2020 Annual Security and Fire Safety Report
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FROM THE DIRECTOR OF CAMPUS SECURITY – ANDREW POWELL

Safety and security at Elizabethtown College is a shared responsibility. Clearly the best protection against campus crime is an aware, informed and alert campus community; students, faculty and staff who use reason and caution; and a strong, visible Campus Security presence.

The vast majority of our students, faculty, staff and visitors never experience crime at Elizabethtown College. However, despite our best efforts, crimes do occur. The men and women of the Elizabethtown Campus Security Department are committed to maintaining a safe and secure campus by providing a contemporary and professional public safety service with a strong emphasis on customer service. The hallmark of our service is a commitment to the principles of honor, integrity, discipline, trust and dedication. Concerns, questions or comments about our department, federal or state law or Elizabethtown’s compliance with these laws, can be addressed to the Director of Campus Security at 717.361.1438.

The information contained in this Annual Security and Fire Safety Report is available to new and prospective students and employees as well as their families, all current members of the campus community and to the general public. We are committed to campus safety and security in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (the Clery Act) and the Pennsylvania Uniform Crime Reporting Act (UCR).

INTRODUCTION

Elizabethtown College, located in historic Lancaster County, Pennsylvania, is a private coeducational institution offering more than 50 health, science, fine arts, engineering, business, communications, and education degrees. Through personal attention, creative inspiration and academic challenge, Elizabethtown College students are encouraged to expand their intellectual curiosity and are given the opportunity to become a bigger part of the world through experiential learning—research, internships and study abroad. Elizabethtown College’s overall commitment to “Educate for Service” is fulfilled as students develop intellectually, socially, aesthetically and ethically for lives of service and leadership. Visit etown.edu for more information about Elizabethtown College.

Elizabethtown College does not discriminate on the basis of gender, race, color, religion, age, disability, marital status, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression, genetic information, possession of a general education development certificate as compared to a high school diploma, or any other legally protected status. This commitment applies but is not limited to decisions made with respect to hiring and promotion, the administration of educational programs and policies, scholarship and loan programs, and athletic or other College administered programs. Discriminatory acts of any kind are strictly forbidden.

Enrollment: For the 2019-2020 academic year, Elizabethtown College enrollment was 1,585 undergraduate students students and 46 graduate students. There were 1,351 undergraduate students living in student housing. The College employs 444 full time staff and faculty members.
The Campus is comprised of 56 buildings situated on 211 acres in the Borough of Elizabethtown and Mount Joy Township.

The Elizabethtown College 2020 Annual Security and Fire Safety Report was prepared by the Director of Campus Security, Andrew Powell (717.361.1438, powella@etown.edu) and the Assistant Director of Campus Security, Dale Boyer (717.361.1439, boyerda@etown.edu) and reviewed by the Elizabethtown College Clery Committee comprised of the Vice President for Student Life, Director of Community Living, and Executive Director of Marketing and Communications to be in compliance with the Pennsylvania College and University Security Information Act (May 26, 1988, P.L. 448, No. 73; PA Leos. Serv. Act 1994-87), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Public Law 101-542), and the Violence Against Women Reauthorization Act of 2013 (Public Law 113-14).

Each institution of higher education in the Commonwealth of Pennsylvania is required to annually publish specific data relating to the number per capita rate of certain types of crime reported to have occurred at the institution, and the security measures that are in place to reduce the risk of criminal victimization for members of the community. Additionally, this report addresses requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Elizabethtown College’s Clery Committee collaborates throughout the summer and early fall to review appropriate resources from the Clery Center, develop an outline for the report, evaluate and revise report content as needed, and publish the report no later than October 1.¹

In compliance with these requirements, Elizabethtown College offers the following information to all current and prospective students, employees and applicants. The annual report containing crime statistics and policy statements can be obtained by:

- **MAIL:** Send requests to Elizabethtown College, Campus Security, One Alpha Drive, Elizabethtown, PA 17022
- **PHONE:** 717.361.1264
- **E-MAIL:** Direct inquiries to security@etown.edu

**THE DEPARTMENT**

The Elizabethtown College Department of Campus Security is a multi-service agency that provides safety, security, fire prevention, crime prevention, and emergency management on the Elizabethtown College campus 24 hours a day, seven days a week. The Campus Security Department is part of the division of Finance and Strategy. The Director reports to the Vice President.

for Finance and Strategy. Campus Security staff are non-sworn personnel holding the ranks of Director, Assistant Director, Lieutenant/Shift Supervisor, Officer, Communication Dispatchers, and Locksmith. Campus Security additionally employs a contingent of student patrol officers or SPOs, who supplement Campus Security operations by performing basic security functions including foot patrol, escorts, building checks, and special event security. The department works closely and cooperatively with federal, state and local agencies, as well as all on-campus offices, regarding problems of mutual concern. Campus Security also serves a variety of other functions including responding to all medical emergencies, alarms, parking enforcement and providing information to college guests and visitors. The Campus Security office is located at 605 South Mount Joy Street, directly across from the Office of Community Living. For more information please visit the Campus Security website www.etown.edu/offices/security/.

GOALS

Our commitment is to improve the quality of life for all those who come to our campus. Conflict resolution is our primary goal, accomplished through mutual cooperation and understanding; or, when necessary, through the imposition of administrative or other sanctions. Inherent in the application of these sanctions is that such actions shall align with College mission and values, policies and established protocol.

CAMPUS SECURITY MISSION STATEMENT

Elizabethtown College Campus Security Department’s mission is to foster a safe and secure environment, which supports the College’s motto of “Educate for Service”, while encouraging moral and intellectual growth. Campus Security achieves this by promoting safety through educational programming, and working with other departments and members of campus to maintain a safe environment which nurtures learning and intellectual growth.

ENFORCEMENT AUTHORITY AND JURISDICTION

Campus Security is responsible for providing security services for the Elizabethtown College campus. Campus Security Officers are non-sworn security officers for Elizabethtown College and have no official powers of arrest. Campus Security investigates reports of campus incidents for administrative purposes as it relates to campus student conduct processes and employee personnel matters. Campus Security’s patrol and enforcement jurisdiction is limited to the on campus areas reflected in the Campus Map in Appendix A. Campus Security does not routinely patrol areas off-campus or areas not under the ownership or control of Elizabethtown College. Crimes occurring on campus may be investigated for possible criminal prosecution by the Elizabethtown Police Department or the Northwest Regional Police Department.

WORKING RELATIONSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES

The Director of Campus Security serves as Elizabethtown’s liaison with local, state and federal law enforcement officials and emergency management agencies to include Elizabethtown Police Department, Northwest Regional Police Department, Pennsylvania State Police, and Elizabethtown Fire Department. Campus Security has a Memorandum of Understanding (MOU)
with the Elizabethtown Police Department concerning the response to and investigation of sexual assault reports. While there are no formal MOUs with other agencies, the Director of Campus Security works with local law enforcement through formal and informal meetings, Borough-College meetings, and the like. Work with State police is much more limited and as such, is done on an as needed basis.

**OFF CAMPUS CRIME**

There are no student organizations officially recognized by the institution who own or control property off campus, and as such, the College does not monitor criminal activity by students off campus. If a law enforcement agency is contacted about criminal activity off-campus involving Elizabethtown College students, that agency may notify Campus Security. Students in these cases may be subject to arrest by the local police and college disciplinary proceedings through the Office of Community Living.

**REPORTING CRIMES AND OTHER EMERGENCIES**

Students, faculty, staff, and guests are encouraged to immediately report any suspicious activity, public safety concern, illegal activities or violations of College policy to Elizabethtown College Campus Security. This department has primary responsibility for responding to and investigating safety and security concerns on campus. Criminal incidents or other issues occurring off campus may also be reported directly to the Elizabethtown Police Department or Northwest Regional Police Department. The College encourages accurate and prompt reporting of all crimes to either Campus Security or the local police agencies when the victim elects to, or is unable to, make such a report.

Campus Security responds to all reports of crimes and/or emergencies that occur on campus or at an off-campus college-controlled (owned, operated or leased) location within Elizabethtown Borough or Mount Joy Township. Campus Security Dispatch operates 24 hours a day, 365 days a year. Professional staff uses modern technology to keep abreast of crime reported directly to Campus Security and to the Lancaster County 911 Center. The Campus Security Dispatchers maintain communications with all area local police departments, such as Elizabethtown Police and Northwest Regional Police, and area fire and emergency management agencies. All students, faculty and staff are encouraged to program the Campus Security Emergency telephone number 717.361.1111 into their cell phones in case of an emergency.

**To report a crime, emergency or other public safety concern:**

- Call Campus Security at 717.361.1111 or Ext. 1111 for any on-campus emergency.
- Report in person to Campus Security located at 605 South Mount Joy Street, Elizabethtown, PA.
- Report in person to the Elizabethtown Police Department located at 600 South Hanover Street, Elizabethtown, PA, 717.367.6540.
Use one of the “Blue Light” Campus Security phones located throughout campus to make an immediate call to Campus Security Dispatch for emergency assistance. After establishing the phone connection with Campus Security, a Campus Security Officer will be dispatched to the blue light location.

- Use the free mobile app LiveSafe to submit information for non-emergency concerns.
- Off campus, call 911 for immediate assistance.

COLLECTION AND ANALYSIS OF CRIME INFORMATION

Campus incident reports are reviewed by the Director of Campus Security who in turn makes the final determination regarding Clery and Uniform Crime Report crime classification. A record of the classification process is maintained in the Department of Campus Security.

On a monthly basis, the Director and Assistant Director of Campus Security meet with the Office of Community Living to review all disciplinary referrals related to drugs, alcohol, and/or weapons law violations.

The College formally solicits crime report information from appropriate external agencies including the Elizabethtown Police Department and the Northwest Regional Police Department in August. The Director of Campus Security contacts local law enforcement throughout the year to obtain timely updates that may assist in campus investigations and prevention programming.

Campus Security Authorities are required to immediately report any information related to potential criminal activity to Campus Security. The Campus Security department surveys Campus Security Authorities once a year to collect unreported data.

CAMPUS SECURITY AUTHORITIES RESPONSIBLE FOR REPORTING CRIMINAL ACTIVITY

As required by the Clery Act, colleges and universities must annually compile and publish crime, fire and security information about their campuses. Under this law, “Campus Security Authorities” are mandated to report crimes brought to their attention for inclusion in Elizabethtown’s Annual Security and Fire Safety Report. Campus Security Authorities include, but are not limited to, Elizabethtown College employees with significant responsibility for students or campus activities. Campus Security Authorities are required to notify the Campus Security Department when they receive information about a crime that has occurred on campus.

LIVESAFE PERSONAL SAFETY APPLICATION

LiveSafe is a mobile application that empowers users to share safety concerns, suspicious activity, sexual assault, and other crime by turning their smartphones into powerful personal safety tools. LiveSafe facilitates discreet and risk-free bystander intervention by community members through information sharing
with Campus Security. Through iPhone and Android devices, users can report GPS-tagged information with added pictures, video, and audio clips. Campus Security Officers are able to respond to users using a real-time two-way chat, or investigate further using the information submitted by the users. Using the GoSafe feature of the LiveSafe app, individuals can "virtually escort" each other and monitor each other's location on a real-time map. Simultaneously, SafeWalkers can chat with one another or call 911 in-app if needed. Additionally, users can conveniently access essential safety resources and info, including a map with crime data and safety locations. LiveSafe is free and available to use for all faculty, staff, students, and parents.

**JUST IN CASE MENTAL HEALTH RESOURCES APPLICATION**

Counseling Services set up the Just in Case app for Elizabethtown College in Fall Semester 2018. The purpose of the app is to share information with students, faculty and staff about mental health resources (both crisis and non-crisis) and wellness strategies (such as anxiety and mood management apps and self-care approaches). The app is available for free in Android and IOS stores, and you can also use the following short code: [bit.ly/etownjic](http://bit.ly/etownjic)

**VOLUNTARY CONFIDENTIAL REPORTING**

The College does not provide a confidential reporting option for Campus Security Authorities. For violations of the College Sexual Harassment Policy, the Title IX Coordinator may evaluate requests for confidentiality.

Students may make confidential reports to Pastoral Staff (Chaplin) and staff counselors working within Counseling Services. Employees may make a confidential report to Pastoral Staff (Chaplin) or the Employee Assistance Program.

- **College Counselor** is available to students 24/7 - Call 717.361.1405 to request a confidential counseling appointment or call Campus Security after hours at 717.361.1111 to request confidential support.
- **Employee Assistance Program Counselor** is available to employees 24/7. Call 1.800.386.7055 to request a confidential counseling appointment. Employees are eligible to receive three individual counseling sessions with a local provider at no charge to the employee.
- **College Chaplain (clergy)** are available to both students and employees during regular college business hours for confidential consultation. Call 717.361.1260.

If and when they deem appropriate, Counselors and the Chaplin are encouraged to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis; including using the options as described below.

The College provides an anonymous, confidential reporting option through the [ECTipline](http://ectipline). Community members can submit a report by phone at 855.696.1899, by website at
The tipline offers several different language selections with interpretation back to the reporter. In addition, with each complaint submitted by telephone or web intake, a reporter is given a code number. Reporters can use this code to retrieve status reports concerning on-going investigations into their complaint. While anonymous reporting is available through this service, the College’s ability to investigate and appropriately address allegations of misconduct will be significantly limited.

The ECTipline is a confidential toll-free and web-assisted reporting method for students and employees to report known or suspected misconduct or violations outside of current normal reporting procedures.

Anonymous reporting is optional for students and employees who do not want to provide personal information when filing a report through the ECTipline. To insure anonymity, the College has contracted with The Network, an outside service provider, to manage its compliance tipline. Upon receipt of a call, The Network forwards the information to the respective college staff members who will determine an appropriate response. Individuals may also choose to send a letter, anonymously if desired, specifically addressed to The Network as an alternate reporting option. At no time will the College or The Network agency try to determine who submitted information through the tipline.

The ECTipline is another Elizabethtown College campus-wide commitment to proactively responding and addressing incidents of bias, discrimination, crime, misconduct, or violation of policy that impact our campus. Creating and maintaining an inclusive and ethical campus community requires the efforts of everyone on our campus. Regardless of when, where, and how such instances occur, students and employees have the ECTipline available as a safe and secure process for reporting.

Students, faculty, and staff also have the option of submitting an anonymous report of a crime through the LiveSafe app.

When anonymous reports are received, either through a confidential reporting employee, through the ECTipline, or through LiveSafe, that information, as necessary, will still be used in disclosure of crime statistics and in notifications to the campus community. In both situations, information that may identify the victim or reporting person will not be disclosed.

**DISPOSITIONS OF DISCIPLINARY PROCEEDINGS**

The Department of Campus Security works collaboratively with the Office of Community Living to uphold the Student Code of Conduct. College jurisdiction relative to the enforcement of the Student Code of Conduct includes behavior (1) that occurs on college premises, in online learning communities or other activities via college-owned networks/ servers, (2) that occurs at college-sponsored or college-supervised programs and events regardless of location, (3) that occurs off college premises when the behavior may adversely affect the Elizabethtown community or its reputation, including but not limited to violations of the Elizabethtown
College Alcohol and other Drug Policy, or (4) which relates to any facet of the relationship between Elizabethtown College and the student.

The College may pursue disciplinary action against a student at the same time the student is facing criminal charges even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced. The Student Code of Conduct shall apply where conduct occurs before classes begin, during breaks and when student conduct is discovered after the degree is awarded.

The College may publicly release the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses (including rape, fondling, statutory rape, and incest), assault, destruction/damage/vandalism of property and kidnapping/abduction. Upon request, the College will release this information to the alleged victim, or next of kin if the victim is deceased, in any of these offenses regardless of the outcome.

**CRIMINAL CONVICTIONS AND IMPLICATIONS FOR FEDERAL STUDENT AID**

By law, some students who have drug-related or sexual offense convictions under any federal or state law may be ineligible for federal student aid. According to the law, if you are convicted of a drug-related offense during a period of enrollment for which you are receiving federal student aid, you may face these restrictions:

For *possession* of illegal drugs, you are ineligible for Federal student aid from the date of conviction (not arrest) for:

- 1 year for a first offense
- 2 years for a second offense
- Indefinitely for a third offense

For *selling* or *conspiring to sell* illegal drugs, you are ineligible for Federal student aid from the date of conviction (not arrest) for:

- 2 years for a first offense
- Indefinitely for a second offense

If a student loses federal student aid eligibility due to a drug conviction, the College will provide written notice describing the ways in which the student can regain eligibility.

A student cannot receive a Pell Grant if the student is subject to an involuntary civil commitment following incarceration for a sexual offense (as determined under the FBI’s Uniform Crime Reporting Program).

For information about specific legal implications, please consult the [US Department of Education Federal Student Aid](https://studentaid.gov) webpage.
ACCESS TO AND SECURITY OF CAMPUS FACILITIES/RESIDENCE HALLS

Due to the COVID-19 Pandemic of 2020, access to all campus buildings is by card access only. Academic and administrative buildings are locked 24/7 and generally accessible to students, faculty and staff from 6:00am to 10:00pm seven days a week.

Residence hall buildings are secured by card access systems 24 hours a day, 7 days a week, with the exception of Move-In Day and Commencement when the buildings are open to accommodate for increased pedestrian traffic. Access is granted to buildings by use of a Campus Security issued I.D. card. Currently, access to residence halls is restricted to Elizabethtown College students and authorized staff. Residential students only have access to their assigned residence hall and are not permitted to enter any other residence hall. Residential students have 24/7 access to their assigned residence hall. Resident students are not permitted to host guests or visitors at this time. Campus Security officers regularly patrol the interiors and exteriors of all campus facilities, buildings, and residence halls.

MAINTENANCE AND SECURITY OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Security regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Members of the campus community are encouraged to report equipment problems to Campus Security or Facilities Management by calling 717.361.1408 during normal business hours, 717.361.1264 after hours, submitting a workorder online, or submitting a tip using the LiveSafe app. Campus Security regularly partners with the College’s Safety Committee in conducting lighting and security audits of campus.

COLLEGE GUESTS AND VISITORS

To maintain the community health and safety during the COVID-19 pandemic, students may not host overnight guests. This includes and is not limited to other current students or non-students.

Only faculty and staff are permitted to host visitors. Visitors to campus are permitted on campus from 7:00am to 7:00pm Monday through Friday. All visitors must be preregistered and check in at Campus Security upon arrival for a health screening. Additional information can be found on the COVID Visitor Guide.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Elizabethtown College sponsors a variety of educational programs that seek to raise awareness of personal safety and crime prevention strategies.

- **Blue Jay Community Talks** Designed to introduce students to community standards, with a focus on responsible alcohol decisions and bystander intervention. The Blue Jay Community Talks program is offered to all first-year students during Orientation.
• **Stand Up and Speak Out to Prevent Sexual Assault:** Designed to introduce students to reporting procedures, discussions on consent, bystander intervention techniques and risk reduction strategies that is offered to all first-year students during Orientation.

• **Rape Aggression Defense System (RAD) For Women.** RAD consists of a 12-hour program that teaches awareness, prevention, risk reduction and avoidance while progressing to the basic of more hands-on defense training and is available to all female students and employees. Certified RAD instructors teach defense concepts and techniques against various types of assaults by utilizing Risk Reduction/Avoidance strategies and effective and proven physical defense skills. The RAD program is offered several times each semester either through student leaders such as R.A.s or Peer Mentors or as advertised open classes.

• **Drug & Alcohol Abuse Awareness** These programs address risks associated with the use of alcohol and other drugs. BASICS (substance abuse screening tools) is offered as needed. CHOICES is offered to students two times a semester. Students also have access to an AOD counselor in Counseling Services. Students may engage with this individual independently or may be sanctioned for an AOD assessment through the Office of Community Living. Prior to arriving to campus, all students must complete pre-orientation programing related to alcohol use and sexual misconduct. For more information contact the Office of Community Living.

