering evidence sufficient to reach a determination regarding responsibility will rest with the College. Both Parties will have an equal opportunity to meet with the Investigator, provide any witnesses, including expert witnesses, and submit any evidence they wish to provide to the Investigator. The Investigator will conduct the investigation in a manner appropriate in light of

the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any Witnesses. The Investigator will provide advance written notice to Parties of the date, time, location, participants, and purpose of any requested meeting(s). Investigation interviews will be conducted in a thorough, impartial, and fair manner; all involved individuals will be treated with appropriate sensitivity and respect.

Interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The burden of gathering relevant, admissible information sufficient for the College to reach a determination of whether a violation of this Policy has occurred rests on the College.

The Investigator will decide which individuals to interview based on the information the Investigator gathers as part of the investigation and, with respect to Witnesses offered by a Party, the Investigator may ask the Witnesses to describe the information the Party expects the Witness to provide. The Title IX Coordinator may direct that additional interviews be conducted.

The Investigator will not ask questions or gather information or documents protected by a legally recognized privilege, including treatment records of a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity, without written consent to use such documents in the Grievance Process from the person protected by the privilege. The Investigator will not seek information about a Complainant's sexual predisposition and will only allow submission of or pursue information about a Complainant's prior sexual behavior if such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the alleged misconduct; or, (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to establish Consent.

The investigation will be conducted in a manner that is respectful of individual privacy concerns. To be clear, however, confidentiality cannot be promised during an investigation because, for example, the Investigator may need to speak with Witnesses and others to gather evidence. The Parties are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence. However, where the investigation reveals intentional efforts by a Party to fabricate or alter information they submit or to influence the information a Witness provides to the Investigator, conduct charges may result. 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.

Each Party is able to have their Advisor attend any related meeting or proceeding related to the investigation and the formal grievance process.

Prior to the conclusion of the investigation, the Parties and their Advisors will be provided the opportunity to review and inspect all evidence, including all statements collected from the Parties and any witnesses, that was obtained as part of the investigation. Both Parties and their advisors will be provided with copies, either electronic or hard copy, of all evidence that has been collected through

the investigation for their review and inspection. The Parties and their Advisors will have ten (10) calendar days to inspect and review the evidence and submit a written response to the Investigator. The Parties' written response can include any comments, feedback, additional documents, evidence, requests for additional investigative steps, names of additional witnesses, or any other information they deem relevant.

The Investigator will evaluate the Parties' responses and conduct any additional investigative steps based on the written response provided by the Parties. Upon completion of any additional investigative steps, the Investigator will issue an investigative report to the Parties and their Advisors. The investigative report will summarize all of the relevant, admissible information obtained during the investigation, including inculpatory evidence and exculpatory evidence. The Investigator may include an assessment of part and witness credibility, but credibility decisions will not be based upon a person's status as Complainant, Respondent, or Witness.

The investigative report will be provided to the Parties and their Advisors and they will have 10 business days to submit a written response to the investigative report. Any additional response to the investigative report that is timely submitted to the Investigator will be included as part of the final investigative report. The final investigative report and all evidence will be available at any hearing. Any hearing on the allegations investigated will not be held sooner than ten (10) business days after the final investigative report is provided to the Parties and their Advisors.

## Live Hearing

After the investigation is complete, a live hearing will be held, where the Decision-Maker will ask relevant questions of both Parties and will allow for each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.

At the request of either Party, the College will provide for the live hearing to occur with the Parties in separate rooms with technology allowing for the Parties and the Decision-Maker to all see and hear the Party or witness answering questions. The College can also make the determination to have a virtual hearing without the request from either Party.

Cross-examination will be conducted directly, orally and in real time, by the Party's Advisor and never by the Party personally. If a Party does not have an Advisor at the time of the hearing, then the College will provide an Advisor to that Party for the purpose of asking cross-examination questions to the other Party. The Decision-Maker will first determine if each cross-examination question is relevant before a Party or witness answers the question. If the Decision-Maker excludes a question, they will provide an explanation of why the question is being excluded. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence regarding the prior sexual behavior with respect to the Respondent are offered to prove consent.

The Decision-Maker will not draw an inference about the determination of responsibility based solely on a Party's or Witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The hearing will be recorded, and the recording will be made available to the Parties for inspection and review.

## **Determination Regarding Responsibility**

After the conclusion of the live hearing, the Decision-Maker will issue a written determination regarding responsibility. This notification will be provided to both Parties simultaneously, and the determination becomes final either (i) at the time the Parties are provided with a written determination of any appeal, if an Appeal is filed, or (ii) the date that time for the filing of the appeal passes without the filing of an Appeal.

