

# ELIZABETHTOWN COLLEGE- 2023-2024 STUDENT HANDBOOK

Non-Academic Resources, Policies and Procedures Pertaining to Students

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## Catalog Home

<https://catalog.ets.edu/content.php?catoid=32&navoid=1676> The Elizabethtown College Student Handbook is your official introduction to important resources and is your guide to Elizabethtown College policies, community standards and expectations for individual student conduct.

The Student Handbook is not a contract between the College and any student or third party. The College reserves the right, in its discretion, to amend any portion of the Student Handbook at any time. Accordingly, students should check the Student Handbook web page related to any Revisions to the Student Handbook 2023-24. The Student Handbook, as posted as a PDF on the Handbook's web page, is the current and official version and supersedes all prior versions. Please contact the Vice President for Student Life and Dean of Students if you have any questions.

**To Start Using The Student Handbook:** use the links in the left side navigation column.

# Letter from the Vice President for Student Life and Dean of Students

The mission of the Student Life Division is to foster a culturally vibrant living and learning environment where each student feels they belong. The Student Handbook is your introduction to important resources and your guide to Elizabethtown College policies, community standards and expectations for individual student conduct. Each student is responsible for the health, safety and welfare of our Etown community. I hope you take the time to familiarize yourself with the rights and responsibilities outlined in this document. For academic programs and policies, please consult the College Catalog. It is essential for you to refer to both the Student Handbook and the College Catalog before you make decisions that may affect your academic success.

Success feels wonderful, but it is in our challenges and struggles that we learn and grow. If you are experiencing difficulty inside the classroom or outside the classroom, please know you are not alone. There are many people here prepared to walk with you on your Etown journey. We will help you find answers to your questions, work through your challenges with you, and celebrate your accomplishments. We can't wait to see what you will achieve this year. And remember, we are Etown because of you!

Blue Jays Always!

Peace and all good,  
Nichole Gonzalez  
Vice President of Student Life & Dean of Students

## About Elizabethtown College

### Mission, Vision and Core Values

**Vision:** Elizabethtown College prepares a new generation of innovative thinkers and ethical leaders for global citizenship.

**Mission:** Elizabethtown College provides a transformative educational experience that cultivates personal strengths and develops a passion for lifelong learning and purposeful work.

**Core Values:** We affirm the values of peace, non-violence, human dignity and social justice and believe learning is most noble when used to benefit others.

**Motto:** Educate for service.

### Elizabethtown College Pledge of Integrity

"I pledge to respect all members of the Elizabethtown College community, and to act as a responsible member of the College community. I pledge to respect the free exchange of ideas both inside and outside the classroom. I pledge to represent as my work only that which is indeed my own, refraining from all forms of lying, plagiarizing, cheating, and

academic dishonesty. As members of the Elizabethtown College community, we hold each other responsible in the maintaining of these values."

– adopted in 1995 by Elizabethtown College students and faculty (revised in 2014).

## Statement of Non-Discrimination

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 educational programs and policies, scholarship and loan programs, and athletic or other College administered programs. Discriminatory acts of any kind are strictly forbidden.

Any person having inquiries concerning Elizabethtown College's application of non-discrimination policies, including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Americans with Disabilities Amendments Act of 2008, and the Age Discrimination Act of 1975, should contact one of the following:

For Employees contact:

Ann Thompson, Director of Human Resources

Myer Hall, One Alpha Drive, Elizabethtown PA 17022

Thompsonann@etown.edu, 717.361.1395

For Students contact:

Gabrielle Reed, Title IX Coordinator

210 Baugher Student Center, One Alpha Drive, Elizabethtown PA 17022

reedg@etown.edu, 717-361-3727

Lynne Davies, Director of Disability Services

228 Baugher Student Center, One Alpha Drive, Elizabethtown PA 17022

daviesl@etown.edu or 717.361.1227

For further information on non-discrimination, visit [www2.ed.gov/about/offices/list/ocr](http://www2.ed.gov/about/offices/list/ocr) or contact the Philadelphia Office of the Office for Civil Rights, U.S. Department of Education, Suite 515, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3323, [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or 215.656.8541.

## Educational Philosophy and Learning Goals

Elizabethtown College engages students in a dynamic, integrated learning process that blends the liberal arts and professional studies. Challenged to take responsibility for their education, students at Elizabethtown embark on a journey of self-transformation that involves intellectual, social, and personal growth.