• **ALICE Active Shooter Response** The ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Program is an active shooter response that empowers and authorizes students and employees to make informed decisions in order to increase their changes of survival in the event of an active shooter. ALICE is offered once a month during the semester in open sessions, or by request by any office, club, department, or class.

• **First Aid/CPR/AED Classes** Campus Security provides American Red Cross First Aid/CPR/AED instruction. Anyone interested in should contact Cyndi Young in Campus Security. Classes are available to all students and employees on a request basis.

During new student and employee orientations and at least twice a semester, students and employees are informed of services or programs offered by individual departments across the college. These presentations provide information on subjects such as personal safety, bystander intervention, student housing security, and fire safety with the Elizabethtown Fire Department. The common theme is crime prevention and safety awareness.

**SAFETY TIPS**

There are a number of simple and effective actions that everyone can take to minimize their risk of becoming a victim. These include:

• Keep your door locked, even if you are leaving for only a few minutes or are going just down the hall.
• Do not leave property unattended.
• Don’t leave valuables in plain sight in your vehicle. Store them in the trunk or other compartment.
• Avoid walking in dark or poorly lit areas.
• Have your keys ready as you approach your residence or car.
If you believe you are being followed, call Campus Security at 717.361.1111, use a Blue Light emergency phone, or contact Campus Security through the LiveSafe App.

- Make a plan with friends before going out to parties and events.
- Use the SafeWalk feature of LiveSafe to virtually escort friends and roommates.
- Always be aware of your surroundings and follow your instincts.

EDUCATION OF MEMBERS OF THE CAMPUS COMMUNITY – CRIME PREVENTION, SECURITY AWARENESS, FIRE SAFETY, ALCOHOL AND OTHER DRUGS

Members of the Elizabethtown College campus community are encouraged to be responsible for their own personal safety and security, and the personal safety and security of other members of the community. At new student orientation, students are provided with information related to personal safety, sexual misconduct, and fire safety. Members of Campus Security conduct crime prevention and general security and safety awareness presentations when requested.

PREVENTION OF SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

Prevention of the conduct prohibited by this Policy requires a commitment from all members of the campus community in order to foster and maintain an optimal environment for learning and development. Elizabethtown College, the Division of Student Life and the Office of Human Resources promote a campus climate in which individuals will use their best judgment to assist with situations if it is safe to do so. It is our goal to create a caring and responsible community. To assist in supporting this type of community, the following suggestions are provided.

- Active bystanders are those who address biased and/or sexist attitudes and beliefs to challenge behaviors that support sexual violence. The College supports active bystanders.
- Avoid being a passive bystander to situations which could potentially evolve into sexual misconduct. Pay attention to the verbal and non-verbal signals of those around you and intervene in situations where a friend or acquaintance may be at risk for assault.
- Simply checking in with someone can interrupt the potential for something bad happening. Ask yourself, “If I were in this situation, would I want someone to help me?”
- Encourage your friends to show respect for others by respecting their boundaries, physical and otherwise. This includes a personal decision to be alcohol-or drug-free.
- Know that if a person is drunk to the point of incapacitation, the individual cannot consent to sex.
- Keep campus emergency numbers in your cell phone, tablet, or other device and call for help.
- Make a report of the incident by contacting Campus Security or using the online incident report form, theECTipline, available on the Campus Security homepage.
TITLE IX TRAINING AND PREVENTION PROGRAMMING

In an effort to reduce the risk of gender-based discrimination and sexual misconduct occurring among its students, Elizabethtown College utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the College to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester.

These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on gender-based discrimination and sexual misconduct as well as the definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, doing so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students, faculty and staff, often taking the form of campaigns, guest speakers, events, and programs sponsored by student clubs and organizations.

Some examples of our programming efforts include:

- Pre-Orientiation Prevention modules: Prior to arriving for orientation, all first-year students and transfer students must complete online modules related to alcohol use and sexual misconduct.
- Silent Witness display (http://www.silentwitness.net/) held during Domestic Violence Awareness Month in October, encourages members of the campus community to honor lives lost due to domestic violence, promote awareness, provide education about healthy versus unhealthy relationships and share both campus and local resources for individuals seeking assistance.
- C.A.R.E. about Consent is a 3 day event during the 1st week of the fall semester which includes interactive activities to teach students and employees about the definition of consent and how to obtain consent.
- “It’s On Us” pledge promotion: Encourages students and employees to take the “It’s on Us” pledge to be an active bystander and end violence against women. In addition, “It’s On Us” is an active student club on campus advocating for consent, and an end of
domestic/sexual violence by providing awareness/education with regular events on campus. The club's advisors are part of the Title IX Office.

- **ESCALATION** workshops: Through viewing a short film and then participating in a facilitated discussion, this workshop helps in identifying and preventing dating violence,
- Active Bystander workshops, which teach students and employees techniques and strategies to safely and effectively intervene in situations related to interpersonal violence, harassment, or bullying.

These programs are available for students, faculty, and staff members of Elizabethtown College. This is not an exhaustive list, but a sample of educational program topics. For more information about educational programming, please contact the Title IX Coordinator.

**ALCOHOL AND OTHER DRUG EDUCATION**

The College takes seriously its responsibility to educate students regarding the effects, uses, and abuses of alcohol or other drugs. The College offers programs and services intended to help students and employees make healthy decisions. In addition, as part of the Drug Free Schools and Communities Act (DFSCA), the College regularly monitors the patterns of alcohol and other drug use in order to provide the community with accurate information. The Committee on Alcohol Regulations and Education is responsible for reviewing college AOD policy and statistics and utilizes the DFSCR checklist to complete a biennial report (even years). A copy of the Drug Free Schools and Communities Act Report can be obtained from the Office of Student Life.

Students are encouraged to participate in educational programs facilitated by Student Wellness and the Office of Community Living.

Educational programs include but are not limited to:

- First-year Student Orientation programs such as *Blue Jay Community Talks*, a workshop that includes information about making good decisions about alcohol or other drug use.
- Student Wellness – Alcohol and other drug activities are provided throughout the year: National Collegiate Alcohol Awareness Week; Alcohol Awareness Month programming, Social Norming programs, Great American Smokeout, Blue Jays Flock Together, etc.
- Student Health 101 – all students have access to a monthly newsletter about personal health and wellbeing - [readsh101.com/etown](http://readsh101.com/etown).
- BASICS – (Brief Alcohol Screening & Intervention of College Students) Students may choose to meet with a staff counselor to examine alcohol or other drug use in a judgment-free two-session process. Fee is waived if student voluntarily elects to participate.
- CHOICES – Students may choose to attend a 90-minute, alcohol abuse prevention and harm reduction session. Students are presented with educational information, and are encouraged to reflect in a personal journal on what they have learned as it relates to their choices about drinking. Fee is waived if student voluntarily elects to participate.
• Alcohol/Drug Assessment with a college staff counselor which requires two sessions. The fee is waived if not a sanction.

VIOLENCE PREVENTION

Elizabethtown College provides a variety of ways for students, faculty and staff to pass on information about a person who they are concerned may be on a path toward violence so that a prompt safety assessment and response will occur. Below is a list of support resources available to assist students at Elizabethtown College who are experiencing behavioral and/or personal concerns in either a crisis or a non-crisis situation. Assisting students in non-crisis situations can help prevent the potential for violence from developing.

CAMPUS SECURITY

Call the 717.361.1111 crisis number (24/7) or the 717.361.1264 non-crisis number, or use the LiveSafe app, to pass on concerns and elicit an immediate safety response from Campus Security. As indicated, Campus Security will collaborate with Student Life offices such as Community Living and Counseling Services to facilitate a safety assessment and response. When indicated, Campus Security will collaborate with community organizations such as the Elizabethtown Police.

COUNSELING SERVICES

If a student is in an EMERGENCY state where they might harm themselves or others, then you need to talk to someone NOW. Call one of these numbers:

1. Counseling Services: 717.361.1405, BSC 216 (Monday through Friday 8:30 am to 5:00 pm, we will respond as needed to a crisis)
2. Campus Security: 717.361.1111 (24/7 number) (You can reach the On-Call Counselor after hours)
3. National Suicide Prevention Lifeline – 1.800.273.TALK (1.800.273.8255) (24/7 number)
4. National Crisis Text Line by texting HOME to 741-741 (24/7 number)

All mental health issues are important, and students deserve help and support no matter the urgency. If the student is having trouble but it is not an immediate emergency:

• The student can call Counseling Services at 717.361.1405, or stop by our office in BSC 216, to make an appointment with one of our licensed Counselors or access our urgent walk-in services. Feel free to visit the Counseling Services web site for additional information about our services and programs: https://www.etown.edu/offices/counseling/index.aspx

• Faculty and staff members can pass on information about a student they are concerned about, or request consultation about how to assist a student, by
contacting Counseling Services staff at 717.361.1405, or stopping by our office in BSC 216.

- Access our Just in Case app to learn information about mental health resources (both crisis and non-crisis) and wellness strategies (such as anxiety management and mood management apps and self-care approaches).

**CAMPUS WELLNESS NETWORK**

If a student is not in immediate danger, faculty, staff and fellow students can pass on the name of a student they are concerned about to a member of the Campus Wellness Network. A faculty or staff committee member from the Campus Wellness Network will discreetly check in with the student. Visit the Campus Wellness web site for additional information: https://www.etown.edu/offices/counseling/campus-wellness-network.aspx

**RED FOLDER**

In addition to the crisis response resources described above, the Red Folder describes a variety of Emergency Response Protocols for students, faculty, and staff at Elizabethtown College: https://www.etown.edu/offices/security/emg/redfolder.aspx

**STUDENT HEALTH SERVICES**

Penn State Health Medical Group Elizabethtown
1 Continental Drive
Elizabethtown, PA 17022

Make an appointment: Student Wellness College Liaison (Eileen Wagener, RN, 717.489.1020), or Penn State Health Medical Group (Physicians, 717.361.0666). Feel free to visit the Student Health web site for additional information: https://www.etown.edu/offices/health/index.aspx

**TITLE IX**

The Title IX office is responsible for providing resources and assistance to students who have experienced sexual assault or discrimination, as well as investigating reports of bias, assault, and harassment. Please contact:

Nicole Gonzalez
Director of Title IX/Compliance Programs and Intercultural Affairs
BSC Room 247
Elizabethtown College
Phone: 717.361.1179
Email: gonzaleznicole@etown.edu
Web site: https://www.etown.edu/offices/diversity/titleix/index.aspx
STUDENT LIFE OFFICES

The offices within the Division of Student Life Offices at Elizabethtown College provide a variety of services and programs to assist students: https://www.etown.edu/offices/vp-student-life/index.aspx

WELSPAN EMPLOYEE ASSISTANCE PROGRAM

For faculty and staff members who are interested in assistance regarding personal concerns, please contact the Wellspan Employee Assistance Program. Click here to access the portal. Here is a list of providers. When you contact Wellspan you just need to let them know you are an employee at Elizabethtown College. The first three visits are at no cost to you. Future visits will be coordinated with your insurance.

DAILY CRIME AND FIRE LOG

Campus Security maintains a combined Daily Crime Log and Fire Log of all incidents reported to Campus Security. The logs include all crimes that occur on campus, including non-campus buildings or properties, on public property or within the college’s jurisdiction of crimes reported to Campus Security by area police. The Daily Crime and Fire Log includes the date and time the report was received, the date and time the incident occurred, the nature of the offense, the location of the offense and the disposition. In order to protect the confidentiality of victims, the Daily Crime and Fire Log will not contain any information that may disclose the identity of a crime victim. The Daily Crime and Fire Log, in accordance with Pennsylvania state law, will disclose the name and address of anyone who is arrested as a result of the reported offense. The Daily Crime and Fire Log also discloses information related to any fire that occurs in an on-campus student housing facility and includes the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire. The log can be viewed online by visiting the Campus Security website, or at the Campus Security Office during regular business hours (8AM – 5PM Monday through Friday, except Holidays) at 605 South Mount Joy Street.

EMERGENCY NOTIFICATIONS

EC Alert is Elizabethtown College’s communications system for sharing important information about situations that affect the safety of our campus community. Typically, EC Alert messages will be delivered to campus community members as emails from the College’s EC Alert mailbox.

EC Alert messages may be sent to campus e-mail addresses, external e-mail addresses, on- and off-campus telephones, and text-enabled devices. The phone calls will appear to come from 717.361.1988, which is the College’s emergency hotline. Emails will come from either EC Alert or ecalert@etown.edu. Text messages will appear with a short code that is dependent on the
last digit of the recipient’s phone number. For more information on the short codes used by the EC Alert system, please visit https://www.etown.edu/offices/security/alert.aspx.

If you have any concerns about the validity of an EC Alert message, please call the College’s emergency hotline at 717.361.1988 or visit this website, as the Emergency Management Group also will post emergency notices at these locations.

This contact information—students’ mobile phone numbers and the contact information for their emergency contacts—will be collected through JayWeb during Preliminary Check-in, which is held in August and January of each year. Students are responsible for updating this contact information, through JayWeb, as necessary throughout the semester. The EC Alert system is tested once per semester. The date of the test will be announced in Campus News.

**Scope of an ECalERT notification:** An emergency notification will be issued in the event of a significant emergency or dangerous situation currently occurring on campus which poses an immediate threat to the health or safety of students or employees. The College is required to immediately notify the campus community in the event of such emergencies.

**Examples:**

- Outbreak of infectious disease such as meningitis, norovirus or other serious illness
- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak or chemical spill
- Terrorist incident
- Armed intruder/Active shooter
- Bomb threat
- Civil unrest, rioting or campus protest
- Explosion or campus-wide/residential fire
- Homicide/Rape/Sexual Assault/Assault—when perpetrator is not apprehended

**When will an ECalERT be issued?** All students, faculty, and staff of Elizabethtown College and their emergency contacts (parents and guardians) receive an emergency notification message without delay and immediately upon confirmation by Campus Security, Elizabethtown Police, Elizabethtown Fire Department or other first responder agency that a dangerous situation or emergency exists or threatens. Upon confirmation, the agency making the confirmation will communicate their findings back to the Campus Security Dispatch Center who will then initiate the emergency notification system.

When sending out an emergency notification, the College will take into account the safety of the community, determine the content of the notification, and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
How will an ECAalert be issued?

- **ECAalert System**—use of message templates which are populated with incident-specific information. Email, text messages and voice mail messages (where appropriate) are automatically generated.
- **Website Updates**—information will be posted to the College’s website
- **Emergency Hotline Updates**—information will be updated on the information hotline (717.361.1988)
- In addition to posting information on the College website, the Office of Marketing and Communications will get information out to the larger community, if necessary, by issuing press releases.

Who is responsible for sending an ECAalert? The Emergency Management Group (EMG) of Elizabethtown College is responsible for developing the content of emergency notifications, and for determining the deployment of the ECAalert system for use in disseminating emergency notification/information to the appropriate segment of the population. Generally, the entire campus community will be alerted to an emergency on campus, whether it disrupts the entire college operation or a single building. ECAalerts are sent by either the Office of Marketing and Communications or Campus Security at the direction of the President of the College, the Emergency Management Group Chair, or the Director of Campus Security.

**TIMELY WARNING**

Scope of a Timely Warning notification: A timely warning, via an email message titled “Timely Warning”, is triggered when certain crimes have occurred (murder, rape, robbery, burglary, arson, aggravated assault, motor vehicle theft, hate crimes) and the particular circumstances of that incident represent a serious and continuing ongoing threat to the campus community. The timely warning is issued in an effort to aid in the prevention of similar crimes. As a timely warning is meant to increase awareness of criminal activity, the names of victims will not be disclosed in a Timely Warning notification.

The Clery Act specifies that “an institution that issues an emergency notification (EC Alert) is NOT required to issue a timely warning based on the same circumstance; however, the institution must provide adequate follow-up information to the campus community as needed.”

Examples of a Timely Warning:

- Murder, rape, robbery, burglary, hate crimes, arson, motor vehicle theft, aggravated assaults and other violent crimes that impact people or assets (buildings, cars, personal possessions) where the perpetrator no longer remains at large and for which an immediate dangerous condition no longer exists for students or employees. (For example, the College notifies the community about a rash of motor vehicle thefts which occurred in the Brown Lot on the previous day.)
When will a Timely Warning be issued? A timely warning will be issued as soon as the pertinent information is available.

How will a Timely Warning be issued? Timely Warnings will be sent via campus email.

Who will issue a Timely Warning? The Director of Campus Security (in consultation with local law enforcement), Vice President for Student Life, Director of Community Living, and the Office of Marketing & Communications are responsible for determining if a timely warning is to be issued. The College’s Marketing and Communication office will issue all “Timely Warning” announcements to students, faculty, and staff.

Tracking the Communication Process

The incident will be tracked, from initial reporting to full conclusion, inclusive of time-stamped phone calls and electronic communications in order to assess the timeliness of decision-making and communication for post-event evaluation.

Closing the Communication Loop

In both the ECAalert and Timely Warning scenarios outlined above, the College will issue a “wrap-up” communication which will serve to close the communication loop for each incident. The campus community deserves the reassurance that law enforcement, campus security and/or community living have investigated and brought the incident to a satisfactory conclusion.

EMERGENCY MANAGEMENT GROUP

The Emergency Management Group (EMG) is a committee comprised of several key stakeholders within the College and is responsible for overseeing the implementation of the Emergency Action Plan. The Emergency Action Plan is activated by declaration of a campus state of emergency by the Chief Executive Officer being the President of the College, after consultation with and approval of the Board of Trustees. Once a declaration of a campus state of emergency has been invoked, the Core Team Members of the Emergency Management Group and Extended Team Members of the Emergency Management Group, for the duration of the emergency are temporarily relieved of normal, non-emergency related duties, so as to concentrate more fully on the emergency at hand.

The President of the College maintains executive control of the Emergency Action Plan. Ground level operational implementation and direction of the plan is responsibility of the Vice President of Finance and Strategy or designee and the other members of the Emergency Management Group. College personnel and equipment will be utilized to provide priority protection for life, preservation of property, and restoration of the academic and other programs of the College.

In conjunction with the EMG, the Incident Commander and additional governmental agencies having jurisdiction insure that emergencies are dealt within a proper, proportional and efficient
manner. The EMG will make every effort to involve any outside agencies having jurisdiction in order to insure that the interest of the authorities, the surrounding community and the college are addressed and in proper balance.

In general, the EMG directs all emergency related activities. The Incident Commander and governmental groups oversee the technical aspects of the response.

**Responsibilities of the EMG include:**

- Direct activities relating to the Emergency
- Communication
- Life Safety Issues
- Property Conservation Issues
- Community Outreach
- Recovery and Restoration Activities
- Administration and Logistics

**EMERGENCY ACTION PLAN**

The purpose of the Emergency Action Plan is to protect the students and employees of Elizabethtown College from serious injury, property loss, or loss of life, should there be an actual major disaster on campus. There are many types of emergencies that may result in the implementation of the plan. These include natural and manmade events. Specific examples are described below. Since an emergency often occurs suddenly and without warning, these procedures are designed to be flexible in order to accommodate response contingencies of varying magnitude.