The written determination will include:

- ▮ identification of the allegations potentially constituting Title IX Sexual Harassment;
- ▮ the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to Parties, when interviews took place, site visits, methods used to gather evidence, and hearings held;
- ▮ finding of fact supporting the determination;
- ▮ conclusions regarding the application of the College's Policies to the facts;
- ▮ a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's educational program or activity will be provided by the College to the Complainant; and,
- ▮ the procedures and permissible bases for and appeal afforded to both Parties.

## **Appeals**

The College will offer to both Parties the opportunity to appeal a determination regarding responsibility and if there is a dismissal of a formal complaint or any allegations, on any of the following bases:

- ▮ procedural irregularity that affected the outcome of the matter;
- ▮ new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could have affected the outcome of the matter; and,
- ▮ the Title IX Coordinator, Investigator(s), or Decision-Maker 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.

Both Parties will have five (5) business days to submit a written explanation of the basis for their Appeal to the Title IX Coordinator. When an Appeal is received, the Title IX Coordinator will notify both Parties that an Appeal was received and provide notice of the Appeal procedures. The Appeal will be heard by a Decision-Maker who did not serve in the role of Decision-Maker during the live hearing. Both Parties will have the opportunity to submit a written statement in support of, or challenging the outcome, that will be considered by the Decision-Maker for the appeals process. Both Parties will be provided a written decision simultaneously that describes the result of the Appeal and the rationale for the result.

## **Informal Resolution**

After a Formal Complaint has been signed and before the determination of responsibility has been provided to the Parties, either Party may request informal resolution as an alternative to formal resolution of the complaint. Both the Complainant and the Respondent must voluntarily agree to the informal resolution before the College facilitates an informal resolution. Informal resolution will not be allowed where the Formal Complaint alleges that an employee sexually harassed a student.

An informal resolution does not involve a full investigation and adjudication. During the informal resolution process, a facilitator will attempt to help the Parties come to an agreement about how to resolve a Formal Complaint. The Grievance Process will pause for a period of 15 business days, unless a longer or shorter time is set by the Title IX Coordinator, to allow the Parties to pursue informal resolution. The College will provide the Parties with written notice that discloses the allegations, the requirements of the informal resolution process, and that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the Formal Complaint, and any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

## **Outcomes of Informal Resolution**

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

If the Parties agree to an informal resolution, the Facilitator will document it in a written agreement for the Parties to sign. The written agreement will be presented to the Title IX Coordinator for final approval and implementation. The Title IX Coordinator will give deference to the Parties but will not approve an agreement that the Title IX Coordinator deems to be impractical, unduly burdensome, or inconsistent with the College's obligations under this Policy, Title IX, or another applicable policy or law.

## **Section V. Records**

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

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

- documentation of any Report of alleged Title IX Sexual Harassment;
- documentation of any Supportive Measures or if no Supportive Measures are provided, the reasons why and an explanation of how the College's response was not clearly unreasonable;
- the Formal Complaint;

- ▮ documentary evidence gathered in the course of an investigation and photographs or descriptions of nondocumentary evidence gathered in the course of an investigation;
- ▮ written responses of the Parties provided prior the finalization of the investigation report;
- ▮ the Investigative Report;
- ▮ the recording of any Live Hearing;
- ▮ the Written Determination;
- ▮ any Appeal and written decision of any Appeal;
- ▮ records of the sanctions and/or remedies;
- ▮ records of any other steps taken to restore or preserve equal access to the College's Education Program or Activity,
- ▮ any written agreement of an informal resolution; and
- ▮ a statement documenting the basis for the college's conclusion that its response to a report or formal complaint was not deliberately indifferent.

The College will also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-Makers, and facilitators of informal resolutions, and a copy of each version of its Title IX Policy.

For cases involving reported conduct where: (A) a student is alleged to have committed acts that would, if proven, constitute the following offenses or attempts to commit the following offenses including Arson, Assault Offenses, Burglary, Criminal Homicide-manslaughter by negligence, Criminal homicide- murder and non-negligent manslaughter, Destruction/Damage/Vandalism of property, Kidnapping/abduction, Robbery, or Forcible Sex Offenses; and, (B) the allegations have been addressed through the procedures set forth in this Policy; and (C) through those procedures, the student has been determined to have violated this Policy,



the College will notify the student's parent(s) or guardian(s) of the final result of the disciplinary proceeding. The disclosure of the final result will only include the name of the student, the violation committed and any sanction imposed by the College against the student.

## **Section VI. Sanctions for Title IX Grievance Processes**

If a Party is found responsible for a violation of this Policy, sanctions within the range noted in this policy may be imposed upon that Party. The listed sanctions are provided for purposes of notice as to the range of possible sanctions and does not reflect the probability that any particular outcome will occur.