The College is committed to educating the whole person within a relationship-centered learning community where common goals are achieved through engagement in a rigorous academic curriculum and thoughtful co-curricular experiences. Students are encouraged to develop and challenge their own values, while seeking to understand and appreciate alternative perspectives. Embedded in an ever-changing global context, the College promotes the developmental, collaborative and complex nature of learning.

In seeking to "educate for service," Elizabethtown College believes that students can perform no greater service than they do when sharing knowledge and creativity with others. Opportunities to strengthen scholarship and leadership extend beyond the classroom, and students learn actively through practical experiences and civic engagement.

The impact of an Elizabethtown College education is long lasting and far-reaching because it is deeply transformative. Students acquire new habits of mind and heart—some in the course of the undergraduate experience, others as students grow beyond college.

At Elizabethtown College, students are inspired and challenged to:

- Assume responsibility for their intellectual development, personal growth and well-being. Students will learn to sharpen their curiosity and become aware of the capabilities, strategies and resources needed to learn.
- Reason, analyze and engage in critical thinking. Students will make, systematically evaluate, and, if necessary, refute arguments and claims—both their own and those of others.
- Demonstrate thoughtful and articulate communication by applying knowledge in a variety of contexts, including writing, speaking, listening and interpretation.
- Understand the creative process and its role in human expression, and cultivate the ability to make informed aesthetic judgments.
- Navigate diverse cultural worldviews and perspectives, with the realization that differing frames of reference influence analysis, communication and behavior.
- Make reflective ethical decisions and act with integrity to seek just outcomes with relationships, communities and society.
- Apply and integrate different strands of learning and comprehend interconnections in the process of gaining knowledge and experience.
- Identify and cultivate a sense of purpose that inspires a commitment to meaningful work in service to society.

## Commitment to Diversity and Belonging

Etown is committed to creating a culturally vibrant campus community that values diversity, equity and inclusion, where all community members achieve a sense of belonging. The following are the goals and objectives outlined in our Etown College Strategic Plan, established in 2021:

### **1. Integrate cultural intelligence as a learning outcome throughout all academic, co-curricular and extra-curricular activities and professional development programs.**

- a. Implement a three-year plan to evaluate all courses offered address diversity, equity, and inclusion (DEI) confirming each major has a DEI component by fall 2022 and implement enhancements by fall 2024.
- b. Define DEI learning outcomes for curricular, co-curricular, and select extra-curricular activities by fall 2023.
- c. Create an annual multi-leveled professional development program for employees and student leaders related to DEI by fall 2022 and implement by spring 2023.



**2. Foster a genuine sense of belonging in all members of the College by ensuring policies, practices and culture will build a diverse, equitable, accessible and just community.**

- a. Establish faculty and staff affinity groups by fall 2022 and connect faculty and staff of underrepresented backgrounds with regional consortia to increase support and retention by fall 2023.
- b. Launch diversity, equity and inclusion assessments beginning fall 2022 (and every two years) to determine needed resources and support for campus community members with underrepresented identities.
- c. Review campus activities and infrastructure for ADA accessibility measures to create an implementation/prioritization plan of opportunities to employ Universal Design principles by fall 2023.
- d. Support the wellbeing of the campus community, including physical and mental health, through proactive support and education.

**3. Increase the representation and retention of historically marginalized groups among our student body and employee base.**

- a. Grow enrollment for undergraduate, degree-seeking, full time students for fall 2022, fall 2023, and fall 2024 that have at least 2% growth year-over-year for Students of Color.
- b. Strive to achieve alignment of Faculty and Staff of Color with our Student of Color population by fall 2026.
- c. Develop new pipeline/pathway programs beginning spring 2023 and to continue for underrepresented students to prepare them for undergraduate and graduate programs.
- d. Expand the mentorship program for all first-year Students of Color by fall 2022.
- e. Expand the backgrounds and enhance the skills of the Board of Trustees to collectively represent the diverse nature of the institution by utilizing and adopting universal Board resources and best practices that align with the institution.

**4. Collaborate with underrepresented communities as an ally committed to making meaningful social change.**

- a. Ensure community partnerships reflect regional and global diversity by fall 2024.
- b. Implement ethical models of preparation and reflection to adequately prepare students to participate in opportunities for service which require an understanding of systems of oppression and cultural differences by fall 2023.
- c. Apply an ethical framework for projects to foster collaboration across diverse cultural perspectives by fall 2023.