The procedures herein apply to all students, employees, and visitors on campus and covers College owned buildings and College owned areas within the campus surroundings. The plan is intended to cover, but is not limited to, the following emergency situations:

- Environmental/Natural Disasters - i.e. fires, floods, chemical spills or leaks, power outages and explosions
- Medical Emergencies - i.e. serious injury or fatality, epidemic or poisoning
- Major Violence - i.e. murder, suicide, kidnapping, and hostage taking
- Bomb Threats
- Out-of-Control behaviors - i.e. riots and demonstrations
- Building and Campus Evacuations
- Other crises on campus or off campus that effects the operations of the College

The plan is consistent with established practices relating to emergency response actions, incorporating the National Incident Management System (NIMS) to facilitate interagency coordination among the responding agencies. The College will cooperate with federal, state and local emergency management agencies and other responders in the development, implementation and execution of its emergency action plan.
In conjunction with this plan, students and employees have access to a copy of the Elizabethtown College Campus Emergency Procedures Guide to follow during an emergency situation. The guide is available for viewing online at [http://www.etown.edu/offices/security/EMG-Campus-Emergency-Procedures-Guide.pdf](http://www.etown.edu/offices/security/EMG-Campus-Emergency-Procedures-Guide.pdf) or by viewing the Emergency Procedures section of the LiveSafe App. On an annual basis, these emergency procedures are publicized via broadcast email to students and employees.

**INCIDENT PREPAREDNESS DRILLS AND TABLE-TOP EXERCISES**

Emergency Management Group members undergo training plus two tests (one table-top, one functional exercise) on an annual basis to ensure the plan is properly followed. Tests may include drills and exercises related to the activation of the ECAlert system, coordination with other first responders, and addressing evacuation of the campus. Tests are usually held once a semester and developed by the Director of Campus Security and the Vice President for Finance and Strategy. Members of the Emergency Management Group participate in these bi-annual tests. The Director of Campus Security, appointed as the Emergency Management Director, is responsible for documenting details of the test, including a brief description, the date and time of the exercise, and whether it was announced or unannounced. The tests are then evaluated and assessed to address appropriate follow through activities during the next regular EMG meeting, which occurs on a monthly basis. In conjunction with the test, the campus community is given annual notice, via email, of information related to emergency procedures to include evacuation procedures.

**ALCOHOL AND DRUG POLICY**

College regulations governing the use of alcohol and other drugs are designed to support the personal health and safety of each member of the Elizabethtown College community. In addition, College policies and procedures are intended to foster an environment that promotes sound judgment, respect for the rights of others, and acceptance of personal responsibility for one’s behavior. College policy is aligned with the laws of the Commonwealth of Pennsylvania regarding alcohol and other drugs and includes regulations above and beyond the law to promote a healthy College community.

It is the duty of all students to conduct themselves in a manner consistent with College regulations and to help others do likewise. In all instances, students are considered fully responsible for their own actions and personal well-being. Students also are encouraged to be mindful of the well-being of others. Any behavior which puts health or safety at risk or which infringes on the rights of others will be referred to the Office of Community Living.

The College recognizes that the decision to consume or not consume alcohol or other drugs is made by the individual in accordance with the individual’s personal beliefs. Further, the College encourages all students to consider carefully the potential dangers of alcohol or other drug use and reminds students that they are responsible for abiding by all state laws and institutional polices.
Alleged violations of the AOD Policy are enforced by Campus Security and the Office of Community Living and handled through the student conduct process and may be referred to local law enforcement. **The following regulations apply:**

1. No one under the age of 21 is permitted to possess or consume alcohol anywhere on or off the Elizabethtown College campus.
2. Individuals 21 years of age or older may possess alcohol for their personal use. The maximum quantity allowed per occupant of legal drinking age is not more than:
   - One six-pack (of 12oz containers) of beer
   - OR 750 ml of wine
   - OR one four-pack of wine coolers
   - OR 1 pint of distilled alcohol or other alcohol (this includes pre-mixed cocktails)
   - If you have questions about limits of other alcohol beverages not mentioned here (hard cider, malt beverages, etc.) please contact Campus Security at 717.361.1264 for guidance.
3. Students assigned to a 4-person independent living unit (Student Directed Learning Communities, Quad Apartments, Hackman Apartments and Brinser suites) who are all 21 years old or older may possess a maximum of thirty 12 oz containers of beer as opposed to the standard limit of twenty-four (maximum limit applies to the living unit as a whole). This amount only applies to residents of a unit and not their guests.
4. Under no circumstance is a person of legal age permitted to furnish alcohol to a person under the age of 21.
5. Any student, regardless of age, who is present where an alcohol and/or drug violation occurs, may be considered equally responsible.
6. Possession or use of a false ID is prohibited.
7. Kegs of any size, beer balls, or other containers of large quantity, whether empty, partially or completely filled, are strictly prohibited on campus, or off-campus when representing the College in any event whatsoever, either as a participant or as a spectator.
8. Paraphernalia: Alcohol containers that are considered decorative should be free of alcohol, clean and dry. The following items are permitted for decorative use in any student room:
   - Decorative beer glasses/mugs/growlers
   - Decorative shot glasses
   - Decorative wine/liquor bottles
   - Posters

Paraphernalia that is not permitted includes but is not limited to, the following:

- Partially filled alcohol containers
- Funnels
- Keg taps
9. Sale of alcoholic beverages (includes door cover charge and sale of cups) is prohibited.
10. Use or possession of distilling, wine making or brew kits is prohibited.
11. Visible intoxication or public drunkenness is prohibited.
12. Driving under the influence of alcohol or other drugs is prohibited.
13. The abuse of alcohol, drugs or other substances by individuals of any age will not be tolerated, and students will be held responsible for their actions.
14. Emergency medical response to any alcohol or other drug related emergency will be at the student’s expense.
15. No alcohol may be consumed or distributed in any campus common area unless permitted by the college via written permission from the Vice President for Student Life/designee. Common areas are defined as indoor or outdoor spaces used by the residential community. These include but are not limited to lounges, hallways, parking lots and athletic facilities. In some instances, private spaces such as residence hall rooms, may become common or public by action of occupants, e.g., when a social gathering expands into a hallway or lounge, etc.
16. Actual or intended use, purchase, possession, cultivation, manufacture, sale, or distribution of marijuana, synthetic marijuana such as K-2 or Spice, THC concentrates, bath salts, cocaine, heroin and other narcotics, or other controlled substances except as expressly permitted by law is prohibited. This includes designer drugs and edibles containing marijuana, synthetic marijuana, or other drugs.
17. Students may not be present where drugs are being used or distributed.
18. Distribution, sale or sharing of prescription medication is prohibited. Students should keep prescription medication in its original, labeled container and store it in a secure location. Report any stolen prescription medication to Campus Security. Students should keep over-the-counter medication in original packaging to guard against misuse.
19. Hosts of private social gatherings held off campus are responsible for insuring adherence to alcohol and drug laws and Standards of Conduct.
20. All non-student guests are subject to this AOD Policy and other college policies and regulations. Student hosts will be held responsible for the behavior of their guests (see Guest and Visitor Policy).
21. No student, regardless of age, may possess or consume alcohol or other drugs while representing the College on a College-sponsored trip, event, or other activity, including athletic events, whether on or off-campus, unless expressly permitted by the Vice President for Student Life/designee or Dean of the Faculty.
AMENSTY PROVISION

Elizabethtown College is concerned about the health and safety of its students. This provision is designed to encourage responsible engagement on the part of any student involved in or aware of any health or safety emergency including, but not limited to, alcohol or other drugs, physical violence, sexual assault or mental health. The College recognizes student reluctance to report such emergencies in light of consequences specified in the Student Code of Conduct. However, Elizabethtown College is committed to reducing perceived barriers to effective reporting and response to life-threatening emergencies.

Take immediate action if you are aware of any health or safety emergency. You (and the person needing assistance) will not be subject to the student conduct process if you call on behalf of another student, friend or guest, and follow the guidelines of the Amnesty Provision listed below. The critical concern for you and others involved is to seek immediate help from a qualified professional.

In the event of any health or safety emergency, students should activate the Amnesty response by:

1. Calling Campus Security 717.361.1111 or 911.
2. Remaining with the individual(s) experiencing the emergency.
3. Participating in the emergency response by providing medical team or Campus Security with all information essential for an effective and timely intervention.

Amnesty may not apply to other violations of college policy associated with the incident. For example, if the College has evidence of related physical or sexual violence, possession of “date-rape” drugs that induce incapacitation, hazing, or drug offenses beyond mere possession, Amnesty may not apply. The College reserves the right to review the incident if the student has activated Amnesty more than one time.

Students who experience a personal health or safety emergency that results in being transported to the hospital are required to meet with the Director of Student Wellness for assistance in connecting with support resources. In some situations, other student(s) involved may be contacted by the Vice President for Student Life or designee.

Any individuals who believe they have been sexually assaulted after consuming alcohol or other drugs and those who are witness to this type of assault are strongly encouraged to come forward without fear of college disciplinary action.
In all cases, the Vice President for Student Life or designee will determine the applicability of Amnesty and may refer the incident to the Office of Community Living.

**ALCOHOL EMERGENCIES**

Never assume someone can just “sleep off” alcohol poisoning. Even if the individual has stopped drinking, alcohol continues to be released into the bloodstream and the blood alcohol level is rising.

**WARNING SIGNS OF AN OVERDOSE (VITALS):**

- Vomiting
- Incoherent - can’t focus, confused
- Temperature - decrease in body temperature, cold sweaty skin
- Absence of Color - pale or blue skin
- Low Breathing
- Seizures

One warning sign is sufficient reason to take action!

CALL 717.361.1111 or 911 for immediate emergency response.

All members of the Elizabethtown College community are expected to take responsibility for the well-being of others.

**RELEVANT LAWS**

Elizabethtown College and all members of its community are subject to the laws of the Commonwealth of Pennsylvania. With specific regard to alcohol, the following Commonwealth of Pennsylvania regulations apply:

1. The minimum legal age for the purchase, attempted purchase, possession, consumption, or knowing or intentional transport of alcohol is 21 years.
2. It is illegal to misrepresent one’s own age or the age of another person in order to purchase or otherwise obtain alcohol (e.g., possession or use of false ID, driver’s license, verbal misrepresentation, etc.).
3. It is illegal to operate a vehicle while under the influence of alcohol. The blood alcohol content maximum in the Commonwealth is .08% for those 21 years of age or older, and .02% for those under 21 years of age.
4. It is illegal to sell, furnish or purchase with intent to sell or furnish any alcoholic beverages to a person who is under 21 years of age.
5. It is illegal to charge admission to an event to cover the cost of alcohol being served or to otherwise sell alcohol to others, regardless of age, without a state license. (Examples include selling cups, accepting donations upon entry, and so on.)
6. Public Drunkenness- It is illegal to appear in any public place manifestly under the influence of alcohol, to the degree that self, others or property may be endangered, or that the intoxicated person may annoy those within the vicinity.

7. The above list is representative, not exhaustive, of the relevant laws that currently exist. Penalties for violating these laws may include fines, loss of driving privileges, and incarceration. For more information on local, state and Federal laws, see the Pennsylvania Liquor Control Board website.

It is illegal in the Borough of Elizabethtown to consume, use or possess any open bottles, flasks, cups, or other containers of alcoholic beverages on any public street, sidewalk or parking lot. It is illegal for any person under the age of 21 to have alcohol in their system anyplace in the Borough. The Elizabethtown Police have the authority to use a breath test device to determine whether a person under the age of 21 has alcohol in their system, and refusal to agree to take the breath test may result in a citation. Any violation of these borough ordinances may result in fines of no less than $25 and no more than $600 plus costs, and failure to pay the given fines and costs may result in imprisonment for up to 30 days.

Ordinances may be updated and amended by Borough officials at any time. A copy of the current Borough Ordinances may be obtained upon request at the Borough Offices at 600 South Hanover Street, Elizabethtown, PA; or online by visiting www.etownonline.com.

It is a violation of federal law to possess, manufacture (this includes growing marijuana plants), or distribute a controlled substance. Defined by federal statute, controlled substances include, but are not limited to, marijuana (both natural and synthetic), cocaine, PCP, LSD, and other narcotics.

A student found guilty of possessing a controlled substance may be subject to some or all of the following sanctions under federal law:

- First conviction: Up to one year imprisonment and a fine of at least $1,000, or both.
- With one prior state or federal drug conviction: At least 15 days in prison, not to exceed two years and fined at least $2,500, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and/or a fine of at least $5,000 (21 U.S.C. § 844(a)).

Federal law may require the forfeiture of property used to possess or to facilitate possession of a controlled substance (21 U.S.C. § 881(a)), and the forfeiture of vehicles, boats, aircraft or any other conveyances used to transport or conceal a controlled substance (21 U.S.C. § 881(a)(4)). In addition, any individual who knowingly possesses a controlled substance may be assessed a civil fine of up to $10,000 (21 U.S.C. § 844a).

Penalties for the manufacture or sale of drugs are even more severe if the violation occurs within 500 feet of an educational institution, such as the College or other area schools.

Legal defense against drug charges, even without conviction, may cost many thousands of dollars.
Upon a drug conviction, the federal government may also deny or revoke federal benefits, such as student loans, grants, and contracts. Felony and (in some states) misdemeanor convictions on drug charges will make you ineligible for commercial and professional licenses, such as those required to practice medicine, law, psychology, nursing, etc., for up to one year for first offense, and up to five years for second and subsequent offenses, (21 U.S.C. § 862(b)).

Intoxication from illicit drugs may impair your judgment and put you at greater risk of performing a negligent act (e.g., an automobile accident in which someone is injured) for which you could be sued. You may also risk being included in a lawsuit if you sell or provide drugs to another person who, after using them, goes on to perform a negligent action. The cost of legal defense, either for the actual drug charge or as a result of a lawsuit, along with possible fines or civil judgments, could cause considerable financial hardship for you and your family.

Complete text of Federal drug laws is available at the Title 21 United States Code Controlled Substances Act. The text of local ordinances is available at the Elizabethtown Borough Office, 600 South Hanover Street, Elizabethtown, PA.

WEAPONS, EXPLOSIVE DEVICES, AND HAZARDOUS MATERIALS

Elizabethtown College prohibits the use, possession or storage of weapons, firearms, and other dangerous articles or substances including any weapon prohibited by local, state or federal law. This may include but is not limited to air rifles, BB or pellet guns, firearms, and weapons including switchblade, spring action and/or other knives longer than 3” with the exception of kitchen knives, and swords (including ceremonial swords), ammunition and shell casings, gunpowder, fireworks, explosives, or other flammable substances. Any such articles or substances will be confiscated by Campus Security.

BIAS-RELATED INCIDENT POLICY

A bias-related incident is any deliberate act or attempt to injure, harm or harass an individual or group because of the person or group's gender, race, color, religion, age, disability, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression, possession of a general education development certificate as compared to a high school diploma, or any other legally protected status or because the alleged perpetrator perceives that the other person or group has one or more of these characteristics. Such behavior includes acts or attempts that may pose physical or psychological harm or threat to individuals or groups.

A hate crime is a criminal offense against a person or property motivated in whole or part by an offender’s bias against a race, gender, religion, sexual orientation, ethnicity, national origin, disability, and gender identity.

Hate itself is not a crime—and the federal government is mindful of protecting freedom of speech and other civil liberties.

Bias related incidents and hate crimes both involve behavior that is motivated by bias. However, it is important to note the distinction between the two. Hate crimes include a
definable crime, such as: threats of violence, property damage, personal injury and other illegal conduct. A hate crime is an infraction of the law and will be addressed accordingly.

A bias-related incident can be a violation of this policy but may not rise to the level of a hate crime, but all hate crimes are bias related incidents.

All incidents should be reported in order to determine the level and type of offense, to support the affected person(s) or group, to mitigate subsequent incidents by raising awareness of the offense, to develop an educational response and to activate appropriate campus review and judicial processes when necessary to address individual or group behavior.

**REPORT A BIAS RELATED INCIDENT**

In the event that a victim requires immediate assistance, the victim or witness should contact Campus Security at 717.361.1111. Campus Security is the first response team at Elizabethtown College and has responsibility to dispatch emergency medical services if necessary.

All college community members and campus guests are encouraged to report bias-related incidents by completing an Incident Report Form, available at the EC Tipline Webpage or by contacting the Office of Community Living or the Vice President for Student Life (for students) or the Director of Human Resources (for employees) or with the Director of Campus Security (for students and employees).

**CONFIDENTIALITY IN REPORTING A BIAS-RELATED INCIDENT**

Confidentiality will be maintained throughout the investigation process to the extent practical and consistent with the College's need to undertake a full and impartial investigation.

**COLLEGE REPORTING REQUIREMENTS**

The College is required by law to issue a timely warning about hate crimes that present a continuing danger to the campus community and to disclose annual statistics about these crimes in the Annual Security and Fire Safety Report. Only general information, as opposed to personal or identifying details, will be disclosed in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act.

**DOCUMENTATION OF THE INCIDENT**

It is essential that individuals who have experienced bias, and witnesses, or other individuals reporting a bias-related incident provide as much information as possible about the incident. A detailed account including date, time, exact location, names of persons involved, including any witnesses, is considered necessary for an investigation by Campus Security and/or the local police. Affected individuals and witnesses are encouraged to preserve evidence. For example, do not erase or remove graffiti, vandalism or public postings; take a photo if possible. Make a written record of any verbal assault; maintain any email record (do not alter, delete or forward
the message). If the incident occurred by telephone, make note of the time and length of the call along with the phone number if possible, but do not engage with the caller.

**COLLEGE RESPONSE**

Report of a bias-related incident will be referred to the appropriate college official for review and investigation. Individuals making a report will be given an opportunity to provide additional information, review issues of confidentiality, and discuss potential next steps. The resolution process for any reported incident will follow procedures outlined in the Student, Faculty and Employee Handbooks.

**MISSING STUDENT EMERGENCY**

The College will conduct a collaborative response if a student living in college-owned or leased housing who based on the facts and circumstances known to the College is determined to be missing. A student will be deemed missing when he or she is absent from the College for more than 24 hours without any known reason.

Anyone who believes a residential student to be missing for more than 24 hours should report their concern to Campus Security by calling 717.361.1111 which will investigate each report and make a determination whether the student is missing. Should anyone other than Campus Security receive a missing student report, they should immediately notify Campus Security by calling 717.361.1111.

In accordance with the Higher Education Act of 2008, each residential student, regardless of age, will have the opportunity to identify an individual to be contacted by the College within 24 hours of determining that the student is missing. This registered, confidential, emergency information will only be available to Campus Security and the Vice President of Student Life and will only be disclosed to law enforcement personnel in furtherance of a missing person investigation. This individual does not have to be a parent or guardian. Students have the opportunity to update this contact information on an annual basis by completing the check-in process through Jayweb. More information about how to update the emergency contact information can be found here.

If a missing student is under the age of 18 and not emancipated, the College is required to notify the parent or guardian of the missing student no later than 24 hours after the determination by Campus Security that the student is missing. Campus Security will also notify the Elizabethtown Police Department no later than 24 hours after it determines any student, regardless of age, is missing.
TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES

INTRODUCTION

This policy applies to cases of Title IX sexual harassment, sexual assault, dating violence, domestic violence and stalking. These policies, and the jurisdiction within which violations may occur, are defined below. These policies apply to all students, faculty, and staff associated with Elizabethtown College.

NOTICE OF NON-DISCRIMINATION BASED ON SEX

Elizabethtown College is committed to providing an educational and work environment in which all members of the campus community are able to participate without being subjected to discrimination on the basis of sex, sexual orientation, gender identity, or gender expression. Where the College learns that any such discrimination occurs, the College is committed to remedying the discrimination and its effects.

STATEMENT OF POLICY AGAINST TITLE IX SEXUAL HARASSMENT

In compliance with Title IX, a federal law, Elizabethtown College does not discriminate on the basis of sex in the education programs or activities that it operates. Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et seq.) and its implementing regulations (34 C.F.R. Part 106) prohibit discrimination on the basis of sex in education programs and activities.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance.

Title IX requires that colleges and universities maintain an environment free from sex discrimination for all faculty, staff, and students. Under Title IX, discrimination on the basis of sex includes Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Sexual harassment is also prohibited by Title VII of the Civil Rights Act of 1964 and by the state law.