When determining the appropriate sanctions, the Decision-Maker may take into account the following factors: Respondent's prior disciplinary history; how the College has sanctioned similar incidents in the past; the nature of the conduct at issue; the impact of the conduct on the Complainant; the impact of the conduct on the College community; any other mitigating or aggravating circumstances, and the College's obligation to eliminate Title IX Sexual Harassment, prevent its recurrence, remedy its effects and maintain an environment free from Title IX Sexual Harassment.

### **Range of possible disciplinary sanctions for students**

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 or harassment.
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.
5. 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.
3. 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.

### **Range of potential sanctions for Employees:**

1. Training – the employee will be required to complete training through Safe Colleges to help the employee understand why their behavior was inappropriate. The training 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.
2. Verbal Warning - The verbal warning is the first official step in the College's progressive discipline process for employees. The purpose of the verbal warning is to remind the employee of their personal responsibility and to set guidelines for acceptable behavioral changes required to satisfactorily address the concern. This action is only appropriate in cases that are relatively minor.
3. Written Letter of Reprimand- A written letter of reprimand is used to identify and describe the continuing problem and to restate the essentials of desired performance or behavior and the employee's obligation to meet it.
4. Last Chance Agreement - The Last Chance Agreement is used to clarify that continued employment is entirely conditional on the employee's decision to correct the inappropriate behavior.
5. Suspension Without Pay - Occasionally, the employee may be suspended without pay while the College conducts an investigation into the alleged violation of misconduct.
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. Employees found responsible for violation of the no contact may face sanctions that result in immediate removal from campus, suspension, or expulsion.
7. Restrictions of Professional Development Funds or Limited Travel - On occasion, professional development funds may be restricted or a travel ban for professional work may be instituted.
3. Termination of Employment- For the most egregious kind of conduct or after all measures of progressive discipline have been established, termination of employment may be appropriate.

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

Off-campus

The College encourages those who have experienced sexual assault, domestic violence, dating violence or other sexual misconduct 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.

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.

Resource	Phone Number
Gettysburg Hospital	717-334-2121

Resource	Phone Number
<b>Pennsylvania Coalition Against Rape (PCAR)</b>	<a href="tel:888-772-7227">888-772-7227</a>
<b>RAINN- National Sexual Assault Hotline</b>	<a href="tel:800-656-4673">800-656-4673</a>
<b>Safe Home- Domestic Violence Services</b>	<a href="tel:717-632-0007">717-632-0007</a>
<b>Mobile Crisis</b>	<a href="tel:866-352-0339">866-352-0339</a>

## On-campus

The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources who can provide information about available supports, services, and procedural options, and assistance to Parties in the event that a report and/or Formal Complaint under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

## On-campus resources

Resource	Employees	Students
<b>Counseling/Mental Health</b>	Gettysburg College Counseling Services Phone: <a href="tel:717-337-6960">717-337-6960</a> *Confidential Resource	
<b>Health Services</b>	Gettysburg College Health Services Phone: <a href="tel:717-337-6970">717-337-6970</a> * Confidential Resource	
<b>Title IX Coordinator/Deputy</b>	Amanda Blaugher, Title IX Coordinator Phone: <a href="tel:717-337-6907">717-337-6907</a> Jen Lucas, Executive Director Human Resources Phone: <a href="tel:717-337-6211">717-337-6211</a>	Amanda Blaugher, Title IX Coordinator

**Resource****Employees****Students**

Phone: [717-337-6907](tel:717-337-6907)

**Pastoral Counseling**

Campus Chaplain  
Phone: [717-337-6280](tel:717-337-6280)  
\*Confidential Resource

**Campus Safety**

Non-Emergency Phone: [717-337-6912](tel:717-337-6912)  
Emergency Phone: [717-337-6911](tel:717-337-6911)

Non-Emergency  
Phone: [717-337-6912](tel:717-337-6912)  
Emergency  
Phone: [717-337-6911](tel:717-337-6911)

**Dean of Students Office**

College Union Building- 220  
Phone: [717-337-6921](tel:717-337-6921)

**Gender Equity and LGBTQIA+ Life**

Resource Center- Apple Hall, First Floor  
Phone: [717-337-7577](tel:717-337-7577)

**Office of Multicultural Engagement**

102 West Water Street  
Phone: [717-337-6311](tel:717-337-6311)

**International Student Services**

Intercultural Resource Center  
Phone: [717-337-7370](tel:717-337-7370)

**Sexual Misconduct Resource Site**

[www.gettysburg.edu/sexualmisconductresource](http://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.