## **Mosaic House**

The Mosaic House serves as a gathering place for students of diverse backgrounds and interests with spaces for events, meetings, studying, and lounging. Mosaic House hosts educational programs for the campus community and provides a supporting and welcoming environment for all students. There are also workspaces for student groups who have demonstrated a commitment to diversity and inclusion. The address of the house is 346 East Orange Street.

# Structure and Governance

## Board of Trustees

The Board of Trustees has final legislative authority in all matters pertaining to the purpose of the College and the policies for fulfilling the statement of purpose. Among the Board's primary functions are selecting the president of the College, developing and sustaining the philosophy and policies of the College, setting the costs of tuition and fees, adopting the annual budget, and approving plans for developing and maintaining the physical plant.

## Faculty Assembly

The Faculty Assembly of Elizabethtown College shall consist of (a) all full-time instructional personnel with rank of instructor or above; and (b) the President of the College, the Provost and Senior Vice President, the Dean of Faculty, Associate Dean of Academic Affairs, the Vice President for Student Life, full-time professional librarians, and full-time lecturers. The President, Vice President, Treasurer and Secretary of the Student Senate may attend and participate in meetings of the Faculty Assembly, without vote. The Faculty shall recommend the requirements for admission and graduation, and policies and standards necessary for the conduct of the academic program of the College. The Faculty is responsible for the ongoing shaping and modification of the college's academic program.

It is the responsibility of the Faculty to make recommendations relative to the policies and standards governing faculty appointments, reappointments, non-reappointment, dismissal, promotion and tenure, and also matters affecting the professional welfare and activities of the Faculty. It is the responsibility of the Faculty to develop and maintain the highest standards of professional behavior and ethics.

## Staff Council

The Elizabethtown College Staff Council represents Elizabethtown College staff in reference to interests and issues that affect them. Up to 17 members of the council are made up of representatives from all areas of our Elizabethtown Campus Community. Each representative serves a term of two years. The Officers of the Council consist of the Chair, Vice Chair, Web Communicator, and Secretary, and serve a term of one year as an Officer.

## Student Assembly

The Elizabethtown College Student Assembly includes Senators representing each class cohort, and Representatives from various student groups. The purpose of Student Assembly is to advocate for student rights, and to bring student voices and ideas into the process of improving the Elizabethtown College campus and community. The Vice President of Student Life & Dean of Students serves as the Assembly advisor.

Student Assembly meetings are open to all students and employees in the college community and are held on Thursdays at 3:45pm in Hoover 212. Contact information is:

Location: BSC 246

E-mail: [studentassembly@etown.edu](mailto:studentassembly@etown.edu)

# Campus Councils and Committees

<b>Academic Council</b>	<p>Proposes academic policy and oversees and evaluates the curriculum of the College and the quality of the academic program. The Council's function is to consider academic questions that are fundamental in nature and broad-based in scope including, especially, the core curriculum. In performing its function, Academic Council initiates and continuously reviews policy regarding admissions standards, degree requirements, and the content and quality of the overall curriculum and the academic programs. All academic policies, procedures and decisions having broad or campus-wide implications must be submitted for approval at the next meeting of the Faculty Assembly.</p>
<b>Academic Standing Committee</b>	<p>Responsible for periodic review of academic standards and academic dismissal procedures. The Committee makes recommendations to Academic Council when changes in policy seem appropriate. The Committee applies academic dismissal procedures and evaluates applications of students for reinstatement after such dismissal. The Committee handles matters pertaining to academic probation, academic dismissal, readmission and deviations from the academic curriculum of the College as defined in the College Catalog. The Committee conducts hearings on cases of alleged violations of the standards of academic integrity, as those standards are defined in the Student Handbook. The Committee also hears appeals of course grades, in accordance with procedures set forth in the Student Handbook. In fulfilling these responsibilities, the Committee shall adhere to Academic Due Process, again as defined in the Student Handbook.</p>
<b>Campus Life Council</b>	<p>Consists of representatives of the faculty, student body, and administration who plan and implement the annual student awards ceremony.</p>
<b>Core Program Committee</b>	<p>The Committee has oversight responsibility for policies related to the Core Program, and advises the DC&amp;H in matters of staffing, implementing, and funding the Core Program.</p>
<b>Educational Assessment Committee</b>	<p>The primary mission of the EAC is to ensure that student learning is regularly and skillfully assessed and that the results of these assessment activities are used to strengthen educational programs and inform resource allocations across the institution. The EAC also is responsible for ensuring that the College meets the intent and the technical requirements of Middle States Commission on Higher Education, Standard 14: <i>Assessment of student learning demonstrates that, at graduation, or other appropriate points; the institution's students have knowledge, skills, and competencies consistent with institutional and appropriate higher education goals.</i></p>
<b>Honors Committee</b>	<p>Advises the Honors Program Director in overseeing the program, including the selection and ongoing evaluation of Honors Program participants, determining criteria for Honors credits and courses, selecting and evaluating Honors courses, and making policy decisions.</p>
<b>Parking Appeals Board</b>	<p>Reviews all parking ticket appeals; meets monthly.</p>
<b>Religious Life Committee</b>	<p>Responsible for planning campus-wide programming and serves as a consultant group to the Office of the Chaplain.</p>
<b>Resources and Strategic Planning Council</b>	<p>The Resources and Strategic Planning Council, in collaboration with the Senior Staff, is responsible for the oversight of all matters related to resources and strategic planning, including resource allocation, budgeting, and the evaluation of business and tuition models. The council is charged with monitoring trends and making recommendations concerning enrollment, college finances, and resource allocations. It will develop long-range strategic plans in consultation with relevant committees and Senior Staff and assess the implementation of all strategic goals. The Chair of RSPC will report at least quarterly to the Executive Council and the college President, and will submit a written report to the Faculty Assembly, Staff Council, Board of Trustees, and Student Senate a minimum of once each semester.</p>