Inquiries about the application of Title IX and its regulations may be referred to:

Title IX Coordinator:
Nichole Gonzalez – Director of Title IX/Compliance Programs and Intercultural Affairs
Office Address: BSC 247 (Baugher Student Center)
Email: gonzaleznichole@etown.edu
Telephone Number: 717-361-1179
Title IX Web page: https://www.etown.edu/offices/diversity/titleix/index.aspx

OR

Assistant Secretary for Civil Rights
U.S. Department of Education, Office for Civil Rights
JURISDICTION

This Policy on Title IX Sexual Harassment Discrimination and associated procedures, applies to all employees (faculty, staff, all other non-student employees), and all students. Elizabethtown College may take action outside of the procedures outlined in this Policy against third Parties who engage in conduct prohibited by this Policy in connection with Elizabethtown College’s Education Program or Activity. The College’s Education Program or Activity is defined as:

locations, events, or circumstances over which Elizabethtown College exercises substantial control over the Respondent and the context in which the conduct allegedly constituting Title IX Sexual Harassment occurred. Education program or Activity includes any building owned or controlled by Elizabethtown College, and/or by a student organization that is officially recognized by Elizabethtown College.

In such circumstances, the Title IX Coordinator will determine whether to apply this Policy, or refer for resolution through another policy or procedure.

All allegations of Title IX Sexual Harassment will be addressed according to this Policy, and only Title IX Sexual Harassment, as defined in this Policy. Allegations of discrimination based upon other protected classes and allegations of sex discrimination that do not fit within this Policy’s definition of Title IX Sexual Harassment will be addressed under other Elizabethtown College policies and procedures, including other applicable discrimination policies and procedures, such as the Student Code of Conduct, Faculty Handbook, and Employee Handbook.

This Policy applies when any Employee of the College is alleged to have engaged in Title IX Sexual Harassment as defined by this Policy. To the extent this Policy is inconsistent with any provisions of any faculty or Employee handbook, policy, or procedure, because this Policy on Title IX Sexual Harassment is mandated by federal law, this Policy shall prevail.

STANDARD OF EVIDENCE

Elizabethtown College uses the Preponderance of the Evidence standard in resolving all matters alleging Title IX Sexual Harassment. Federal law requires the College to use the same Standard of Evidence in all matters alleging Title IX Sexual Harassment, which, therefore, fall within this Policy. The College has no discretion to do otherwise.

SEXUAL HARASSMENT DEFINITION

Title IX Sexual Harassment is defined as conduct:

1. On the basis of sex,
2. That occurs within Elizabethtown College’s Education 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; or
(b) unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s Education Program or Activity; or
(c) Sexual Assault; or
(d) Dating Violence; or
(e) Domestic Violence; or
(f) Stalking.

CONSENT

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When Consent is withdrawn or can no longer be given, sexual activity must stop.

OTHER DEFINED TERMS

This Policy uses many defined terms, indicated by the capitalization of the first letter(s) in the term. All defined terms are included in a Glossary on page 70 of this document. The definitions in the Glossary are important to a complete understanding of this Policy.

CONFIDENTIAL ASSISTANCE

The resources below are confidential services available to any Elizabethtown College community member who is a victim of sexual assault, domestic violence, dating violence or
stalking. They can be accessed without reporting an incident to anyone at Elizabethtown College.

For reporting an incident to a campus official, please see the section below entitled “How to Report an Incident” as different College employees have various levels of confidentiality and reporting requirements.

- YWCA Lancaster Sexual Assault Prevention & Counseling Center 24/7 Hotline – 717.392.7273
- Penn State Hershey Medical Center – Emergency Room – 500 University Dr., Hershey, PA 17033, 717.531.8333
- Lancaster General Hospital – Emergency Room – 555 N. Duke Street, Lancaster, PA 17602, 717.544.5122
- UPMC Pinnacle Harrisburg Campus - 111 South Front Street, Harrisburg PA 17101 Phone: 717.782.3131
- Penn State Medical Group Elizabethtown – 1 Continental Drive, Elizabethtown, PA 17022, 717.361.0666 (daytime hours only)
- Domestic Violence Services 24-Hour Hotline – Community Action Program of Lancaster County – 717.299.1249 (collect calls accepted)

If a student is seeking completely confidential assistance on-campus, the best option is to consult first with a College Counselor or Chaplain. The Counselor or Chaplain can provide confidential advice, share resources, and inform the student about the process for making an official report to the College without any requirement to disclose information to the Title IX Coordinator.

- **College Counselor** is available 24/7 -Call 717.361.1405 to request a confidential counseling appointment or call Campus Security after hours at 717.361.1111 to request confidential support.
- **College Chaplain (clergy)** is available during regular college business hours for confidential consultation. Call 717.361.1260.

**MEDICAL ATTENTION AND THE IMPORTANCE OF PRESERVING EVIDENCE**

In cases of sexual assault, dating violence, domestic violence or stalking, complainants are encouraged to preserve physical evidence that may assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order. The decision to make a formal complaint or criminal report does not have to be made at this time. However, following these procedures will help preserve this option for the future.

To properly preserve evidence, ensure the incident area is not disturbed. The individual should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed. If clothes have been removed, place original clothing in a paper bag. (Plastic bags may damage evidence.) For crimes of stalking, the individual should preserve all instances of unwanted
communications (texts, e-mails, social media posts) and keep a log of unwanted phone calls. For crimes of dating violence or domestic violence, pictures of injuries should be taken.

*If you have been assaulted, seek immediate medical attention at an area hospital* and take a full change of clothing, including shoes, for use after a medical examination. It is recommended that a physical exam be conducted within 72 hours of the assault. Please keep in mind that having a sexual assault exam does not require the individual to press charges. This action only keeps the options open. (Individuals under the age of eighteen should be aware that, as a minor (child), their parent(s) or legal guardian may have the right to obtain information from their medical records.) Lancaster General Hospital and Penn State Hershey Medical Center provide a Sexual Assault Forensic Exam (SAFE). The hospital staff can assist with treatment for sexually transmitted diseases and other health services.

Contact either of the following for immediate law enforcement assistance for any crime of sexual assault, dating violence, domestic violence, or stalking:

- **Elizabethtown Police Department**  Dial 911
- **Campus Security** – 717.361.1111 (24/7 Emergency Hotline)

Campus Security can arrange transportation to a local hospital or local police department if requested. *You have the right to report, and the right to not report, a crime of sexual assault, dating violence, domestic violence or stalking that you have suffered to law enforcement. You also have the right to decline to notify law enforcement of a crime of sexual assault, dating violence, domestic violence, or stalking if offered the option.*

**TITLE IX COORDINATOR**

Nichole Gonzalez – Director of Title IX/Compliance Programs and Intercultural Affairs

**Office Address:** BSC 247 (Baugher Student Center)

**Email:** gonzaleznichole@etown.edu

**Telephone Number:** 717-361-1179

The Title IX Coordinator coordinates Elizabethtown College’s efforts to comply with Title IX, including overseeing this Policy and the publication and dissemination of information required by Title IX. The Title IX Coordinator’s responsibilities include: (1) receiving and responding to Reports of conduct that may constitute a violation of this Policy; (2) coordinating the effective implementation of Supportive Measures; (3)designating Investigators, Facilitators, and Decision-makers to act pursuant to the Formal Complaint Process; (4) ensuring that the technology needed to conduct and record hearings is available; (5) implementing effectively any Remedies or discipline imposed by a Decision-maker upon a finding of a violation of this Policy; and, (6) complying with the record-keeping requirements of this Policy.

The Title IX Coordinator may, in some instances, be an Investigator, but can never be a decision-maker as a Hearing Board Member or Appeal officer.
The Deputy Title IX Coordinator supports the Title IX Coordinator in fulfilling their role and responsibilities and may serve as the Title IX Coordinator’s designee to carry out any response, action, initiative, project, or other responsibility outlined in this Policy.

**TITLE IX ADMINISTRATOR POOL**

Title IX Administrators are investigators, Hearing Board Members, Appeals decision makers, and other decision makers and facilitators involved throughout the Formal Complaint and Informal Processes associated with Title IX Sexual Harassment. The Title IX Administrator pool, along with the Title IX Coordinator and Deputy Coordinator, shall be trained on the definition of Title IX Sexual Harassment, the scope of the College’s program or activity, the Formal Complaint Process, Relevance, the technology to be used at a hearing, how to conduct hearings and Appeals, and how to serve impartially.

**DESIGNATION OF AUTHORITY AND COLLEGE COUNSEL**

Any College administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate College official, or the Title IX Coordinator in their own discretion may delegate that administrator’s or official’s authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or obligations prevent the College official names in this Policy from fulfilling their designated role.

The Title IX Coordinator may delegate their own responsibilities and/or authorities under this policy to any Deputy Title IX Coordinator or other appropriate official.

Any College administrator or official involved in implementing this policy may seek the advice of the College’s legal counsel, as approved by the College’s legal liaison, and coordinated through the Title IX Coordinator.

**SUPPORTIVE MEASURES**

Supportive Measures are available with or without the filing of a Formal Complaint. Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures. The Title IX Coordinator will also contact a Respondent to offer Supportive Measures promptly after a Formal Complaint is filed, whether or not a Formal Complaint Process actually proceeds. In determining the Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering the Complainant’s 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 Education 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 will be maintained as confidential by the College to the extent that confidentiality will not impair the ability to provide the Supportive Measures.
Examples of Supportive Measures that may be implemented by the College include:

- Academic extensions or adjustments
- Campus escort services
- Changes in housing
- Changes in on campus work schedules or locations
- Counseling
- Increased security or monitoring of certain areas of the campus
- Modifications of class or activity schedules
- Mutual restrictions on contact between the Parties
- Provide information on how to access legal assistance, victim advocacy and immigration/visa assistance

All Employees who have experienced Title IX Sexual Harassment, who have provided a Report alleging Title IX Sexual Harassment, or have been alleged to have engaged in Title IX Sexual Harassment can seek confidential assistance through the Employee Assistance Program:

https://www.etown.edu/offices/human-resources/Wellspan%20Brochure%20July%202017.pdf

**HOW TO REPORT AN INCIDENT**

**REPORTS OF POTENTIAL VIOLATIONS OF THIS POLICY**

Elizabethtown College strongly encourages anyone who has information about a potential violation of this Policy to provide a Report to the Title IX Coordinator or the Department of Campus Safety. Any person may provide a Report of a potential violation to the Title IX Coordinator in person, by mail, by telephone or by electronic mail. Reports by mail, telephone or electronic mail may be made at any time, including outside of regular business hours.

A Report is defined as a disclosure, and does not constitute a Formal Complaint. The procedure for filing a Formal Complaint is described later in this Policy.

Nichole Gonzalez – Director of Title IX/Compliance Programs and Intercultural Affairs
Office Address: BSC 247 (Baugher Student Center)
Email: gonzaleznichole@etown.edu
Telephone Number: 717-361-1179

Andrew Powell, Campus Security Director or Dale Boyer, Assistant Director or ask for the supervisor on duty. 24/7 access: 717.361.1264 or visit the Campus Security Office at 605 S. Mt. Joy Street

**REPORTING TO LAW ENFORCEMENT**

A victim of a crime is encouraged to, but not required to, report the incident to local law enforcement. The criminal process and the College’s disciplinary process are mutually exclusive, and are not dependent upon one another. A person can pursue both, neither, or either. Victims have the option of notifying local law enforcement directly, or receiving assistance from the College in doing so. If you would like help making contact with local law enforcement and
scheduling a meeting time with a Police Officer or Police Detective, please contact one of the following:

Andrew Powell, Campus Security Director or Dale Boyer, Assistant Director or ask for the supervisor on duty. 24/7 access: 717.361.1264 or visit the Campus Security Office at 605 S. Mt. Joy Street

Nichole Gonzalez – Director of Title IX/Compliance Programs and Intercultural Affairs
Office Address: BSC 247 (Baugher Student Center)
Email: gonzaleznicole@etown.edu    Telephone Number: 717-361-1179

To make a direct report to local law enforcement without assistance from the College, individuals should contact 911 or Lancaster County Wide Communications at 717.367.1835. The dispatcher will ask for preliminary information like the name of the reporting person, phone number, address, and whether immediate assistance is needed. Lancaster County Wide Communications will then contact the appropriate local law enforcement agency, most likely the Elizabethtown Police Department. Some areas of Elizabethtown are under the jurisdiction of Northwest Regional Police Department. Crimes that occur within the Northwest Regional jurisdiction will be referred to that department. Once the local law enforcement agency is contacted by the Lancaster County Wide Communications, a police officer will contact the reporting person to gather more information and provide resources, like obtaining a restraining order (known locally as a Protection from Abuse order or a Sexual Violence Protection Order) or locations for a sexual assault forensic exam (SAFE).

Once local law enforcement has gathered information they may refer the reporting person to a police detective to conduct a more thorough investigation. Local law enforcement officials are willing to meet with individuals making a report in a location that is comfortable, either on-campus or at the local police department office.

In Pennsylvania, there are different types of Civil Protection Orders that are available to individuals who have experienced domestic violence, dating violence, stalking, or sexual violence.

A Protection from Intimidation Order (PFI) is appropriate in cases of stalking and harassment where the complainant is under 18 and the respondent is over 18. PFIs cannot be granted if both the complainant and respondent are over 18.

A Sexual Violence Protection Order (SVPO) is appropriate in cases of dating violence or sexual assault where the complainant and respondent do not have and have never had a family, household, or intimate partner relationship. An SVPO may be granted when the complainant and respondent are strangers, friends, acquaintances, co-workers, or neighbors.

If you have experienced domestic violence, dating violence, stalking, or sexual violence by a current or former intimate partner, spouse or former spouse, someone you have a child in common with, or a family member related to you by blood or marriage, you have the right to go to court and receive a Protection from Abuse Order (PFA), commonly referred to as a restraining order. A Protection from Abuse Order can include: Restrain the abuser from further
acts of abuse; keep the abuser from entering your home, school or work; require the abuser to give up all weapons while the order is in effect; tell the abuser to stop stalking or harassing you or other persons in your family.

The Civil Protection Order process usually starts by filling out a form called a “petition” at the local county courthouse. For Elizabethtown College students the petition should be filed at the Lancaster Courthouse, 50 North Duke Street, Lancaster, PA 17602. Students or employees may contact the following individuals for more information about how to obtain a PFA:

Nichole Gonzalez – Director of Title IX/Compliance Programs and Intercultural Affairs
BSC 247 (Baugher Student Center)
gonzaleznichole@etown.edu
717-361-1179

Lancaster Domestic Violence Legal Clinic
35 E. Orange Street, Suite 201, Lancaster, PA 17602
717.291.5826

If you have obtained a Civil Protection Order, you are encouraged to share a copy with Campus Security. While Campus Security officers do not have arrest powers, they will enforce the CPO to the extent possible by contacting local police when they are made aware of any violations of the CPO that occur on campus.

RESPONSIBLE ADMINISTRATORS

The College has designated Responsible Administrators to whom a person may report an incident and expect the information will be acted upon. A Responsible Administrator is required to share all reported information, including personally identifiable information, with Title IX Coordinator.

If a report is made to anyone other than the Title IX Coordinator, or anyone not on the list of Responsible Administrators, the reporting party assumes the College has not received actual knowledge, and the information may not be acted upon.

Responsible Administrators by Title Include:

- Resident Assistants
- Peer Mentors, Kinesis Peer Academic Advisors
- Director of Community Living
- Associate/Assistant Directors for Community Living
- Associate Director for Multicultural Affairs
- Director of Human Resources
- Assistant Director of Human Resources
• Academic Deans/Department Chairs
• Director of Disability Services
• Athletic Director
• Assistant Athletic Director
• Athletic Head Coach and Assistant Coach (anyone in coaching position)
• Vice President for Student Life
• Senior Vice President for Academic Affairs and Dean of Faculty
• Vice President of Finance and Strategy
• Vice President for Enrollment Management
• Vice President for Institutional Advancement
• President
• Director of Campus Security
• Club or Organization Advisor

The above information regarding Responsible Administrators does not, in any way, relieve a supervisor of their requirements to report, investigate and/or remediate any reported workplace discrimination or harassment under federal or state employment law.

OTHER CAMPUS RESOURCES

Some campus employees, other than those listed on the Responsible Administrator list above, can talk to a student Complainant, Alleged Victim or Reporter without being required to disclose personally identifiable information about the Alleged Victim to the Title IX Coordinator, but are still required to report non-personally identifiable information for statistical purposes only. Students can seek assistance and support from the employees listed below without triggering an investigation that would reveal the identity of the Alleged Victim. These employees are only required to share a limited report to inform the Title IX Coordinator of the date, time, general location and nature of the incident but, again, not information that would identify the Alleged Victim. This general information is necessary for the College to appropriately track patterns, evaluate the scope of the problem and formulate appropriate campus-wide responses. Before sharing the general report with the Title IX Coordinator, these employees will work to consult with the Complainant to ensure that no personally identifiable details about the Complainant are shared. These types of employees include but are not limited to the list below, and the College reserves the right to add employees to this list as deemed necessary by the Title IX Coordinator.

• **Counseling Services’ front desk staff**, available at 717.361.1405 (daytime)

• **College Health Liaison** is available for consultation during regular college business hours. Call 717.489.1021

• **Assistant Director of Health Promotion** is available for consultation during regular college business hours. Call 717.361.1123.

• **Athletic Trainer** available at 717.361.1591 or 717.361.1564 during regular college business hours.
FILING A FORMAL COMPLAINT

The Formal Complaint Process begins with the filing of a Formal Complaint which alleges that a Respondent has engaged in Title IX Sexual Harassment, is signed by the Complainant or the Title IX Coordinator, and requests that Elizabethtown College investigate the allegation of Title IX Sexual Harassment. A Formal Complaint must be filed in electronic format. The link to the Formal Complaint will be provided to the Complainant by the Title IX Coordinator.

RESPONSE AFTER REPORT OR FORMAL COMPLAINT

RESPONSE TO POTENTIAL VIOLATIONS OF THIS POLICY

When the Title IX Coordinator receives a Report, the College will respond by: (A) equitably offering Supportive Measures to the Complainant and Respondent (as outlined under “Supportive Measures” above), whether or not a Formal Complaint is filed; and (B) imposing disciplinary sanctions or other actions that are not Supportive Measures upon the Respondent only when the Respondent is found responsible for a violation of this Policy through a completed Formal Complaint Process. However, the College may impose an emergency removal or administrative leave as provided in this Policy.

ASSESSMENT OF RISK

When the Title IX Coordinator receives a Report of alleged Title IX Sexual Harassment or a Formal Complaint alleging Title IX Sexual Harassment, the Title IX Coordinator will seek to gather information to undertake an initial assessment of any risk of harm to individuals or to the campus community and the description of the alleged misconduct in order to evaluate the appropriate response.

The first step of the assessment is a discussion between the Title IX Coordinator and the Complainant. The purposes of the discussion are to:

- assess the nature and circumstances of the allegations;
- address the immediate physical safety and emotional well-being of the Complainant;
- notify the Complainant of the right to contact law enforcement (or not) and seek medical treatment;
- provide the Complainant with information about on- and off-campus resources;
- discuss the range and implementation of Supportive Measures;
- ensure Director of Campus Safety has information necessary to enter the Report into the College’s daily crime log and/or initiate a timely warning; and
- explain the College’s policy prohibiting retaliation.

The Title IX Coordinator will take any action necessary to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures, initiation of actions designed to protect the larger campus community, or Emergency Removal of a Respondent. A
decision to remove a Respondent from campus pending the Formal Complaint Process will follow the Emergency Removal of a Respondent process described in this Policy. At the Title IX Coordinator’s discretion, one or more other Campus Officials may be included in the initial assessment or in evaluating information gathered in the initial assessment.