**Off-campus resources**

Resource	Employees	Students
<b>Counseling/ Mental Health</b>	Employee Assistance Program (EAP) General Assistance: <a href="tel:866-227-6527">866-227-6527</a> Critical Situations: <a href="tel:800-673-2496">800-673-2496</a> * Confidential Resource	
<b>Health Services</b>	Gettysburg Hospital (WellSpan) Phone: <a href="tel:717-334-2121">717-334-2121</a>	Gettysburg Hospital (WellSpan) Phone: <a href="tel:717-334-2121">717-334-2121</a>
<b>Sexual Assault Victim Services</b>	Adams County Sexual Assault Services 24/7 Hotline: <a href="tel:1-888-772-7227">1-888-772-7227</a>	Adams County Sexual Assault Services 24/7 Hotline: <a href="tel:1-888-772-7227">1-888-772-7227</a>
<b>Domestic Violence Victim Services</b>	Safe Home Domestic Violence Services 24/7 Hotline: <a href="tel:717-632-0007">717-632-0007</a>	Safe Home Domestic Violence Services 24/7 Hotline: <a href="tel:717-632-0007">717-632-0007</a>
<b>Victim Advocacy</b>	Victim Witness Services of Adams County Phone: <a href="tel:717-337-9844">717-337-9844</a>	Victim Witness Services of Adams County Phone: <a href="tel:717-337-9844">717-337-9844</a>
<b>Legal Assistance</b>	PCAR Sexual Violence Legal Assistance Project Phone: <a href="tel:717-901-6784">717-901-6784</a> Adams County District Attorney's Office Phone: <a href="tel:717-337-9480">717-337-9480</a>	PCAR Sexual Violence Legal Assistance Project Phone: <a href="tel:717-901-6784">717-901-6784</a> Adams County District Attorney's Office Phone: <a href="tel:717-337-9480">717-337-9480</a>
<b>Visa and Immigration Assistance</b>	30 N. 41st Street, Philadelphia, PA 19104 Phone: <a href="tel:800-375-5283">800-375-5283</a>	30 N. 41st Street, Philadelphia, PA 19104 Phone: <a href="tel:800-375-5283">800-375-5283</a>
<b>Gettysburg Police</b>	Adams County Emergency Center: 911	Adams County Emergency Center: 911

*\*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

Those who experience sexual assault 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 official(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, domestic violence, dating violence, sexual harassment, and stalking, those affected should preserve all phone call logs, emails, text messages, and any other forms of communication.

Resource	Phone number(s)	Address
<b>Campus Safety</b>	<a href="tel:717-337-6911">717-337-6911</a> (emergency) <a href="tel:717-337-6912">717-337-6912</a> (non-emergency)	51 West Stevens Street, Gettysburg, PA 17325
<b>Gettysburg Police Department</b>	911 (emergency) <a href="tel:717-334-8101">717-334-8101</a> (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 Title IX Sexual Harassment. See Section III for additional information on Supportive Measures.

Resource	Phone Number
<b>Counseling Services</b>	<a href="tel:717-337-6960">717-337-6960</a> *Confidential Resource
<b>Health Services</b>	<a href="tel:717-337-6970">717-337-6970</a> * Confidential Resource
<b>Pastoral Counseling</b>	<a href="tel:717-337-6280">717-337-6280</a> *Confidential Resource

**Resource****Phone Number**

## **Section VIII. Additional Information**

### **Title IX Coordinator**

Amanda Blaugher, Title IX Coordinator

Second Floor, College Union Building, [ablaughe@gettysburg.edu](mailto:ablaughe@gettysburg.edu), 717-337-6907

### **Title IX Deputies/Intake and Investigative Officers**

#### **Athletics:**

Mike Mattia, Executive Director of Athletics

Second Floor, Wright Building, [mmattia@gettysburg.edu](mailto:mmattia@gettysburg.edu), 717-337-6530

#### **Campus Safety:**

Alex Wiltz, Executive Director of Campus Safety

Campus Safety Office, 51 West Stevens Street, [awiltz@gettysburg.edu](mailto:awiltz@gettysburg.edu), 717-337-6912

#### **Human Resources:**

Jen Lucas, Co-Director of Human Resources

First Floor, Pennsylvania Hall, [jlucas@gettysburg.edu](mailto:jlucas@gettysburg.edu), 717-337-6211

#### **Provost's Office:**

TBA, Associate Provost for Faculty Affairs

Third Floor, Pennsylvania Hall

#### **Student Rights & Responsibilities:**

Elizabeth Farner, Director of Student Rights and Responsibilities

Second Floor, College Union Building, [efarner@gettysburg.edu](mailto:efarner@gettysburg.edu), 717-337-6907

### **Rights & Options as outlined by the Violence Against Women Act**

Regardless of whether a person affected by sexual harassment 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.

## **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, domestic violence, dating violence, and stalking 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:**

The Title IX Coordinator and Deputies/Intake Officers, Investigators, Decision-Makers, and any person who facilitates informal resolution receive training on the following: definition of sexual harassment; scope of the institution's education programs and activities; issues related to dating violence, domestic violence, sexual assault and stalking, sexual assault and stalking; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes including basic procedural rules, as applicable; relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; and 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 will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual disposition or prior sexual behavior are not relevant, as set forth in this policy.