# Elizabethtown College Organizational Chart

Please refer to the college organizational chart <https://www.etown.edu/offices/president/college-leadership.aspx> or email Vice President of Student Life & Dean of Students if you have a question about college operations.

## Drug-Free Campus

The unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees is not permitted by Elizabethtown College. The College adheres to the Drug-Free Schools and Communities Act Amendments of 1989.

Violations (e.g., possession, sale, use, transfer, purchase or delivery of illegal drugs or drug paraphernalia) will result in a student conduct referral. Refer to the Student Code of Conduct for information on the conduct process and disciplinary sanctions.

In addition to the College's disciplinary sanctions, violators are subject to legal sanctions under local, state, or federal law. The College recognizes drug abuse not only as a safety and security concern, but as an illness and major health problem. Consistent with the concern related to all life threatening illnesses and serious diseases, the College offers a range of resources and services as follows:

1. Student education and information is available through the Vice President of Student Life & Dean of Student's Office.
2. Counseling and support services are available through Student Counseling Services.
3. Referral to agencies and organizations which offer supportive services is available through Student Wellness, as well as other Student Life offices.

## Alcohol and Drug-Free Workplace

As required by law, Elizabethtown College is obligated to provide a drug-free, safe, healthful, and secure workplace for all employees (including student employees). In turn, our employees are expected to arrive for work in proper mental and physical condition.

The College has a zero-tolerance policy for disruptive behavior, unsafe conditions, or unsatisfactory work performance resulting from alcohol or drug use. Violations of this policy will result in disciplinary action up to and including termination of employment, or referral for prosecution or other legal consequences. The College prohibits the unlawful sale, manufacture, distribution, use, dispensation, or possession of a controlled substance on College property or while conducting College business off the premises.

## Federal and State Penalties

Under the Federal Controlled Substance Act and Pennsylvania state laws, individuals face penalties for unlawful manufacturing, distribution, use and possession of controlled substances. The penalties vary based on the type of drug or level of alcohol involved, possession and intent to distribute. Federal law sets penalties for the first offense ranging from one year to life imprisonment and/or \$100,000 to \$4 million in fines. Penalties may include forfeiture of property, including vehicles used to possess, transport or conceal a controlled substance or denial of federal benefits such as student loans and professional licenses. Convictions under state law may be misdemeanor or felony crimes, with sanctions ranging from six months to life imprisonment and/or \$250 to \$100,000 in fines.

Federal law holds that any person who distributes possesses with intent to distribute, or manufactures a controlled substance in, or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum

punishments and fines. A similar state law carries sanctions of up to five years imprisonment and up to a \$100,000 fine for similar violations.

## Smoke-Free Campus

Elizabethtown College is dedicated to providing a healthy, comfortable, and productive work and living-learning environment. Campus buildings are smoke-free. Smoking and the use of tobacco in any form is prohibited in all facilities of Elizabethtown College at all locations, including College vehicles. Additionally, the Baugher Student Center terrace areas, all athletic venues and outdoor classrooms are smoke-free zones. This policy applies to all students, employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance (25 feet or more) outside any enclosed area or building entrance so as to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems, or any other means. Smokers must dispose of cigarette butts in appropriate receptacles rather than littering.