DETERMINATION OF RESOLUTION PROCESS

After the initial assessment of the information gathered, the Title IX Coordinator will take one of the following steps regarding the Formal Complaint Process:

1. Initiate Formal Complaint Process

If the Title IX Coordinator determines that the alleged misconduct falls within this Policy and a Formal Complaint has already been submitted, the Title IX Coordinator will proceed to initiate the Formal Complaint Process, unless the Formal Complaint proceeds to Informal Resolution.

If a Formal Complaint has not yet been submitted, the Title IX Coordinator will advise the Complainant that a Formal Complaint is required to initiate an investigation. The Title IX Coordinator will provide the Complainant a Formal Complaint form link for the Complainant’s completion and signature. The electronic signature on the submission is considered the complainant’s signature. Once a signed Formal Complaint is submitted, the Title IX Coordinator will proceed to initiate the Formal Complaint Process, unless the Formal Complaint proceeds to Informal Resolution.

If the Complainant determines not to file a Formal Complaint, and the Title IX Coordinator determines, in their discretion, that the allegations must be investigated, the Title IX Coordinator may initiate the Formal Complaint Process by completing and signing a Formal Complaint.

2. Refer for Action Pursuant to Different Policy

With or without a Formal Complaint, when the initial assessment concludes with a determination that the alleged misconduct does not fall within the scope of this Policy but involves conduct that, if found to have occurred, violates another College policy, the matter will be referred for further action under the applicable policy under the Student Code of Conduct, the Faculty Handbook, or the Employee Handbook. The determination regarding next steps will be communicated to the Parties in writing.

If a Formal Complaint has been filed, the Title IX Coordinator shall follow the procedures for Dismissal of a Formal Complaint set forth in Formal Complaint Process.

EMERGENCY REMOVAL OF A RESPONDENT

Elizabethtown College may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, the Title IX Coordinator will first gather information to undertake an individualized safety and risk analysis. The analysis will be
conducted the Title IX Coordinator and/or designees requested to conduct the initial assessment. Should the Title IX Coordinator, on their own or in consultation with others, determine an emergency removal is necessary, they shall make the recommendation to the Vice President for Student Life if the respondent is a student, or the Director for Human Resources if the respondent is an employee or faculty member. The Title IX Coordinator shall submit the request in writing, and provide all relevant information and evidence utilized to determine this recommendation.

The formal removal action shall be carried out by the VPSL or Director of Human Resources. If the VPSL or the Director of Human Resources disagree with the recommendation for removal, and choose not to remove the party from campus, they must respond in writing within 24 hours of the request, providing the rationale for the decision. Said written document will become part of the case file.

A. Factors to be Considered

The analysis of whether an immediate threat to the physical health and safety risk exists will focus on the specific Respondent and consider the specific circumstances arising from the allegations of Title IX Sexual Harassment that potentially pose an immediate threat to a person’s physical health or safety. If a person expresses a subjective fear, the College will consider it and will also apply an objective reasonable person standard. The College will consider the 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 licensed professionals (including non-employees) to analyze the information gathered. The College shall also consider Respondent’s rights, if any, under applicable federal and/or state disability laws.

The relationship between a threat and the physical health or physical safety of any student or other individual will also be carefully evaluated. 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 will also closely examine whether the threat arises from allegations of conduct that could constitute Title IX Sexual Harassment under this Policy. As an example, an immediate threat to physical safety is likely present when a Respondent threatens physical violence against the Complainant in response to the Complainant’s allegations of verbal harassment by the Respondent. Threats of self-harm will be address under other applicable policies. If the individualized safety and risk analysis results in a determination that a Respondent’s actions pose an immediate and identified threat, but do not arise from allegations of Title IX Sexual Harassment, the College will respond pursuant to other applicable policies and/or procedures.

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 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.

**B. Emergency Removal is Not Discipline nor a Determination of Responsibility**

At all stages of the process, Elizabethtown College will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Formal Complaint 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 Formal Complaint Process.

**C. Notice of Emergency Removal and Appeal**

In the event 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, as well as information about the Respondent’s immediate opportunity to challenge the removal decision by filing an Appeal.

**PLACEMENT OF EMPLOYEE ON ADMINISTRATIVE LEAVE**

In the event a Formal Complaint alleges conduct that could constitute Title IX Sexual Harassment Discrimination 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 Formal Complaint Process is ongoing. The Director for Human Resources, in consultation with the Title IX Coordinator, 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.

**FORMAL COMPLAINT PROCESS**

All entitlements established in this section apply equally to the Parties. The Formal Complaint Process applies when a Formal Complaint is signed and submitted, whether by a Complainant or by the Title IX Coordinator on behalf of the College. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility at the conclusion of this process. The standard of review for determinations regarding responsibility at is preponderance of the evidence. The preponderance of evidence standard of proof is met when the evidence shows that it is more likely than not that an allegation is true.

**FILING OF FORMAL COMPLAINT**

The Formal Complaint Process begins with the filing of a Formal Complaint which alleges that a Respondent has engaged in Title IX Sexual Harassment, is signed by the Complainant or the Title IX Coordinator, and requests that Elizabethtown College investigate the allegation of Title IX
Sexual Harassment. A Formal Complaint must be filed in electronic format. A link to the complaint form will be provided to the Complainant by the Title IX Coordinator.

**DISMISSAL OR WITHDRAWAL OF FORMAL COMPLAINT**

If, at any time during the Formal Complaint Process, the Title IX Coordinator determines that the alleged misconduct does not fall within this Policy because the conduct did not occur within the College’s Education Program or Activity, or the conduct did not occur within the United States, the Title IX Coordinator will dismiss the Formal Complaint by issuing a Notice of Dismissal.

If at any time during the Formal Complaint Process the respondent is no longer enrolled or employed by the College or the Title IX Coordinator determines that specific circumstances prevent the College from gathering evidence sufficient to reach a determination of the allegations of the Formal Complaint, the Title IX Coordinator may dismiss the Formal Complaint by issuing a Notice of Dismissal.

The Notice of Dismissal, which will be issued to the Complainant within five (5) Business Days of the Title IX Coordinator’s determination, will include the reasons for the dismissal. A dismissal of a Formal Complaint from the Formal Complaint Process shall not prevent the College from addressing the allegations in the Formal Complaint under another applicable policy of Elizabethtown College. Any Party has the right to submit an Appeal from dismissal of a Formal Complaint.

If, at any time during the Formal Complaint Process, the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegations in the Formal Complaint, the Title IX Coordinator may dismiss the Formal Complaint. Alternatively, the Title IX Coordinator may decide that proceeding with the Formal Complaint Process is necessary. In making that determination, the Title IX Coordinator must weigh the Complainant’s wishes and the College’s obligations to eliminate Title IX Sexual Harassment, prevent its recurrence, and remedy its effects.

**TIMEFRAME**

Elizabethtown College seeks to resolve all Reports of Title IX Sexual Harassment promptly, thoroughly, fairly, and equitably. The timeframes which the College strives to meet are set forth in this Policy. The Title IX Coordinator will inform the Parties regularly of the status of the Formal Complaint Process, including the status of investigation and other steps in the process. Circumstances may arise that require the extension of anticipated time frames. Such circumstances may include the complexity of the allegations, the number of Witnesses involved, the availability of the Parties, Witnesses, or others involved, the effect of a concurrent criminal investigation, breaks or other closures of campus, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, or unforeseen circumstances. In the event timelines are modified, the Title IX Coordinator will provide written notification to the Parties.
PRIVACY

Elizabethtown College will keep confidential the identity of any individual who has made a Report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the Institution to take action under this Policy.

VOLUNTARY PARTICIPATION

Parties and Witnesses are not required to participate in the Formal Complaint Process, but without their live testimony at the hearing, the Hearing Board cannot rely upon their Statements. The College may not threaten, coerce, or intimidate a Party or Witness into participating, nor may the College retaliate against a Party or Witness for declining to participate in any part of the Formal Complaint Process.

AMNESTY

The health and safety of every person at Elizabethtown College is of the utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether voluntary or involuntary) at the time violence occurs, including Sexual Assault, Dating or Domestic Violence or Stalking, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report such incidents of violence to College officials. A Bystander or reporting individual acting in good faith that discloses any incident of Sexual Assault, Dating or Domestic Violence or Stalking should do so without fear of Conduct action for potential violations of the Alcohol or Drug policies.

RIGHT TO ADVISOR OF CHOICE

Each Party has the right to choose an Advisor to assist and advise them (at the Party’s own expense, if the Advisor is paid). Each Party has the right to be accompanied by their Advisor throughout the Formal Complaint Process, including during all related meetings and hearings. Parties are encouraged to identify an Advisor as soon as practical, as Advisors play an important role in supporting Parties. Each Party must notify the Title IX Coordinator promptly of the name, title, and contact information for their Advisor and any change in their Advisor. If a Party does not select an Advisor and the matter proceeds to a Live Hearing, an Advisor will be appointed by the College for the hearing, at no fee to the Party, to ask Cross-examination Questions on that Party’s behalf.

REQUEST TO REMOVE AN INVESTIGATOR, HEARING BOARD MEMBER, OR TITLE IX COORDINATOR

Parties have the right to request that the Title IX Coordinator remove an Investigator or member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.
1. Challenge to an Investigator

A challenge to an Investigator must be raised in writing within five (5) Business Days of receipt of the Notice of Investigation. Parties have the right to request that the Title IX Coordinator remove an investigator based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. The Title IX Coordinator will determine whether to remove the Investigator. If the Investigator is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If an Investigator is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Investigator.

2. Request to Remove a Hearing Board Member

Following receipt of the Notice of Live Hearing, Parties have the right to request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. This request must be raised in writing within two (2) Business Days of receipt of the Notice of Live Hearing. The Title IX Coordinator will determine whether to remove the Hearing Board member. If the Hearing Board member is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If a Hearing Board member is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Hearing Board member.

3. Request to Remove the Title IX Coordinator

A Party may request that someone other than the Title IX Coordinator oversee the Formal Complaint Process based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. Any such request must be submitted in writing to the person to whom the Title IX Coordinator reports, which is the Vice President for Student Life, as soon as a Party becomes aware of any such grounds for removal. The VPSL will determine whether to designate another person perform the Title IX Coordinator’s duties for the specific matter, and if necessary, will identify the person to undertake those duties. In the event the VPSL has a conflict of interest, they shall forward the request to the Vice President for Finance and Strategy, who will identify the person to undertake those duties.

INVESTIGATION, INFORMAL RESOLUTION, CONCURRENT LAW ENFORCEMENT ACTIVITY

1. Initiate an Investigation

The Title IX Coordinator will initiate an investigation, unless the Formal Complaint is proceeding through the Informal Resolution Process. The Title IX Coordinator will issue a Notice of Investigation to known Parties sufficiently in advance of any request to meet with the Investigator. This Notice of Investigation will include:

   a. Notice of these grievance procedures, including the Informal Resolution process, and a copy of this Policy.

   b. The conduct alleged to violate this Policy, and the date and location of the alleged incident, if known.

   c. Known Parties involved in the alleged incident
d. A statement that the Respondent is presumed not responsible for the alleged misconduct and that a Determination of Responsibility will be made at the conclusion of the process.

e. Notice of the Parties’ right to an Advisor of choice, who will be permitted to accompany them to investigation meetings, interviews, and any hearing and to review materials provided to their advisee throughout the process.

f. Notice of and citation to the College’s prohibition on knowingly making false Statements or submitting false information during this process.

If during the course of an investigation, new or additional allegations arise that require investigation, the Title IX Coordinator will send the Parties an updated Notice of Investigation revising the scope of the investigation.

2. Option of Informal Resolution

If the Parties voluntarily agree to proceed with the Informal Resolution Process, the Title IX Coordinator may refrain from initiating the Formal Complaint Process or may pause an ongoing Formal Complaint Process.

3. Concurrent Law Enforcement Activity

When the Title IX Coordinator receives a Report of Title IX Sexual Harassment to which it has determined the College must respond through its Formal Complaint Process, the process continues regardless of whether a Complainant has made or decides to make a report to law enforcement. The filing of a report with law enforcement, or an ongoing law enforcement investigation or proceeding does not relieve the College of its obligation to address the Complaint through its Formal Complaint Process. At the Title IX Coordinator’s discretion, the College may temporarily pause its investigation at the request of law enforcement. In that circumstance, the Title IX Coordinator will send written notice to the Parties explaining the reason for pausing the investigation.

CONSOLIDATION OF CERTAIN FORMAL COMPLAINTS

If there are multiple Complainants and one Respondent, the Title IX Coordinator may consolidate Formal Complaints where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. All Parties will be notified in writing of a decision to consolidate Formal Complaints. The Title IX Coordinator is not obligated to consolidate the allegations.

INVESTIGATION PROCEDURES

Elizabethtown College’s investigation process is designed to allow for the thorough, impartial, and reliable gathering of information resulting in a comprehensive investigation report summarizing relevant, admissible evidence. The College strives to complete its investigation within thirty (30) Business Days, understanding that numerous issues arise during investigations that may justify a good cause extension of the timeline.
ASSIGNMENT OF INVESTIGATOR

The Title IX Coordinator will supervise the investigation, starting with determining who will serve as Investigator(s). The Investigator(s) may be a College Employee or Employees, an external Investigator or Investigators, or a team of Investigators that pairs an external Investigator with a College Employee. All Investigators will conduct the investigation with a presumption that the Respondent is not responsible and will act without bias or conflict of interest.

PROCESS OVERVIEW

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 Parties will have an equal opportunity to submit evidence and suggest Witnesses (including fact and expert Witnesses).

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 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, disciplinary action may be taken.
PARTIES’ REVIEW OF/RESPONSE TO INFORMATION

At the conclusion of the investigation, the Investigator will assemble all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint, including information upon which the College does not intend to rely in reaching a determination regarding responsibility. The Investigator will redact information that is unrelated to the allegations of the Formal Complaint or otherwise not admissible in the Formal Complaint Process (i.e., because it is subject to an unwaived legally recognized privilege or constitutes prior sexual history not offered to establish Consent or that Respondent did not engage in the alleged misconduct). The Investigator will create a list describing information it has redacted or removed as irrelevant, inadmissible, or not directly related to the allegations of the Formal Complaint, which it may allow the Parties to inspect.

The assembled information will then be shared with the Parties and their Advisors in a shared electronic format. Elizabethtown College will require Parties and their Advisors to agree to restrictions and/or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Formal Complaint Process. The Parties will have at least ten (10) Business Days to review the assembled information and submit a written response to it.

The Investigator will review the Parties’ responses to evaluate whether further investigation may be required to ensure the investigation is thorough and complete. In consultation with the Title IX Coordinator, the Investigator will determine any further action indicated by the Parties’ responses and develop a plan to complete the investigation.

INVESTIGATION REPORT

After considering the Parties’ responses and conducting any additional investigation indicated by those responses, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties’ responses to the report, as well as an explanation of any additional steps taken after receipt of Party responses and include any related materials. All of these written submissions and all information gathered during the investigation will collectively be considered the investigation report.

To the extent that the investigation report includes an assessment of Party and Witness Credibility, Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness.

PARTIES’ REVIEW OF/RESPONSE TO INVESTIGATION REPORT

When the investigation report is complete, the Title IX Coordinator will provide a copy of it to the Parties and their Advisors in electronic format for their review and written response. Elizabethtown College will require Parties and their Advisors to agree to restrictions and/or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Formal Complaint Process. The Parties shall have five (5) Business Days to review and respond to the investigation report.
The investigation report and all evidence will be available at any hearing to give each party equal opportunity to refer to the evidence. Any hearing on the allegations investigated will not be held sooner than ten (10) Business Days after the investigation report is provided to the Parties and their Advisors.

**DETERMINATION AFTER INVESTIGATION**

At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the conduct, if proved, falls within this Policy. When the alleged conduct, if proved, falls within this Policy, the Title IX Coordinator will prepare a Notice of Charge based on information contained in the investigation report.

If the conduct, even if proven, does not fall within this Policy because it would not constitute Title IX Sexual Harassment, because it did not occur within the College’s Education Program or Activity, or because it did not occur within the United States, the College must dismiss the Formal Complaint. The College may dismiss a Formal Complaint if the Title IX Coordinator determines: that there is not sufficient cause to believe the alleged conduct may have occurred; the Respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering sufficient evidence to reach a Determination of Responsibility or No Responsibility.

In either instance, the Title IX Coordinator will issue a Notice of Dismissal, including the reasons for the dismissal, to the Parties simultaneously within five (5) Business Days of the Title IX Coordinator’s determination. If the alleged conduct would potentially violate a different College Policy, the Notice of Dismissal will direct the Parties to that policy. The Parties have a right to submit an Appeal from a dismissal of a Formal Complaint.

**NOTICE OF CHARGE**

If the Formal Complaint is not dismissed, the Title IX Coordinator will issue a Notice of Charge simultaneously to the Parties. The Notice of Charge shall not be issued before the Parties have had five (5) Business Days to review and respond to the investigation report and will be sent to the Parties within ten (10) Business Days of the conclusion of the investigation. The hearing shall not be scheduled sooner than ten (10) Business Days after the Notice of Charge is issued. The Notice of Charge will include the following information:

- a brief factual summary of the conduct alleged to have violated the Policy, including date, time, and location;
- the specific Policy provision(s) at issue; and
- possible sanctions associated with a finding of responsibility for the alleged Policy violation(s).

The Notice of Charge will attach a copy of this Policy or include the website where this Policy is available.
LIVE HEARING PROCEDURES

Following the issuance of the Notice of Charge, if Informal Resolution is not being conducted, the Formal Complaint Process proceeds to a Live Hearing.

NOTICE OF LIVE HEARING

The Notice of Live Hearing will be sent to the Parties simultaneously within ten (10) Business Days of the delivery of the Notice of Charge and at least five (5) Business Days before the scheduled hearing date. The Notice of Live Hearing may be, but need not be, sent with the Notice of Charge. The Notice of Live Hearing will include the following information:

- the date, time, and location of the Live Hearing;
- the Live Hearing will be recorded via an audio recording, or audiovisual recording when possible;
- the composition of the Hearing Board designated by the Title IX Coordinator; and,
- a statement that there is a presumption of No Responsibility on the part of the Respondent until a determination regarding responsibility is made at the conclusion of the Formal Complaint Process.

In addition, the Notice of Hearing will attach a copy of this Policy or include a reference to the website where this Policy is published.

HEARING BOARD CHAIR

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator oversees all hearings. In rare circumstances when the Title IX Coordinator is unavailable or ineligible to do so, the Title IX Coordinator will designate the person to convene and oversee the Hearing Board process. The Title IX Coordinator will be the non-voting chair of the Hearing Board during Live Hearings, serving as a process and policy advisor to the Hearing Board. In this role, the Title IX Coordinator may be referred to as the Hearing Officer.

The Title IX Coordinator is never a Decision-maker, whether in connection with a Live Hearing or an Appeal.

HEARING BOARD MEMBERS

Prior to the Live Hearing, the Hearing Board will have read all of the information in the investigation report. The Parties will have the same information as the Hearing Board. Hearing Board members are drawn from the pool of Title IX Administrators. There will be three Hearing Board Members in addition to the non-voting chair (Title IX Coordinator).
GATHERING INFORMATION

The Hearing Board will focus its questions on those areas where it needs clarification or more information. The Hearing Board will not necessarily need the Parties or Witnesses to repeat everything they shared during the investigation, but as the Decision-maker(s), the Hearing Board is obligated to come to its own Findings of Fact.

The Hearing Board has the right and responsibility to ask questions and elicit information from Parties and Witnesses on the Hearing Board’s own initiative to aid the Hearing Board in obtaining relevant information, both inculpatory and exculpatory.