Investigators will also receive training issues of relevance to create an investigative report that fairly summarizes relevant evidence.

All materials used in training Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Title IX Sexual Harassment.

## **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.
5. 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 Programming**

Incoming first year students participate in a series of information sessions about the Clery Act and Title IX information, in addition to learning about the Sexual Misconduct Policy and the Title IX Policy, bystander intervention, and resources.

## **Extended Orientation Programming**

Incoming first year students choose between a workshop on self-defense, bystander intervention training, or consent education session. These two (2) hour trainings are designed to give students an interactive educational experience geared at giving them the

personal tools to reduce and prevent violence.

## Campus Safety Liaison Programming

Campus Safety officers are assigned liaison activities with students for the purpose of concentrated crime prevention and security awareness programming. In addition to general crime prevention programming, Campus Safety officers provide sexual assault, domestic violence, dating violence, and stalking awareness programs for these students.

**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.

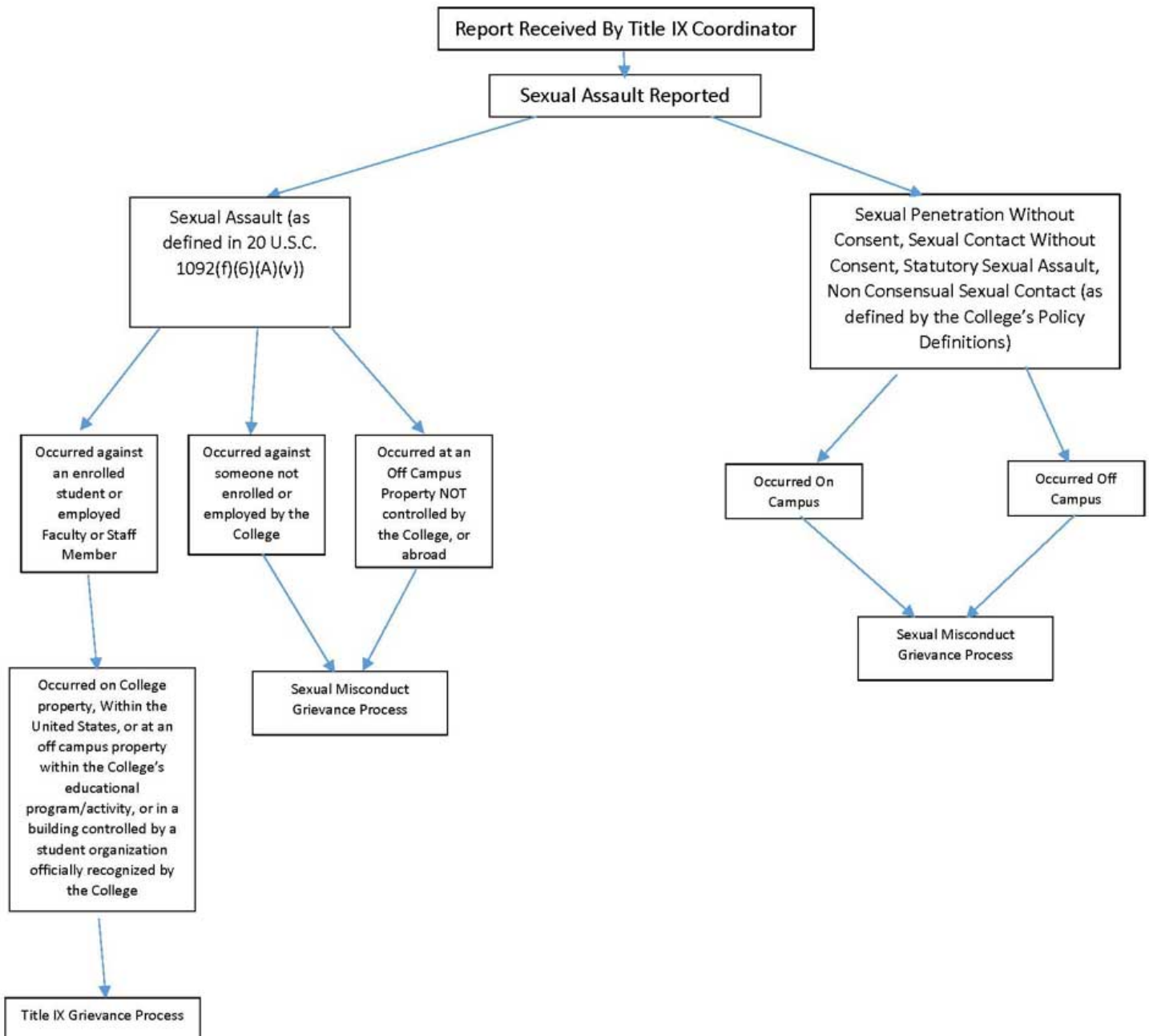
**Green Dot College Strategy and Bystander Intervention Workshops** Both Green Dot and Bystander Intervention Presentations help people understand what stops us from intervening in potentially harmful situations and provides tools to intervene. Green Dot covers ways to end power-based personal violence. Bystander Intervention workshops cover bystander effect and ways to decide to act when we see someone in need. Participants leave with practical tips to intervene.