## College Communication

Elizabethtown College typically will communicate with traditional students through their College-issued student mail boxes and via e-mail through the Campus Connections system. On some occasions, a College representative also may contact a student by sending a letter through U.S. mail to the student's home address or by calling the student's home telephone number. Students should check these modes of communication frequently for important information from Elizabethtown College.

## Whistleblower Policy

Elizabethtown College is committed to the highest standards of lawful and ethical behavior. This policy is created to enable members of the College community (students, employees, Board members, and others) to report concerns about possible misconduct, with the reassurance they will be protected from any retaliation for acting in good faith. For the purpose of this policy, misconduct may include, but is not limited to:

- Theft of cash or College
- Misappropriation of College
- Mismanagement or waste of College funds
- Discrimination or harassment
- Improper records destruction
- Falsification of accounting or financial records, including accounting
- Falsification of reported work hours (including student employees)
- Kickbacks
- A substantial and specific danger to health or safety
- Violation of any law, regulation, rule, policy, etc.
- Forgery or unauthorized alteration of documents

### How to Make a Report

When making a good faith report, the reporter will not be subject to retaliation. To file a confidential report under this policy, members of the College community may use any of the following methods:

- Telephone or in person during regular operating hours or by mail to the Director of Human Resources or the College President.
- By telephone through the ECHotline, 855-696-1899.
- Via the [ECTipline website](#)
- Via email at [whistleblower@etown.edu](mailto:whistleblower@etown.edu)

A good faith report should contain factual information, dates, names, locations, and any other information to aid in an investigation. Contact information of the individual submitting the report should also be included. Confidentiality of the reporter will be maintained to the extent practicable by law and the legitimate needs of the investigation.

**Investigation:** Upon receipt of the report explaining the misconduct, an investigation will ensue promptly. Any individual found to have engaged in misconduct will be subject to disciplinary action appropriate to the nature of the offense.

**Retaliation:** If the reporter experiences any retaliation from the individual wrongdoer(s), it should be immediately reported to the Director of Human Resources for investigation and appropriate action.

**False Reports:** Individuals found to have made knowingly false or misleading reports will be subject to disciplinary action as appropriate.

Reports of business or financial misconduct by a student will be turned over to the Vice President for Student Life and Dean of Students.

## Student Complaint Policy and Procedures

The policy and procedures outlined below are intended to provide structure for resolving specific student complaints and concerns. This policy is not intended to address anonymous concerns. Elizabethtown College values student privacy, and the information collected throughout any process will only be shared with those having a right or need to know to help resolve the complaint or track the progress of the resolution. Prior to consulting this policy and procedure, students should first consult policies and procedures outlined in the Student Handbook and the Academic Policies outlined in the College Catalog. This policy is **not** a replacement for existing procedures outlined in the Elizabethtown College Student Code of Conduct, Sexual Misconduct Policy and Procedures, Bias-Related Harassment and Discrimination Policies and Procedures, Academic Policies outlined in the College Catalog, Whistleblower Policy, or other existing policies or appeals processes. Students must initiate and pursue complaints on their own behalf, and others are not permitted to initiate and pursue complaints on behalf of a student including parents or family members.

1. Student concerns about a course, a faculty member, and/or issue directly related to academics should first consult the Academic Policies outlined in the College Catalog. Policies and procedures regarding grade appeals, the academic judicial system, etc., can be found in the College Catalog. If a student does not feel any existing policies or procedures address their concerns, they should speak with the faculty member. Should the concern fail to be addressed at that level, the issue should then be raised to the Dean of the school from which the issue originates.
2. Student concerns with a non-faculty employee or a non-academic policy or procedure should be raised directly with that employee. If the complaint cannot be resolved at this level, the issue should be raised with the employee's direct supervisor. Should the concern fail to be addressed at that level, the issue should then be raised to the director of the department/area. Please consult the Elizabethtown Organizational Chart.
3. Student concerns about other issues related to campus climate may be raised through the Vice President for Student Life and Dean of Students and/or Student Assembly. Students may contact Student Assembly Chief Officers to determine who their Senators or Representatives are or may seek assistance through the Assembly Chief Officers.

4. Students having concerns or grievances about another student should consult policies and procedures outlined in the Elizabethtown Student Code of Conduct.