Only members of the Hearing Board may ask questions of any person testifying, except in connection with Cross-examination Questions asked by Advisors. The Hearing Board is responsible for ensuring that it has sought and probed all information necessary to make an informed decision. At times, the Hearing Board will need to ask difficult or sensitive questions in order to understand the allegations and related information and to gain a full understanding of the context. If at any time a Party does not understand a question or why the Hearing Board is asking a question, the Party should let the Hearing Board know. The Hearing Board will explain and modify its question at its discretion.

The Parties have equal rights to present information in front of the Hearing Board, which ensures that the Hearing Board has the benefit of each Party’s perspectives about the evidence. This right includes calling Witnesses. Parties have no right to self-representation and may not ask questions directly of the other Party or Witnesses.

EVALUATING INFORMATION

The Hearing Board must objectively evaluate all admissible, relevant evidence for weight or Credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Hearing Board must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness. Determinations of Credibility must be based on objective evaluation of relevant evidence, not on inferences based on Party or Witness status. Credibility determinations are based on a number of factors, including demeanor (but never only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroborating evidence is not required); level of detail in Statement or testimony; motive to be untruthful; and inherent plausibility or implausibility. The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party’s answers to Cross-examination Questions will be evaluated by the Hearing Board in context, taking into account that a Party may experience stress while answering Cross-examination Questions. Parties will not be unfairly judged if they are unable to recount every

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specific detail in sequence, whether such inability is due to trauma, the effects of drugs or alcohol or simple fallibility of human memory.

ROLE AND OBLIGATIONS OF ADVISORS DURING HEARINGS

1. The Advisor is present to provide support to the Party and not to serve as a proxy voice for the Party.
2. Advisors may not speak during the hearing process, except where permitted to present Cross-examination Questions. Therefore, in all instances other than Cross-examination Questions, Advisors may not speak to the Hearing Board, make statements or arguments, or answer questions.
3. Advisors conducting Cross-examination must be capable of understanding the purpose or scope of Cross-examination. Equal competency between the Parties’ Advisors is not required.
4. When conducting Cross-examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.
5. Advisors can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the Party should ask for a break in the Live Hearing.
6. Advisors cannot direct the Party how to answer a question.
7. Advisors should conduct themselves quietly and professionally, must not disrupt the proceedings and must comply with any rules of decorum imposed by the College. An Advisor who does not do so may be removed from the Live Hearing. In that instance, the Party may select another Advisor or the College will appoint a substitute Advisor.

HEARING LOCATION

Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the Title IX Coordinator’s discretion, any or all Parties, Witnesses, and other participants may appear at the Live Hearing virtually, with the Parties being able to see and hear each other and Witnesses live.

At the request of either Party, the Title IX Coordinator will provide for the entire Live Hearing (including Cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Unlike Parties, Witnesses do not have the right to demand to testify in a separate room, but Title IX Coordinator, in its discretion, may permit any participant to appear remotely.

RECORDING OF LIVE HEARING

The College will create an audio or audiovisual recording of the entire Live Hearing. The recording or transcript will be available to the Parties for inspection and review, but is the property of the College.
SCOPE OF THE LIVE HEARING

The Live Hearing will relate solely to the charges set forth in the Notice of Charges issued to the Parties. If the Parties or any Witnesses share information that goes beyond these charges, the Hearing Board will redirect the speaker to the charges at hand.

Parties may be accountable for additional violations discovered through the Formal Complaint Process even if they do not appear in the Notice of Charge/Notice of Live Hearing. In this instance, a separate Complaint Process under this Policy, or under other applicable policies, may be commenced.

ATTENDANCE AT THE HEARING

The Live Hearing is closed, meaning it is not open to the public. Witnesses may be present only for their individual meeting with the Hearing Board. Advisors and Parties may be present throughout the proceeding. If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party’s Advisor may appear and conduct Cross-examination. In the event neither a Party nor their Advisor appear at the hearing, the College will provide an Advisor to appear on behalf of the non-appearing Party.

HONESTY

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and to the best of their knowledge. The Hearing Board may recall any Party or Witness for further questions and to seek additional information as it deems necessary. A Party or Witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

CROSS-EXAMINATION QUESTIONS AND EFFECT OF FAILURE TO SUBMIT TO CROSS-EXAMINATION

1. Advisors Conduct Cross-examination

Advisors are allowed, on behalf of the Party they are advising, to cross-examine the other Party and Witnesses by asking relevant questions and follow-up questions, including questions challenging Credibility.

2. Relevance Determination Before Answering

Before a Party or Witness answers a Cross-examination Question, the Hearing Board will determine if the question is relevant. If a question is deemed irrelevant, the Hearing Board will explain why. The requirement of Relevance applies throughout the hearing, including during Cross-examination, and will be determined by the Hearing Board. Parties should understand that the process of Cross-examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-examination Questions may not be submitted in writing in advance of the
Live Hearing or during the Live Hearing for purposes of seeking an evaluation of Relevance.

3. Effect of Not Submitting to Cross-examination

If a Party or Witness does not submit to Cross-examination by Advisors at the Live Hearing, the Hearing Board must not rely on any Statement of that Party or Witness in reaching a determination regarding responsibility. This rule does not apply if a Party or Witness refuses to answer questions posed by the Hearing Board.

a. “Submit to Cross-examination” means answering those Cross-examination Questions that are relevant, as determined by the Hearing Board in real time during the Live Hearing. If a Party or Witness disagrees with the Hearing Board’s Relevance determination, they may either (a) abide by the Hearing Board’s determination and answer the question or (b) refuse to answer the question. In the event the Party or Witness refuses to answer the question, unless the Hearing Board reconsider the Relevance determination, the Hearing Board cannot rely on any Statement of that Party or Witness.

b. “Statement” has its ordinary meaning but does not include evidence (such as videos) that do not constitute a person's intent to make factual assertions, or to the extent that such evidence does not contain a person’s Statements. Thus, Documents and records that contain Statements may not be relied on in making a final determination after the completion of the hearing if the Party or Witness who made the Statements has not submitted to Cross-examination. Probing the Credibility and reliability of Statements contained in such documents requires the Parties to have the opportunity to cross-examine the individual(s) making the Statements.

c. Examples

- This rule applies to law enforcement report, SANE reports, medical reports, and any other documents and records that contain the Statements of a Party or Witness who has not submitted to Cross-examination.

- If one Party to a text message or email exchange submits to Cross-examination and the other does not, only the messages of the individual who submits to Cross-examination may be considered.

- Where a Party refuses to answer Cross-examination Questions, but video evidence exists showing the underlying incident, the Hearing Board may still consider the available evidence and make a determination.

- If the matter does not depend upon a Party’s or Witness’s Statements, but on other evidence (e.g., video evidence that does not consist of “Statements” or to the extent the video contains non-
Statement evidence), the Hearing Board can still consider this other evidence and reach a determination, but without drawing any inference based upon lack of Party or Witness testimony.

**BREAKS**

The Hearing Board may need to take breaks during testimony to ensure that it can confer regarding the information that has been offered and can determine whether further questions are necessary. At any time, a Party may request a break to talk with their Advisor or for another reason. In almost all instances, a break will be allowed.

**RAPE SHIELD PROTECTIONS**

All questions and evidence about Complainant’s sexual predisposition or prior sexual behavior are irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove Consent.

**ORDER OF THE LIVE HEARING**

1. The Chair will call the Live Hearing to order and will explain the hearing process, which will include a reading of the charge(s) at issue and will provide an opportunity for all Parties to ask procedural questions prior to opening statements.

2. The Parties shall be informed that the hearing is being recorded. The recording is the sole official verbatim record of the Live Hearing and is the property of the College.

3. The Complainant may present an opening statement related to the charges.

4. The Respondent may present an opening statement related to the charges.

5. The Hearing Board will ask the Complainant questions relevant to the charges.

6. The Respondent’s Advisor may ask Complainant relevant questions and follow-up questions, including those challenging Credibility (Cross-examination Questions).

7. The Hearing Board will ask the Respondent questions relevant to the charges.

8. The Complainant’s Advisor may ask Respondent relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).

9. The Hearing Board may call Witnesses to provide relevant information to the Hearing Board.

10. At the conclusion of each Witness, Complainant and Respondent’s Advisors may ask each Witness relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).

11. At the conclusion of the testimony of the Parties and the Witnesses, the Parties will be able to make a closing statement, with the Complainant going first and the Respondent going next.
12. The Chair will announce that the Live Hearing is concluded.

HEARING BOARD DELIBERATIONS AND WRITTEN DETERMINATION

When the Live hearing concludes, the Hearing Board will deliberate and make its decision in accordance with the preponderance of the evidence Standard of Evidence. The Hearing Board will issue a Written Determination, which will be sent to the Parties simultaneously within fifteen (15) Business Days of the conclusion of the Live Hearing. The Written Determination will include:

a. Procedural History

b. Summary of allegations in Notice of Charge/Notice of Live Hearing

c. Policy provisions at issue

d. Findings of Fact related to each allegation potentially constituting Title IX Sexual Harassment, made by the applicable standard of evidence

e. Rationale (or evidentiary basis) for the Findings of Fact related to each allegation, which should include an evaluation of the weight or Credibility of admissible, relevant evidence

f. A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility)

g. Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility

h. A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions

i. A statement of whether Remedies will be provided to the Complainant, using the phrase: “Remedies designed to restore or preserve equal access to Elizabethtown College’s Education Program or Activity will be provided by the College to the Complainant.” The nature of such Remedies will not appear in the Written Determination. Remedies that do not directly affect the Respondent will not be disclosed to the Respondent.

j. Information about how to file an Appeal and how to access the transcript or recording before the time to file an Appeal lapses.

The Title IX Coordinator is responsible for the effective implementation of any Sanctions or Remedies.
SANCTIONS

POSSIBLE SANCTIONS

The following sanctions and/or conditions may be imposed following a Determination of Responsibility for a violation of this Policy. The described range of sanctions is required by Federal law under Title IX and that the published range is purely for purposes of notice as to the possibility of a range of Remedies and disciplinary sanctions and does not reflect the probability that any particular outcome will occur.

a. Students

- **Formal Warning** is a written notice to the student that he/she has violated college policy and that continued behavior may lead to more significant disciplinary action.
- **Disciplinary Notice** is a written notice to the student that rises above a warning and carries additional educational sanctions and notifications. A student on Disciplinary Notice should be aware that subsequent violations of the Student Code of Conduct may jeopardize the student’s good standing with the College.
- **Disciplinary Probation** is written notice to the student that the student is not in good standing. The duration of the probation is determined by the Student Conduct Administrator. Disciplinary Probation status may negatively impact the student’s ability to participate in certain campus clubs and organizations. It may also impact the student’s eligibility for study abroad and other off-campus study, tuition remission, certain selective academic programs, campus leadership programs and positions, and campus employment opportunities. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student’s probationary status.
- **Disciplinary Suspension** is a written notice to the student that the student is separated from the College for one or more semesters. When a student is placed on Disciplinary Suspension, a VP for Student Life Hold is activated on the student’s account, the student is not permitted to register for classes, may not be on campus, and may not attend any college-sponsored events (on or off campus) without written permission from the Vice President for Student Life or designee. The suspended student will receive a “WF” in all current courses; the “WF” notation will appear on the student’s permanent transcript. Disciplinary Suspension will be noted on the student’s transcript through the length of the suspension period. In some cases, in order to allow the student to complete the current semester, disciplinary suspension may be deferred to begin the following semester. Special conditions, at the discretion of the Hearing Board or Appeal Officer, may apply during a deferred suspension. The College will not accept transfer credits earned at another institution during a period of disciplinary suspension. At the conclusion of the suspension period, the VP for Student Life may require a personal meeting to determine eligibility; return following a disciplinary suspension is not automatic as special conditions or considerations imposed by the Hearing Board or Appeal Officer may apply. Approval for re-entry
must be secured three weeks prior to the start of the new semester. Students who receive a sanction of disciplinary suspension will permanently forfeit their merit scholarship (if applicable). The merit scholarship will not be reinstated, even if the student is eligible to return after the suspension period has ended. The record of disciplinary suspension is maintained in the student’s confidential file for seven years. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student’s status.

- **Disciplinary Expulsion** is a written notice to the student that the student is permanently separated from the College for disciplinary reasons. An individual who has been expelled from the College is not permitted on campus for any reason without permission of the Vice President for Student Life. Disciplinary Expulsion is recorded on the student’s permanent transcript; the expelled student will receive a “WF” in all current courses as noted on the student’s permanent transcript. Documents supporting the student conduct decision are maintained in the student’s confidential file for seven years. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student’s status.

- **Advisor Notification/Conference** is notice to the student’s academic advisor, international student advisor or other program advisor. The advisor will be notified that the student has been found responsible for a violation of the Student Code of Conduct, and the student may be required to meet with the advisor.

- **Alcohol/Drug Assessment** requires student to complete an alcohol or other drug (AOD) assessment with a college staff counselor. The cost of an on-campus AOD assessment is $100 and requires two sessions. The student is responsible for the cost of the assessment and must provide evidence of successful completion.

- **Athletic Director Notification/Conference** is notice to the Department of Athletics. The Athletic Director will be notified that the student athlete has been found responsible for a violation of the Student Code of Conduct and the student athlete may be required to meet with the Athletic Director.

- **BASICS – (Brief Alcohol Screening & Intervention of College Students)** – Student will meet with a staff counselor to examine alcohol or other drug use in a judgment-free two-session process. Fee is $80.

- **CHOICES** – The student will attend a 90-minute alcohol abuse prevention and harm reduction session. Students are presented with educational information, and are encouraged to reflect in a personal journal on what they have learned as it relates to their choices about drinking. Fee is $50.

- **College Employer Notification/Conference** informs the student’s college employment supervisor that the student is responsible for a violation of the Student Code of Conduct; the student may be required to meet with the supervisor.

- **College Weekend Suspension** restricts the student from College property or any college-sponsored event held on/off campus during a designated weekend(s).

- **Community Service** requires the student to complete a service project in the College community, surrounding community, or student’s home community.
- **Educational Project** requires the student to review an article or video, write a paper, complete a project, etc. at the discretion of the Student Conduct Administrator.

- **Education** requires the student to participate in an educational session facilitated by a professional. Student is responsible for the cost of the educational program and must provide evidence of successful completion.

- **Fees or Fines** may be imposed in conjunction with any sanction at the discretion of the Student Conduct Administrator.

- **Group Deactivation** includes removal of College recognition and funding for a specified period of time.

- **Letter of Apology** requires student to explain decisions and to apologize for misconduct to members of the community.

- **Loss of Privileges** restricts participation in particular activities/programs or campus events. Denial of privileges may include, but is not limited to, ability to represent the College in any way, use of facilities, participation in co-curricular activities, holding a leadership position, housing lottery privileges and housing privileges including break housing. Loss of privileges may also apply to groups, athletic teams, clubs and organizations.

- **No Communication/No Contact** restricts the student from any contact, whether in person, electronic, or via third parties, with one or more students.

- **Parent/Guardian Notification** alerts student found responsible for a Student Code of Conduct violation that parent/guardian will be notified.

- **Residence Expulsion** results in student being permanently removed from college housing.

- **Residence Relocation** results in a student being administratively moved to a different on-campus residence.

- **Residence Restriction** results in restricted access to certain college housing buildings.

- **Residence Suspension** requires the student to terminate occupancy of on-campus residence for a specified period of time. Restricted access to residence halls during the period of suspension may also be involved. At the conclusion of the residential suspension period, the student must petition the Vice President for Student Life in writing for permission to return to the College. Return following a residential suspension is not automatic. Approval for re-entry into residential housing must be secured three weeks prior to the start of the new semester.

- **Restitution** requires student to make compensation for loss or damage to college property. This may take the form of appropriate service and/or monetary or material replacement.

- **Student Life Conference** requires the student to meet with the Vice President for Student Life or other student life administrator.

- **Student Skills for Life Classes** - A three-session interactive alcohol/drug education class held on campus. Fee is $125.
• **VP for Student Life Hold** blocks the student from registering for classes until expectations from the Office of Community Living are satisfied.

- **Withholding records or degree**
- **Revocation of admission and/or degree**

  b. **Employees**

- Termination of employment
- Revocation or denial of tenure
- Suspension
- Demotion
- Progressive discipline
- Warning
- Loss of pay or other pay adjustments
- Job transfer
- Change or restrictions in work location and/or job responsibilities
- Title IX Sexual Harassment education
- Restrictions on the Employee’s communications
- Limitations on the Employee’s movement in or on campus, programs, and activities

**FACTORS IN DETERMINING SANCTIONS**

In considering the appropriate sanction within the recommended outcomes, the Hearing Board may consider the following factors:

- Respondent’s prior discipline history;
- how the College has sanctioned similar incidents in the past;
- the nature of the conduct at issue, including whether there was violence;
- the impact of the conduct on the Complainant;
- the impact of the conduct on the College’s community, its members or property;
- whether the Respondent accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances, including the College’s values and the College’s obligation to eliminate Title IX Sexual Harassment, prevent its recurrence, remedy its effects, and to maintain an environment free from Title IX Sexual Harassment.

Respondent’s lack of comprehension that conduct constituting Title IX Sexual Harassment violates the bodily or emotional autonomy and dignity of a victim does not excuse the
misconduct, though genuine lack of understanding may, in the Hearing Board’s discretion, factor into the sanction decision.

**REMEDIAL ACTION**

The Hearing Board may consider other remedial actions that may be taken to address and resolve any incident of Title IX Sexual Harassment and to prevent its recurrence, including: strategies to protect the Complainant and any Witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any Witnesses, and the broader campus community, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

**FAILURE TO COMPLY WITH SANCTIONS**

Failure to comply with the sanctions or conditions imposed by the Hearing Board will result in action under Elizabethtown College’s student Code of Conduct, Faculty Handbook or Employee Handbook.

**EFFECTIVE DATE OF THE WRITTEN DETERMINATION**

The Written Determination becomes final only after the time period to file an Appeal has expired or after the Appeal decision has been sent to the Parties. The Written Determination will identify to whom any Appeal must be addressed.

**POSSIBLE NOTICE TO PARENTS**

The College reserves the right to notify parents of dependent students when student conduct has resulted in serious disciplinary sanctions. The College will observe all FERPA Laws and other applicable privacy laws when releasing information to parents. Thus, personally identifiable information and incident details may not be shared.

**APPEALS**

**FILING AN APPEAL**

The Parties have equal rights to file an Appeal. Appeals will be submitted to the Title IX Coordinator in writing electronically. Appeals must be submitted within five (5) Business Days of the issuance of the Notice of Dismissal or Written Determination that the Party seeks to appeal.

**GROUND FOR APPEAL**

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

1. **Procedural Irregularity that affected the outcome of the matter;**
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

3. 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; and/or,

4. The sanction imposed is substantially disproportionate to policy violation.

**ACTIONS UPON RECEIPT OF APPEAL**

1. The Title Coordinator shall designate a Decision-maker (the “Appeal Decision-maker”) to consider and decide any Appeal, chosen from the pool of Title IX Administrators.

2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Title IX Coordinator will give notice to the Parties of the appeal and of the identity of the Appeal Decision-maker.

3. The Parties will have two (2) Business Days after notice of receipt of the Appeal to request that the Title IX Coordinator remove the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial. The Title IX Coordinator will determine whether to remove the Appeal Decision-maker. If the Appeal Decision-maker is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If the Appeal Decision-maker is removed and replaced, the Parties will be sent simultaneous written notification of the name of the new Appeal Decision-maker.

4. When the time to request removal of the Appeal Decision-maker has run, the Appeal Decision-maker will be provided with the entire file provided to the Hearing Board, together with the Written Determination.