## Awareness Month Programming

The Office of Sexual Respect and Title IX provides programming throughout the academic year, and 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

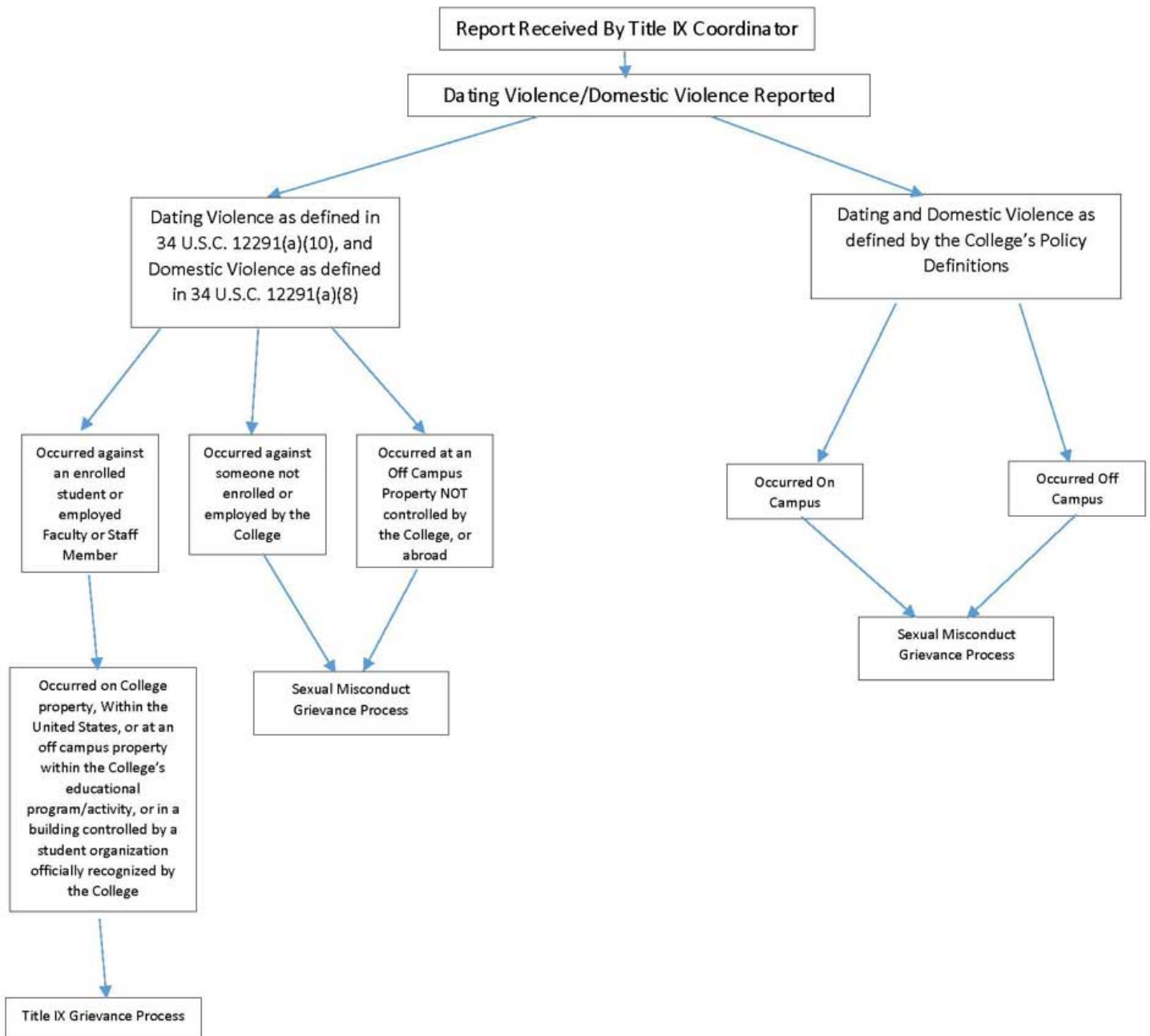