Concerns not resolved after following the steps outlined above may then be brought forward as formal complaints utilizing the Student Complaint Form which can be found here: <https://forms.office.com/r/vxwDG4zXVb> The Complaint Form will be automatically directed to and reviewed by the Associate Provost for Institutional Effectiveness and Innovation. The Associate Provost will direct the Complaint form to the appropriate Executive Officer. Students submitting a complaint should expect a reply by the appropriate Executive Officer about the status of their complaint within 10 class days of submission. The resolution reached at the level of the Executive Officer is the final resolution.

## ECTipline

The purpose of the **ECTipline** is to provide a confidential way, outside of normal reporting procedures, for students and employees to report suspected violations of college policy and illegal activities. Calls or emails to the ECTipline can be anonymous however; without the ability to follow up with the reporter, an anonymous report could limit the College's ability to take appropriate action. Any member of the College Community may also file a report by using the ECTipline. This number (855.696.1899) and [website](#) is to be used for non-emergency situations and a representative is available 24/7.

Crimes or violations occurring in real time or emergency situations should be reported by calling 911, or Campus Safety at 717.361.1111.

The following is a list of examples of actions and violations that may be reported through the ECTipline.

- Fraud;
- Theft of cash or college property;
- Willful damage, abuse, or destruction of College property or systems;
- Verbal or physical harassment or intimidation of a co-worker, student, supervisor, or other member of the College community, including violation of the College's Discrimination, Sexual Harassment, or Bullying Policy;
- Bias-related incidents;
- Violation of the College's Code of Conduct and other college policies;
- Various college policies and procedures such as Standards of Conduct, Whistleblower Policy, Drug- free Workplace, etc;
- Violation of local, state, or federal laws and regulations;
- Any act which may endanger the safety of others;
- Any act that may cause harm or danger to a minor on campus;
- Inappropriate authorization, allocation, or spending of college funds;
- Falsification of payroll, accounting, or financial records, including accounting omissions;
- Falsification of college documents or files;
- Improper misrepresentation of one's self;
- Misappropriation of grant or gift funds;
- Violation of NCAA guidelines;
- Computer security violations or unauthorized access;

*College reserves the right to assume the role of the Complainant and to refer student misconduct to local law enforcement.*

# Student Confidentiality and Privacy

## Family Educational Rights and Privacy Act (FERPA)

The 1974 Family Educational Rights and Privacy Act, also known as the Buckley Amendment, is a federal law (20 U.S.C. 1232g) that protects the privacy of a student's educational record (currently enrolled or formerly enrolled regardless of their age). FERPA applies to all educational institutions receiving funds from the United States Department of Education, from kindergarten through university level. The law grants four specific rights to students:

- the right to see the information that Elizabethtown College has concerning the student;
- the right to seek amendment to those records and in certain cases append a statement to the record;
- the right to consent to disclosure of the student's records; and,
- the right to file a complaint with the Department of Education Compliance Office in Washington, DC.

### FERPA Forms

- Authorization to Disclose Educational Record Information
- Authorization to Disclose Student Conduct Record Information
- Request for Non-Disclosure of Directory Information
- Request to Revoke a Previous Authorization

For more information about FERPA please see the **Records and Registration** web page.

FERPA protects the confidentiality of student records and specifies those limited situations in which information from educational records may be released without a student's prior consent. The law permits Elizabethtown College, in its sole discretion, to disclose information without a student's prior consent to parents or guardians of a financially dependent student (as defined by the Internal Revenue Service). If a student is not a financially dependent student and that student has not provided prior consent, the College is not permitted to disclose information, even to the student's parents. However, if the College has knowledge of a student experiencing (1) a life-threatening situation or serious illness including one that requires emergency hospitalization, or (2) an act or threat of violence toward self or others or significant abuse of self or others, the Vice President for Student Life and Dean of Students or members of the Student Life staff may contact that student's parent or guardian with or without the student's prior consent.

Parents or guardians of any student under 21 years of age may be notified of the following situations with or without the student's prior consent:

1. Alcohol or drug incident that results in emergency medical treatment;
2. Alcohol or drug incident that results in police action;
3. Violation of the College Alcohol/Drug Policy.

Whenever possible the Student Life staff discusses the implications of notification with the student before contacting the parent or guardian. Ideally, the student is encouraged to make the call and the Student Life Staff is available to assist with explanation of circumstances or to elaborate on pertinent college policy or practice.

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



Student conduct records are expunged seven years after graduation, voluntary withdrawal or disciplinary suspension from the College.