5. The Appeal Decision-maker will first determine whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. Within five (5) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties simultaneously that either (a) the Appeal has been rejected due to insufficient grounds, with the Appeal Decision-maker’s rationale, or (b) the Appeal has been accepted.

5. The non-appealing Party/ies will be entitled to submit a response to the Appeal, which must be sent to the Title IX Coordinator within five (5) Business Days of receipt that the Appeal was accepted.

6. The Appeal Decision-maker will then analyze all of the materials related to the Appeal and will take one of the following actions:

   a. Uphold the original decision

   b. Send the matter back to the Hearing Board for further consideration
c. Refer the matter to the Title IX Coordinator for further investigation or a new hearing with a new Hearing Board

7. The Appeal Decision-maker will issue its written decision on Appeal within ten (10) Business Days after the receipt of the non-appealing Party/ies response. If no response is submitted by the non-appealing Party/ies, then the written decision shall be issued within ten (10) Business Days after the date the response was due to be submitted.

8. The written Appeal decision, which will include the Appeal Decision-maker’s rationale, will be sent to the Parties simultaneously.

**APPEAL DECISIONS ARE FINAL**

A decision denying the entitlement to an Appeal and all decisions made by the Appeal Decision-maker are final.

**WHEN AN APPEAL IS NOT FILED**

The Parties will be notified if the time to file an Appeal has expired without any Appeal having been submitted.

**FORMAL COMPLAINT PROCESS TIMEFRAMES**

Measured from the conclusion of the investigation, Elizabethtown College strives to meet the following timeframes for the Formal Complaint Process. All days are measured in Business Days.

A. A Notice of Charge or Notice of Dismissal: The Notice of Charge or Notice of Dismissal will be sent to the Parties simultaneously within ten (10) Business Days of the conclusion of the investigation.

B. Notice of Live Hearing: As applicable, a Notice of Live Hearing will be sent the Parties simultaneously within ten (10) Business Days of the delivery of the Notice of Charge.

C. Challenge to Hearing Board Member: Within two (2) Business Days of receipt of the Notice of Live Hearing, Parties have the right to make a written request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

D. Live Hearing: The Live Hearing will begin no sooner than ten (10) Business Days after the Notice of Charge is issued, no sooner than five (5) Business Days after the Notice of Live Hearing, and no later than twenty (20) Business Days after the Notice of Live Hearing is issued.

E. Written Determination following a Live Hearing: Following a Live Hearing, the Written Determination will be sent to the Parties simultaneously within fifteen (15) Business Days of the conclusion of the Live Hearing.

F. Appeals:
1. Parties must file an Appeal within five (5) Business Days of receipt of the Written Determination.

2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Appellant and non-appealing Party/ies will receive written notice that an Appeal has been submitted and the identity of the Appeal Decision-maker.

3. The Parties will have two (2) Business Days after notice of receipt of the Appeal to request that the Title IX Coordinator remove a member of the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

4. Within five (5) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties either accepting or rejecting the Appeal.

5. The Appeal Decision-maker will issue its written decision on Appeal within ten (10) Business Days after the receipt of the non-appealing Party/ies response to the Appeal.

INFORMAL RESOLUTION

OPTION FOR VOLUNTARY INFORMAL RESOLUTION

Elizabethtown College offers a voluntary process for Formal Complaints to be addressed through Informal Resolution. 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 Informal Resolution process is available to the Parties only after a Formal Complaint is filed and before a Determination of Responsibility or No Responsibility is issued. The Informal Resolution process is never available where a Formal Complaint alleges that a College Employee engaged in Title IX Sexual Harassment toward a student.

All Parties’ participation in the Informal Resolution process must be voluntary. In order to initiate the Informal Resolution process, each Party must sign the “Consent to Informal Resolution Process” form and submit it to the Title IX Coordinator. When all Parties to a Formal Complaint have submitted the consent forms, the College will pause the Formal Complaint Process, including any ongoing investigation or hearing, for a period of fifteen (15) Business Days (unless a shorter or longer time is set by the Title IX Coordinator), to allow the Parties to proceed with the Informal Resolution Process. The time period during which the Formal Complaint Process is paused for the Informal Resolution Process shall not count toward the time periods set forth to conclude the Formal Complaint Process.

NOTICE PRIOR TO INFORMAL RESOLUTION

Prior to the beginning the Informal Resolution process, the Title IX Coordinator will provide notice of the allegations of the Formal Complaint and will direct the Parties’ attention to the Informal Resolution provisions of this Policy.
ROLE OF THE FACILITATOR

The Facilitator will decide the process and procedures to be used in the Informal Resolution process but shall not take actions inconsistent with this Policy. The Facilitator will treat the Parties fairly and equitably. Each Party may be accompanied by their Advisor during any portion of the Informal Resolution process. The Facilitator may meet with the Parties separately, may share information obtained during the course of any investigation with the Parties, may make suggestions about the terms of an Informal Resolution, and may take other reasonable steps to assist the Parties in determining if they can reach an Informal Resolution. The Facilitator shall not require the Parties to meet together, in-person, unless the Parties agree to do so.

If the Parties reach an agreement to resolve a Formal Complaint informally, the Facilitator shall create a written agreement that lists the terms of the Informal Resolution for the Parties to sign. A Party may withdraw from the Informal Resolution process at any time before they sign a written document agreeing to an Informal Resolution and within 48 hours after the Party signs the written agreement. If a Party timely withdraws from the informal resolution process, then the College shall resume the Formal Complaint Process.

Under no circumstances may the Facilitator be called as a Witness in the Formal Complaint Process.

APPROVAL OF INFORMAL RESOLUTION BY TITLE IX COORDINATOR

If no Party withdraws from the written agreement within 48 hours, the agreement shall be presented to the Title IX Coordinator for final approval and implementation. The Title IX Coordinator shall give deference to the Parties’ agreement but shall not approve an agreement that the Title IX Coordinator determines to be impractical, unduly burdensome, or inconsistent with the College’s obligations under this Policy, Title IX, or another applicable law or policy. If the Title IX Coordinator disapproves the Parties’ written agreement, the Facilitator and the Parties may agree to modify and resubmit the agreement. If they do not agree to do so and/or do not submit a modified written agreement, then the Title IX Coordinator shall resume the Formal Complaint Process.

RETAILATION

Neither the College nor any other person may retaliate against an individual who has participated or refused to participate in any matter addressed under this Policy. Retaliation includes any action to intimidate, threaten, coerce, or discriminate against an individual (a) for the propose of interfering with any right or privilege secured by Title IX or its implementing regulations; or (b) because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy. Retaliation is also prohibited against individuals involved in matters that do not arise under this policy but arise out of the same facts or circumstances as a Report or Formal Complaint of sex discrimination or sexual harassment. Retaliation is a violation of College Policy. Any allegations of retaliation related to a Report or Formal Complaint Process will be referred to the appropriate process of resolution, even if such process runs concurrent with a Formal Complaint Process under Title IX. The outcome of any
proceedings called to resolve retaliation in relationship to a Report or Formal Complaint Process must be reported back to the Title IX Coordinator.

**WRITTEN NOTIFICATION OF AVAILABLE RESOURCES**

The College will provide to students and employees information about support and assistance granted to victims of sexual assault, stalking, dating violence or domestic violence. The support and assistance the College can provide includes accessing advocacy resources; academic support; counseling, disability, health or mental health services; legal assistance; visa/immigration assistance (both within the College and in the community); transportation and will provide other security and support measures as appropriate, including by issuing a no-contact order, arranging a change of living or work assignment or class schedules (including for the Respondent pending the outcome of an investigation), or making adjustments for assignments or tests, etc. and assisting with reporting crimes to local law enforcement if the victim chooses. This information is available on the Elizabethtown College Title IX webpage and in informational brochures available in Human Resources, the Office of the Sr. Vice President for Academic Affairs, Community Living, Campus Security, Office of the Vice President for Student Life, Disability Services and Student Wellness.

**RECORDKEEPING**

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

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

- documentation of any Report of alleged 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 Investigation Report;
- the audio recording, audiovisual recording, or transcript of any Live Hearing;
- the Written Determination;
• any Appeal and Written Appeal Decision;
• records of the sanctions and/or remedies;
• records of any other steps taken to restore or preserve equal access to the College’s Education Program or Activity,
• any written agreement of an informal resolution; and
• a statement documenting the basis for the College’s conclusion that its response to a report or formal complaint was not deliberately indifferent.

The College shall also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-makers, and Facilitators and a copy of each version of its Title IX Policy on Sex Discrimination.

MODIFICATIONS TO THIS POLICY

This Policy may be modified from time-to-time, during an academic year or otherwise, in the College’s discretion and as may be required by law. College Employees and Students will be notified whenever this Policy is modified. The policy and procedures posted on the website https://www.etown.edu/offices/diversity/titleix/sexual-harassment-policy.aspx are the most current.

GLOSSARY OF DEFINED TERMS

Advisor: A person selected by a Complainant or Respondent to support Complainant or Respondent or a person appointed by the College to ask Cross-examination Questions, if the Party has not selected another Advisor for the Live Hearing.

Administrative Leave: Temporary separation from a person’s job, with or without pay and benefits intact, as determined by the College and any relevant obligations binding the College.

Appeal: An objective review of the prior process and outcome unless new evidence must be considered.

Appeal Decision-maker: An individual that decides an Appeal. An Appeal Decision-maker cannot be the Investigator, the Title IX Coordinator, or members of the Hearing Board.

Appellant: A person who files an Appeal.

Business Days: Any day, excluding Saturday, Sunday, federal and state holidays, or days when the institution is closed.

Campus Official: An Employee of the College who has authority to institute corrective measures on behalf of the College.

Complainant: An individual who is alleged to have been the target of conduct that could constitute Title IX Sexual Harassment under this Policy, whether or not the individual has filed a Formal Complaint.

Consent: Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as
those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When Consent is withdrawn or can no longer be given, sexual activity must stop.
- While consent is not defined by Pennsylvania law, a person commits a sexual offense in Pennsylvania if done so by forcible compulsion, which is defined as “Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person’s death, whether the death occurred before, during, or after sexual intercourse.
(18 Pa. C.S.A. §3101)

Credibility: The worthiness of belief of information shared by a Party or a Witness.

Cross-examination Questions: Relevant questions and follow-up questions, including questions challenging Credibility. Cross-examination Questions are intended to give the Parties equal opportunity to meaningfully challenge the plausibility, reliability, Credibility, and consistency of the information provided by the other Party and Witnesses so that the outcome of each individual case is more likely to be factually accurate.

Dating Violence: Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and, (b) where the existence of such a relationship shall be determined by (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Title IX and VAWA require that the College use this definition, of Dating Violence.

While dating violence is not a specific crime in Pennsylvania, the act of dating violence would be covered under existing statutes related to assault and/or domestic abuse.

Pennsylvania law defines domestic abuse as an occurrence of one or more of the follow acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault,
statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. (2) Placing another in reasonable fear of imminent serious bodily injury. (3) The infliction of false imprisonment (4) Physically or sexually abusing minor children or (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. (23 Pa. C.S.A §6102).

**Decision-maker:** A person or persons designated to conduct Live Hearings, to decide whether or not a violation of this Policy has or has not occurred, to determine disciplinary sanctions and Remedies when a violation has occurred, and/or to decide Appeals. Decision-makers may or may not be Employees of the College. Decision-makers are trained on the definition of Title IX Sexual Harassment, the scope of the College’s program or activity, the Formal Complaint Process, Relevance, the technology to be used at a hearing, how to conduct hearings and Appeals, and how to serve impartially.

**Determination of Responsibility or No Responsibility:** A determination by the Hearing Board regarding whether the conduct of Respondent found to have occurred (the Findings of Fact) violates this Policy.

**Domestic Violence:** 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 spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, 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 state. Title IX and VAWA require that the College use this definition of Domestic Violence.

**Pennsylvania law defines domestic abuse** as an occurrence of one or more of the follow acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. (2) Placing another in reasonable fear of imminent serious bodily injury. (3) The infliction of false imprisonment (4) Physically or sexually abusing minor children or (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. (23 Pa. C.S.A §6102).

**Education Program or Activity:** Locations, events, or circumstances over which Elizabethtown College exercises substantial control over the Respondent and the context in which the conduct allegedly constituting Title IX Sexual Harassment occurred. Education program or Activity includes any building owned or controlled by the College, and/or by a student organization that is officially recognized by the College.

**Employee:** Faculty, staff, administrator, and any other individual employed by the College in any capacity or role, except not including a person who is also enrolled as a full-time student of the College.
**Exculpatory Evidence:** Evidence, such as a Statement, tending to excuse, justify, or absolve the alleged fault or responsibility of a Respondent.

**Facilitator:** A person or persons designated to facilitate an Informal Resolution of a Formal Complaint. Facilitators may or may not be Employees of the College. Facilitators are trained on the definition of Title IX Sexual Harassment, the scope of the College’s program or activity, how to conduct an Informal Resolution process, and how to serve impartially.

**Formal Complaint:** A document signed by a Complainant or a Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the allegation(s) be investigated.

**Formal Complaint Process:** The process for investigating and resolving a Formal Complaint.

**Findings of Fact:** A Hearing Board’s decision regarding what occurred.

**Hearing Board:** A single Decision-maker or group of Decision-makers who conduct the Live Hearing. A member of the Hearing Board cannot be the same person(s) as the Title IX Coordinator or the Investigator.

**Inculpatory Evidence:** Evidence that shows or suggests that a Respondent engaged in the alleged Title IX Sexual Harassment.

**Informal Resolution:** A voluntary process that allows the Parties to engage in discussions in an attempt to come to an agreement, subject to approval by the Title IX Coordinator to resolve a Formal Complaint that does not involve a full investigation, hearing, and/or determination.

**Investigator:** A person or persons, internal or external to the College, designated by the Title IX Coordinator to investigate the allegations of a Formal Complaint. An Investigator may also be the Title IX Coordinator but may not be a member of the Hearing Board or the Appeal Decision-maker. Investigators are trained on the definition of Title IX Sexual Harassment, the scope of the College’s program or activity, the Formal Complaint Process, Relevance, how to conduct an investigation, how to create an investigation report, and how to serve impartially.

**Live Hearing:** A hearing where all Parties can see and hear each other in real time, whether in the same location or connected via technology.

**Notice of Charge:** A notice sent to the Parties detailing the allegations potentially constituting Title IX Sexual Harassment (the charges) and indicating that charges and information gathered during an investigation will proceed to the Formal Complaint Process for evaluation.

**Notice of Dismissal:** written notice of the Title IX Coordinator’s decision to dismiss a Formal Complaint, including the basis of the decision.

**Notice of Investigation:** A written notice to the Parties commencing the Formal Complaint Process.

**Notice of Live Hearing:** The letter sent to the Parties providing notice that allegations falling with the scope of this Policy will proceed to a Live Hearing.

**Party or Parties:** Individuals who are Complainants and Respondents in a Formal Complaint Process. When referencing the Complainant, the Respondent may be referred to as the “other
Party” and when referencing the Respondent, the Complainant may be referred to as the “other Party.”

Procedural History: A section of the Written Determination describing the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties; the date Respondent received notice of the allegation; the investigation process; and hearings held.

Regarding the description of the investigation process, the Procedural History section should include: which Parties and Witnesses were interviewed and when; site visits; methods used to gather evidence; what type of evidence was reviewed; and the process undertaken to inspect and review the evidence and to disseminate the investigation report, including timelines. The Written Determination should include any actual or perceived procedural issues. For example, if a process was delayed for good cause, that delay should be explained in the Written Determination. Likewise, if the Parties requested that the Investigator follow certain “leads” that the Investigator was not reasonably able to pursue based on a lack of time, resources, or the unavailability of Witnesses, that should be addressed in the timeline.

Procedural Irregularity: A failure to follow the College’s own procedures.

Rape Shield Protections: Rules that protect Complainants from questions about or submission of evidence regarding the Complainant’s sexual predisposition or prior sexual behavior except in very limited circumstances.

Relevance: Information that is relevant directly relates to the allegations in dispute, and, therefore, is probative of a material fact concerning the allegations. Information that is not relevant includes information protected by a legally recognized privilege; evidence about a Complainant’s prior sexual predisposition or prior sexual behavior unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or offered to prove Consent, where Consent is at issue (and it concerns specific instances of sexual behavior with Respondent); any Party’s medical, psychological, and similar records unless the Party has given voluntary, written consent; Party or Witness Statements that have not been subjected to Cross-examination at a Live Hearing; and evidence duplicative of other evidence.

Remedies: Measures taken by the College following a Determination of Responsibility on the part of Respondent 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.

Report: The submission (disclosure) of information to the Title IX Coordinator or a Responsible Administrator 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 Formal Complaint Process.

Respondent: Any individual who has been alleged to have engaged in conduct that could violate this Policy.

Sexual Assault: Any conduct that would constitute a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes the following prohibited conduct:
• **Rape** - the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of both males and females.
  - *Pennsylvania law defines rape* as a felony in the first degree when a person engages in sexual intercourse with a complainant: (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or (5) who suffers from a mental disability which renders the complainant incapable of consent. (18 Pa. C.S.A. §3121).
  - *Pennsylvania law defines sexual assault* as a felony in the second degree when, except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. (18 Pa. C.S.A. §3124.1).
  - *Pennsylvania law defines involuntary deviate sexual intercourse* as a felony in the first degree when a person engages in deviate sexual intercourse with a complainant: (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or (6) (Deleted by amendment); (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other. (18 Pa. C.S.A. §3123).

• **Fondling** - touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - *Pennsylvania law defines aggravated indecent assault* as an occurrence, except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), where a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant’s consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is
unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. §3125).

- **Pennsylvania law defines indecent assault** when a person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. §3126).

- **Incest** - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - nonforcible sexual intercourse with a person who is under the statutory age of consent.
  - **Pennsylvania law defines statutory sexual assault** as a felony in the second degree when a person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant. Statutory sexual assault is considered a felony in the first degree when a person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A §3122.1).

Title IX and VAWA require that the College use this definition of Sexual Assault.
Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress. Title IX requires that the college use this definition of Stalking.

Pennsylvania law defines stalking when a person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. (18 Pa. C.S.A §2709.1).

Standard of Evidence: The Standard of Evidence reflects the degree of confidence that a Decision-maker has in the correctness of the factual conclusions reach. The College will apply the Preponderance of Evidence Standard of Evidence to matters within the scope of this Policy.

Statement: Evidence that constitutes a person’s intent to make factual assertions.

Supportive Measures: Non-disciplinary and non-punitive services that are offered, without fee or charge, by the College on an individualized basis to a Complainant or Respondent that are designed to restore or preserve equal access to the College’s Education Program or Activity without unreasonably burdening the other Party.

Title IX Coordinator: The person or persons designated by the 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.

Title IX Sexual Harassment: Conduct, on the basis of sex, that occurs within the College’s Education Program or Activity within the United States, and that involves:

- an employee of the College conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s Education Program or Activity;
- Sexual Assault;
- Dating Violence;
- Domestic Violence; or,
- Stalking.

Witness: A person who has seen, heard or otherwise has knowledge or information relevant to an alleged violation of this Policy, but not including the Investigator. The Investigator and Hearing Board meet with Witnesses at their request and at the suggestion of the Parties.

Written Determination: A letter delivered simultaneously to the Parties that describes the Hearing Board’s decision regarding responsibility, which must be supported by evidence.
Pennsylvania law applies the following definitions to sexual offenses (18 Pa. C.S.A. §31):

"Complainant." An alleged victim of a crime under this chapter (18 Pa. C.S.A. §31).

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

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

"Foreign object." Includes any physical object not a part of the actor's body.

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

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

"Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required. (18 Pa. C.S.A. §3101).