## Section IX. Assessment Flow Charts

### Sexual Assault Flow Chart

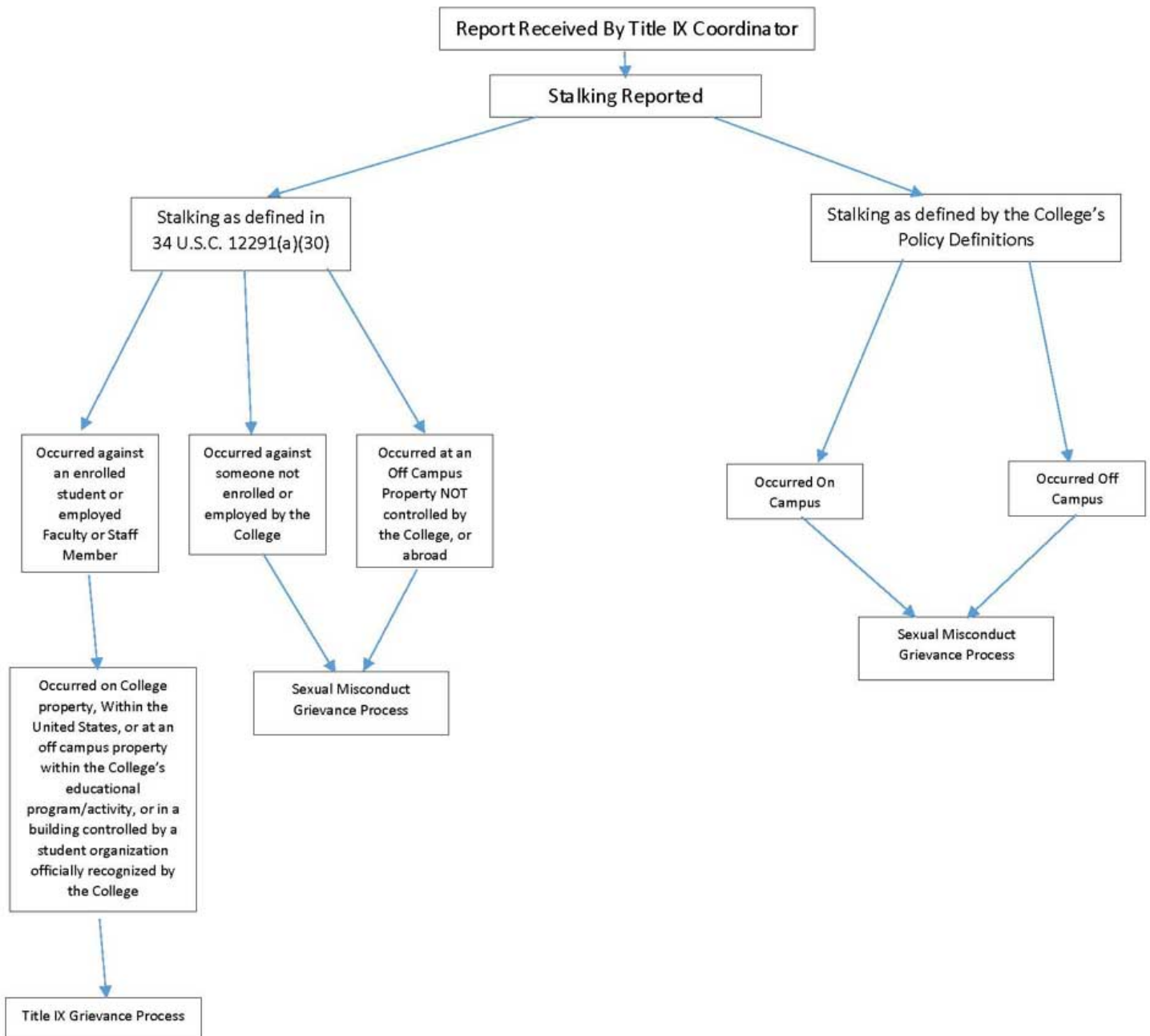


# Dating Violence Flow Chart

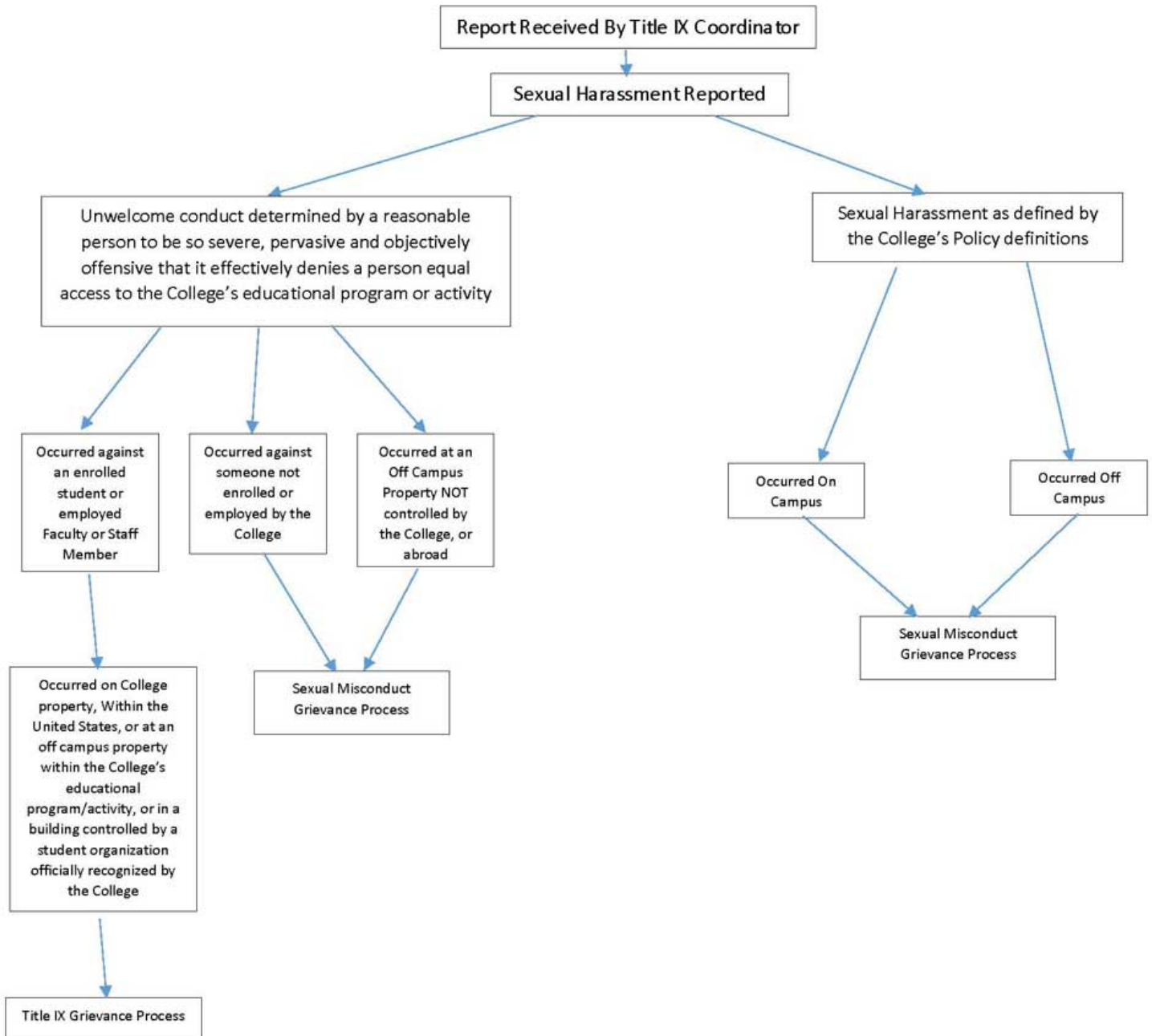




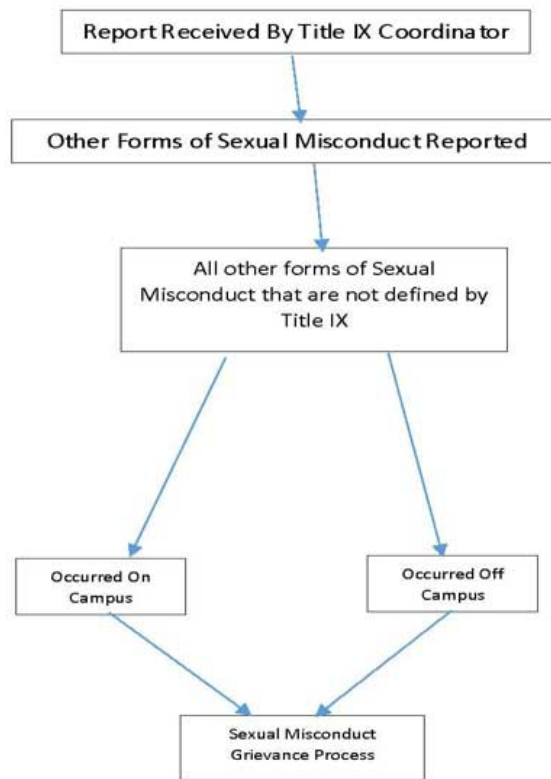
# Stalking Flow Chart



# Sexual Harassment Flow Chart



## Other Forms of Sexual Misconduct Flow Chart



Revision History and Implementation:

Edited on 7/9/2020

Implemented 8/14/2020

Revised 6/24/2022