## **Search of Student Residences and Personal Belongings**

The College respects the privacy of the student at all times but reserves the right to take necessary measures should there be a reason to believe College policies have been violated or when there is reasonable concern for safety or well-being. In most cases, prior to a search of the student's residence, personal belongings, or registered vehicle, the College will seek cooperation from the student. However, in cases involving law enforcement investigations or when the College must quickly and confidentially proceed with a search to protect the safety of others, the College reserves the right to search without the student's prior consent.

### **Residence Access and Authorized Search**

Authorized college officials may enter residences owned by the College. These spaces include rooms in traditional residence halls, bedrooms and shared living spaces in college-owned apartments, houses and townhouses. Student on-campus residences may be entered at any time for purposes of routine maintenance, repair, and health or safety inspections, alleged policy violations or in response to any emergency situation.

**VISUAL INSPECTION:** In cases when the College believes a policy or regulation is being violated, the College official may enter the student's residence to conduct a preliminary visual inspection. Any prohibited items in clear view may be seized by the College officials.

**ADMINISTRATIVE SEARCH:** The Vice President for Student Life and Dean of Students or their designee may authorize a thorough administrative search of the student's residence. Any prohibited items discovered during an administrative search may be seized by Campus Safety.

Whenever prohibited items are seized an official inventory will be prepared. A copy of the inventory will be available to the student for review. A photo of each item may also be taken as further documentation of the search. Prohibited items will be disposed of according to the policies of the Commonwealth of Pennsylvania and Campus Safety.

### **Search of Personal Belongings**

The College reserves the right to inspect any abandoned personal property found in public areas owned by the College. For example, if an unattended backpack is found in the lobby of a residence hall, a Campus Safety Officer may open the bag and inspect the contents. Campus Safety Officers may also inspect a student's personal belongings if there is reason to believe College policy has been violated or the safety and well-being of the college community may be compromised. For example, a student is involved in an alcohol policy incident and the responding personnel notice the student's backpack is wet and there is an odor of alcohol on the bag. In this case, the responding officer may inspect the contents of the backpack without the student's consent.

### **Search of Registered Vehicles**

The College reserves the right to inspect any vehicle registered with Campus Safety if there is reason to believe College policy has been violated or safety and well-being of the campus community may be compromised.

# Emergency Response and Personal Safety

## How to Report an Emergency

Students are required to immediately report any incident including medical emergency, fire, thefts, vandalism, suspicious individuals to Campus Safety.

- **Dial 911**
- **Campus Safety will be notified if 911 is called from any campus extension.**
- For campus emergencies – call **717.361.1111**. If you are calling from a college phone, dial Ext. **1111**. **For Non-Emergencies, students can report incidents to Campus Safety**
- Call 717.361.1264 to speak with a Campus Safety Dispatcher
- Submit information using the LiveSafe App
- To report information about a crime that has occurred on campus, students may use the ECTipline Web page.

### Local Law Enforcement Contact Information

Elizabethtown College is served by the Elizabethtown Police and the Northwest Lancaster County Regional Police Department:

**Elizabethtown Police Department**

600 South Hanover Street  
Elizabethtown, PA 17022  
717.367.6540 (non-emergencies)

**Northwest Lancaster County Regional Police Department**

8855 Elizabethtown Road  
Elizabethtown, PA 17022  
717.367.8481 (non-emergencies)

## Emergency Medical Response

### Student Medical Emergency

Remain calm. **Immediately call 911 or Campus Safety at 717.361.1111**. Explain the situation and where you are located. Provide information related to the person's complaint. A medical unit will be dispatched if necessary. Stay with the person until emergency responders arrive. Do not move the person unless in obvious immediate danger. If trained and willing to do so, administer CPR and use AED if necessary.

In cases of a student medical emergency, all medical decisions and treatment will be made by the responding ambulance crew. In some cases, students will be transported to a local hospital for additional care. If a student declines medical treatment or transport to the hospital, the College reserves the right to take interim action in an effort to maintain the health, safety, and welfare of students, employees, and the campus community. Students may wish to

consider ambulance subscription services available through Northwest EMS 86 by calling 717.361.8220 or [www.nwems86.org](http://www.nwems86.org).

Consistent with the concern related to life threatening illness and serious infectious diseases, the College offers the following range of resources:

1. Student educational and information available through the Student Health office.
2. Counseling and support services available through the Counseling Services office.
3. Referral to agencies and organizations which offer supportive services available through the Counseling Services and Student Health offices and other Student Life offices.

Educational programs dealing with specific serious infectious diseases that are particularly threatening to college-age students are sponsored by the Student Health Staff.

Students who leave for emergency medical treatment must contact the Associate Dean of Students for Counseling and Health Needs upon their return to campus.