RELATED COLLEGE POLICIES

It is possible that an alleged occurrence or series of occurrences giving rise to a report of sexual harassment (or other conduct prohibited under this Policy) may relate to conduct prohibited under other College policies. For example, alleged sexual harassment that is motivated in part by racial or ethnic discrimination would, if proven by a preponderance of the evidence, violate both this Policy and the College's Policy Against Discrimination, Harassment, and Bullying. In situations like this example where alleged prohibited conduct falls under both (a) this Policy and (b) any other policy of the College, the procedures outlined in this Policy control.

However, the Title IX Coordinator has the discretion to sever from the proceedings under this Policy the fact finding, adjudication, or sanctioning related to the alleged violation of a different College policy. If the Title IX Coordinator so exercises this discretion, this Policy will govern the processes and procedures related to the resolution of the alleged sex discrimination (in whatever form that falls under this Policy), while the policies and procedures of any other relevant College policy will govern the resolution of the other alleged misconduct.

POLICY ON PROHIBITED RELATIONSHIPS BETWEEN COLLEGE EMPLOYEES AND STUDENTS

Dating, romantic, or sexual relations between College employees (faculty, staff and administrators) and students, even if consensual, can negatively affect the educational
environment for students. Members of the faculty and staff are expected to maintain professional relations with all students, act in accordance with standards of professional conduct and avoid conflicts of interest, favoritism, bias or creation of a hostile environment for students.

Moreover, a consensual romantic relationship or sexual relationship between an employee and a student enrolled at the College can compromise professional standards and expose both the employee and the College to claims of harassment or unlawful discrimination—for example, from the student involved or from other students who allege they were disadvantaged because of the employee’s unprofessional relationship with one of their peers.

Accordingly, the College prohibits consensual romantic or sexual relationships between employees (faculty, staff, and administrators) and students. An employee found to be engaged in a romantic or sexual relationship with a student will be subject to disciplinary action up to and including dismissal or release.

Employees who are married to or are a domestic partner of a student (as defined under Domestic Partner Benefits) are exempt. In situations where such a pre-existing relationship exists, the individual with the supervisory, teaching, advisory, or evaluative position over the student must immediately inform the relevant supervisor, Chair, Dean, or the Director of Human Resources of the conflict of interest. Necessary steps will be taken to resolve the conflict and eliminate any appearance of favoritism or advantage and/or inconsistencies in other College policies.

**POLICY REGARDING PROTECTION OF MINORS ON CAMPUS**

Any member of the Elizabethtown College community, employee or student employee, who encounters a minor (child under the age of 18) on campus or at an off-campus sponsored event, and suspects that the minor has been the victim of child abuse, must report the incident, irrespective of the seriousness of the incident. In such cases, the suspected abuse should be reported immediately to Campus Security, the College ECTipline (toll free 855.696.1899 or web-assisted on the EC Tipline Webpage), a Human Resources official, the Department of Public Welfare Childline (800.932.0313), or local law enforcement by calling 911.

Please refer to the Policy Regarding Minors on Campus for more information.

**DISCLOSURE OF CRIME STATISTICS**

The Pennsylvania Uniform Crime Reporting Act Statistics

The Pennsylvania Uniform Crime Reporting Act mandates the release of crime statistics and rates to matriculated students and employees, and upon request, to new employees and applicants for admission. The index rates are calculated by multiplying the actual number of reported offenses by 100,000 (a theoretical population for comparison purposes), and dividing that product by the number of the College’s Full Time Equivalent (FTE) students and employees. The statistics this table reflect the number of incidents reported to the College’s
Department of Campus Security (but do not include reports from other campus security authorities, referrals from campus disciplinary authorities, or reports from local law enforcement; as required for Clery reporting). They do not indicate actual crime prosecution or student disciplinary action, or the outcome of either. Please note that the State crime classifications vary from the crime classifications under federal law, as reported in accordance with the Clery Act statistics reflected in this report.

<table>
<thead>
<tr>
<th>Crime</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td>Homicide</td>
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<td>Rape</td>
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<td>Simple Assault</td>
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**CLERY ACT CRIME STATS FOR 2017, 2018, and 2019**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the release of statistics for certain criminal incidents, arrests and disciplinary referrals on campus to all students and employees. The law requires that these statistics be shown in specific geographic categories. The following statistics are provided in compliance with the specific time periods, crime classifications, geographic categories and arrest data mandated by federal law. Please note that these statistics use federal crime classifications which vary from the crime classifications under state law, which are also published in this brochure. The statistics reported in the tables below reflect the number of incidents reported to the Department of Campus Security, local law enforcement, and/or campus security authorities.
They do not indicate actual criminal prosecution or student disciplinary action, or the outcome of either.

Under the Clery Act, the **number of victims involved** in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Forcible Sex Offenses (Rape, Fondling), Non-Forcible Sex Offenses (Incest, Statutory Rape), and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes **one offense per distinct operation**: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, the statistics indicate the number of people referred to the Office of Community Living (if the person referred was a student) or the Department of Human Resources (if the person referred was an employee) for possible disciplinary action for violations of those specific laws.
GEOGRAPHY DEFINITIONS FROM THE CLERY ACT

All crimes disclosed above, including hate crimes, are categorized based on the geographic locations of where the crimes took place as On Campus, Non Campus, and Public Property. The definitions are described as such:

On-Campus-Defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is
frequently used by students and supports institutional purposes (such as a food or retail vendor).

**On-Campus Residential:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. An institution that has on-campus student housing facilities must separate disclose two sets of on campus statistics – the total number of crimes that occurred on campus, including crimes that occurred in student housing, and the number of crimes that occurred in on campus student housing as a subset of the total.

**Non-Campus Building Or Property-Defined as:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property-Defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Elizabethtown College crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries. *(See CAMPUS MAP-Appendix A)*

**CRIME DEFINITIONS FROM THE CLERY ACT**

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter by Negligence:** the killing of another person through gross negligence.

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

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could cause serious potential injury is used.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. This definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)
Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Domestic Violence: The term “domestic violence” means a felony or misdemeanor crime 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 in which the crime of violence occurred, 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 in which the crime of violence occurred.

Dating Violence: The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse of the threat of such abuse.

Stalking: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

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

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

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

HATE CRIME STATISTICS

Elizabethtown College is also required to report statistics for hate (bias) related crimes by the type of bias for the following classifications: Homicide, Sex Offenses (Rape, Fondling, Incest, Statutory Rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson (see definitions above) and Larceny, Vandalism, Intimidation, and Simple Assault (see definitions below). A hate crime occurs when the actor commits one of these crimes and the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim’s race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assaults a victim,
which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim’s race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability, the assault is then also classified as a hate/bias crime.

The institution must disclose reports of hate crimes that occurred on each of the four geographic areas: On campus, On campus-residential, Non Campus Buildings or Property, and Public Property (see definitions on page 82).

Hate crimes are reported in narrative form and are separated by category of prejudice.

<table>
<thead>
<tr>
<th>Hate Crime Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017</strong></td>
</tr>
<tr>
<td>One On Campus Intimidation - Race and Sexual Orientation reported.</td>
</tr>
<tr>
<td>No hate crimes reported on Non-Campus Property nor Public Property.</td>
</tr>
<tr>
<td><strong>2018</strong></td>
</tr>
<tr>
<td>One On Campus Res Hall Intimidation - Sexual Orientation reported.</td>
</tr>
<tr>
<td>One On Campus Res Hall Burglary – Gender Identity reported.</td>
</tr>
<tr>
<td>One On Campus Res Hall Assault – Gender Identity reported.</td>
</tr>
<tr>
<td>No hate crimes reported on Non-Campus Property nor Public Property.</td>
</tr>
<tr>
<td><strong>2019</strong></td>
</tr>
<tr>
<td>No hate crimes reported</td>
</tr>
</tbody>
</table>

**UNFOUNDED CRIME STATISTICS**

Starting with reports due in the year 2015, higher education institutions have been required to disclose the number of unfounded crimes reported and therefore withheld from crime statistics. An unfounded crime is defined as a report that has been deemed to be false or baseless through a full investigation by a sworn law enforcement agency. Statistics on those crimes are presented in narrative form. A false report means there is available evidence to establish that the crime reported was not completed nor attempted. A baseless report means the allegations reported did not meet the elements of the crime or were improperly classified as crimes in the first place. Unfounded crime statistics are reported in narrative form.

<table>
<thead>
<tr>
<th>Unfounded Crime Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017</strong></td>
</tr>
<tr>
<td>No crimes reported were later determined to be unfounded</td>
</tr>
<tr>
<td><strong>2018</strong></td>
</tr>
<tr>
<td>No crimes reported were later determined to be unfounded</td>
</tr>
<tr>
<td><strong>2019</strong></td>
</tr>
<tr>
<td>No crimes reported were later determined to be unfounded</td>
</tr>
</tbody>
</table>
ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act became law in August 2008 and requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards and all fire related on-campus statistics. It is the policy of Elizabethtown College to provide faculty, students, staff and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the college’s fire safety programs is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency. This goal is accomplished by (1) conducting periodic fire safety inspections of all campus buildings and (2) increasing the fire safety awareness of employees and students by conducting periodic training on basic fire safety and review procedures to follow in case of a fire. The residential halls are covered with fire alarm systems which are monitored 24 hours per day, seven days a week by Campus Security. Hackman Apartments are additionally equipped with a sprinkler system. The following public disclosure report details all information required by this law.

IMPROVEMENTS IN FIRE SAFETY

The College conducts annual inspections of all fire systems in residences halls. The College is planning to install a full sprinkler system in Ober Hall during the next major renovation of that building.

FIRE SAFETY POLICIES

In order to improve fire safety at Elizabethtown College, the following policies are in effect:

- Electrical Appliances: Electrical outlets must not be overloaded. Students may use electrical devices in their rooms so long as the voltage demand does not exceed 115 volts, such as: radio, TV, CD, DVD, lamps, fans, and computers. Large amp speakers and sub-woofers are prohibited. Microwave ovens are permitted, however heating and cooking appliances with exposed elements (including hot plates and space heaters) may not be used because of potential fire hazards. Hot tubs are prohibited.
- Grills: George Foreman grills are permitted on campus and college-owned grills may be used with permission from Community Living. Other grills are strictly prohibited.
- Halogen Lamps: Due to safety hazards associated with halogen lamps, their use is prohibited in student housing
- Portable Heaters: Due to the safety hazards associated with space heaters, all portable heaters are prohibited. If, for documented medical reasons, you require room temperatures higher than 70 degrees, please call Facilities Management for an approved supplemental heater.
- Potential Fire Hazards: Flammable materials are strictly prohibited in college housing. Candles are permitted in College owned housing for decorative purposes only, but may not be burned. Open flames of any kind, including incense, are not permitted. No materials or items (including tapestries) may be placed over exit signs, fire doors, or any electrical/HVAC fixture. Live Christmas trees are prohibited except those provided by
the College and placed in designated locations in the residential facilities. Any decorations used must be made of flameproof or fire-resistant materials. Hoverboards are not permitted in College buildings or on College property. The College reserves the right to require students to alter, change or remove any items deemed unsafe and hazardous.

- Smoking: Smoking is prohibited in all campus buildings including college housing.

**FIRE DETECTION/SUPPRESSION SYSTEMS**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackman South Apartments</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Hackman North Apartments</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Founders Hall</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Brinser Hall</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Ober Hall</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Myer Hall</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Royer Hall</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schlosser Hall</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>435 E. College Avenue</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>437 E. College Avenue</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>520 S. Mount Joy Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>530 S. Mount Joy Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>540 S. Mount Joy Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>604 S. Mount Joy Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>630 S. Mount Joy Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>573 E. College Avenue</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>999 E. College Avenue</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schreiber Quad A</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schreiber Quad B</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schreiber Quad C</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schreiber Quad D</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Schreiber Quad E</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
</tbody>
</table>

All Elizabethtown College residential facilities have Fire Detection systems and Fire extinguishers within the buildings. Hackman North Apartments and Hackman South Apartments feature a full sprinkler fire suppression system. Ober Hall, Brinser Hall and Myer Hall feature a partial sprinkler system. The Fire Detection system will alarm when products of combustion are sensed or when one of the pull stations is activated. Pull stations are generally located close to the exits. All residence buildings are equipped with smoke detectors. Yearly inspections are conducted by Facilities Management, Community Living, and local service providers. Batteries
Emergency lighting is installed in all buildings on campus. Some are battery powered and some are powered by a generator. They are intended to provide lighting in stairwells and hallways during times of emergency and/or when there is a loss in electrical power.

- Exit Signs: Exit signs are installed to direct students to exits during times of emergency. It is important that they be illuminated at all times. If they are not illuminated, contact Facilities Management at 717.361.1408.

- Fire Extinguishers: Fire extinguishers are strategically located throughout all residence halls, townhouses, apartments, and SDLC’s. Students are encouraged to take the time to know where extinguishers are located, particularly those closest to their rooms. Resident assistants will familiarize students with the location of fire extinguishers. Extinguishers should be used on small fires only. If there is a large fire (working fire) leave the building immediately.

- Smoke Detectors: Each residence hall room has a smoke detector that is monitored and supervised by Campus Security. It is important that the detectors remain in working order. If a problem is noted, it should be reported to Campus Security at 717.361.1264.

A student who knowingly tampers with a life safety system at Elizabethtown College may be fined up to $1,000. Should this same individual repeat such behavior, the individual will face disciplinary action which can result in separation from the College. The College may refer life safety violations to local law enforcement.

**FIRE LOG**

Campus Security maintains a combined Daily Crime Log and Fire Log of all incidents reported to Campus Security. The Daily Crime and Fire Log discloses information related to any fire that occurs in an on campus student housing facility and includes the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire. The log also include all crimes that occur on campus, including non-campus buildings or properties, on public property or within the college’s jurisdiction of crimes reported to Campus Security by area police. The Daily Crime and Fire Log includes the date and time the report was received, the date and time the incident occurred, the nature of the offense, the location of the offense and the disposition. The log can be viewed online by visiting the Campus Security website, or at the Campus Security Office during regular business hours (8AM – 5PM Monday through Friday, except Holidays) at 605 South Mount Joy Street.

**HOW TO REPORT A FIRE**

Students, faculty and staff should report the occurrence of a fire to Campus Security at 717.361.1111. For fire emergencies and immediate fire service response, call 911.
FIRE EVACUATION PROCEDURES

In the event of fire, immediately move to the closest exit alerting others to exit the building. If the fire alarm system has not been activated, activate a pull station along the way. Proceed to the designated assembly point and remain until dismissed by the officer in charge. Under no circumstances should students reenter the building until they are told that it is safe. Students should call ext. 1111 on campus or 717.361.1111 off campus, and report the fire when they are out of harm’s way. Notify your resident assistant or the area coordinator immediately.

- Remain calm
- Turn off equipment and appliances
- Check if your door is hot or has smoke around it. If so, stay in your room and wait for firefighters to evacuate you
- Close, but do not lock, doors and windows
- Proceed to the nearest exit. Use the stairs only, DO NOT use the elevators

<table>
<thead>
<tr>
<th>Building</th>
<th>Assembly Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brinser</td>
<td>Lawn between Ober &amp; Brinser</td>
</tr>
<tr>
<td>Founders</td>
<td>College Hill (grass area between Founders and Bowers)</td>
</tr>
<tr>
<td>Hackman Apartment</td>
<td>Wolf Field</td>
</tr>
<tr>
<td>Myer</td>
<td>Lawn between Myer and Cedar Street</td>
</tr>
<tr>
<td>Ober</td>
<td>Lawn between Ober &amp; Brinser</td>
</tr>
<tr>
<td>Quads</td>
<td>Lawn between Wolf Field and Soccer Stadium</td>
</tr>
<tr>
<td>Royer</td>
<td>Dell</td>
</tr>
<tr>
<td>Schlosser</td>
<td>Dell</td>
</tr>
<tr>
<td>SDLC Houses</td>
<td>Sidewalk in front of house to the left</td>
</tr>
</tbody>
</table>

FIRE SAFETY EDUCATION AND TRAINING

All students living in residence halls receive fire safety education at the start of each academic year. Students living in the Student Directed Learning Communities (SDLCs) receive fire safety education and training related to cooking fires and smoke detectors. On an annual basis, Resident Assistants and Campus Security Student Patrol Officers receive training on the proper operation of fire extinguishers and evacuation procedures.

The Safety Committee provides general safety training, including fire safety, to all employees during New Employee Orientation. Specific fire safety training is coordinated with each department based on job responsibilities.

FIRE DRILLS

At least one fire drill will be held each semester. Designated assembly points exist for each residential facility (see table above). At the time of the drill each student will move to the closest exit and proceed to the assigned assembly point where a student accountability check
will be conducted. Remain at your assigned place outside the building until you are told you may return to your room. Failure to vacate during fire drills will result in judicial action.

**DISCLOSURE OF FIRE STATISTICS**

Elizabethtown College is required to disclose statistics on fires that have occurred in on-campus, student housing facilities for the past three years. Statistics include the name and address of the housing facility, the number of fires reported and the cause of each fire, the number of fire-related injuries that resulted in treatment at a medical facility and deaths related to each fire, and the value of property damage caused by the fire.

The following table sets forth information about all fires that occurred in on-campus residence facilities during calendar year 2017.

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>Street Address</th>
<th>Fires</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Cause</th>
<th>Value/Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackman South</td>
<td>910 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hackman North</td>
<td>903 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Founders Hall</td>
<td>800 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Brinser Hall</td>
<td>601 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ober Hall</td>
<td>501 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Myer Hall</td>
<td>401 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Royer Hall</td>
<td>531 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schlosser Hall</td>
<td>400 E College Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Maple House</td>
<td>435 E College Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Maple House</td>
<td>437 E College Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sauder House</td>
<td>520 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hackman House</td>
<td>530 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White House</td>
<td>540 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>International House</td>
<td>604 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cedar House</td>
<td>625 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Myers House</td>
<td>999 E College Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>SDLC</td>
<td>573 E College Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>SDLC</td>
<td>831 E College Ave</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>SDLC</td>
<td>630 S Mount Joy St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schreiber Quad A</td>
<td>600 Campus Rd A</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schreiber Quad B</td>
<td>600 Campus Rd B</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schreiber Quad C</td>
<td>600 Campus Rd C</td>
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<td>0</td>
</tr>
<tr>
<td>Schreiber Quad D</td>
<td>600 Campus Rd D</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schreiber Quad E</td>
<td>600 Campus Rd E</td>
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<td>0</td>
</tr>
</tbody>
</table>

SDLC: Student Directed Learning Community
The following table sets forth information about all fires that occurred in on-campus residence facilities during calendar year 2018.

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>Street Address</th>
<th>Fires</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Cause</th>
<th>Value/Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackman South</td>
<td>910 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hackman North</td>
<td>903 E Cedar St</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>Unintentional-Unattended Cooking</td>
<td>$0-$100</td>
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<tr>
<td>Founders Hall</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Brinser Hall</td>
<td>601 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ober Hall</td>
<td>501 E Cedar St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Myer Hall</td>
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SDLC: Student Directed Learning Community
The following table sets forth information about all fires that occurred in on-campus residence facilities during calendar year 2019.

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<th>Residential Facility</th>
<th>Street Address</th>
<th>Fires</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Cause</th>
<th>Value/Damage</th>
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</tbody>
</table>

SDLC: Student Directed Learning Community
APPENDIX A – Campus Map
SAFETY AT YOUR FINGERTIPS

- Report Tips and chat live with Campus Security
- Make Emergency Calls
- Virtual Escorts
- Safety Check-Ins
- Emergency Procedures

GET THE APP

1. Download “LiveSafe” for free from iTunes or Google Play
2. Register with your mobile phone number and fill out your profile. Verify your account.
3. Select “Elizabethtown College”