## Student Mental Health Crisis

Etown has resources to assist students experiencing a mental health crisis. Examples of mental health crises include, but are not limited to, a student:

- Feeling overwhelmed to the point where their everyday functioning is significantly impaired.
- Feeling overwhelmed to the point where they may be unable to keep themselves or others safe.
- Presenting statements or behaviors indicating that they are having thoughts of suicide or physically harming someone else that they may be close to acting on.
- Having unusual experiences such as hearing voices or seeing things that others do not.
- Having recently experienced or witnessed a traumatic event.

**During Office Hours (8:30-5:00 PM Monday-Friday)**

Call Counseling Services at 717.361.1405 or go directly to BSC 216 and request assistance for a mental health crisis or potential crisis.

### **After Hours**

*Call Campus Safety at 717.361.1111 to be connected with the Counseling Services on-call Counselor.*

### **24 Hour Help Lines in the Community**

National Suicide Prevention Lifeline: Text or Call (988)

Crisis Text Line: Text Home to 741-741

Lancaster County Crisis Intervention Services: 717.394.2631

Lancaster YWCA Sexual Assault Counseling & Prevention Hotline: 717.392.7273

### **Red Folder**

All Staff and Faculty members are given access to an emergency information resource known as the Red Folder. The Red Folder contains information on the Student Life On Call Response team and how to activate it. It also contains information on emergency response protocols, student intervention protocols, and diversity, inclusion, and Title IX resources.

# Notification of an Emergency (EAlert)

The campus community (faculty/staff/students) will be notified in a timely manner through a variety of communication delivery channels when crimes or other incidents that threaten personal safety occur.

Elizabethtown College has defined two different levels of communication, each determined by the type and urgency of the identified incident. These are detailed below:

## Emergency Notification *(using the EC Alert system)*

**EC Alert** is Elizabethtown College's communications system for sharing important information about situations that affect the safety of our campus community.

**Scope of an EAlert 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. Under the Clery Act, the College is required to immediately notify the campus community.

### 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
- Nuclear incident at a neighboring reactor
- Terrorist incident
- Armed intruder/Active shooter
- Bomb threat
- Civil unrest, rioting or campus protest
- Explosion or campus-wide/residential fire

**When will an EAlert be issued?** All students, faculty and staff of Elizabethtown College and their emergency contacts receive an emergency notification message without delay and immediately upon confirmation by Campus Safety, 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 Safety 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.

This contact information-students' mobile phone numbers and the contact information for their emergency contacts-will be collected through JayWeb during 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.

### How will an EAlert be issued?

ECAAlert 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>

**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 Safety at the direction of the President of the College, the Emergency Management Group Chair, or the Director of Campus Safety.**

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 the College's homepage, as the Emergency Management Group also will post emergency notices at these locations.

### **Closing the Communication Loop**

In ECAAlert 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 Safety, or Housing & Residence Life have investigated and brought the incident to a satisfactory conclusion.

## **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" message.

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 Warning" via email, as required by the Clery Act.

**Who sends a Timely Warning?** The Director of Campus Safety (in consultation with local law enforcement), Vice President for Student Life and Dean of Students, and the Office of Marketing and 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.

## Snow and Inclement Weather Notification

During snow and inclement weather, the College will follow established procedures regarding classes and other scheduled on-campus events. It is important for students to be aware of the following:

- In inclement weather, classes at Elizabethtown College typically will meet as scheduled. On an individual basis, classes may be canceled or postponed if a faculty member is unable to safely travel to campus. If this occurs, faculty members are requested to notify their students and Campus Safety.
- If the normal schedule of classes and work is delayed or if campus is closed and classes are cancelled, a decision is made, if possible, by 5:30am.
- Delay: Classes scheduled during the time of delay do not meet; all other classes meet at their regularly scheduled times.
- Closing: No classes will be held; campus events and home athletic events are cancelled; and all administrative and department offices are closed (with the exceptions outlined below).
- Announcements regarding changes in the overall class schedule resulting from inclement weather will be made electronically through an EC-Alert outreach text, through social media outlets and by a campus-wide Headline News e-mail, or on the College website. Additionally, local media outlets may be notified, but members of the campus community are encouraged to first check text, social media, College e-mail, the College website, or to call the College Hotline at 717.361.1988 or ext. 1988 for updated information.
- Dining Services, Campus Safety, and other essential campus services will remain open regardless of the weather. Student workers in these areas are expected to report, even if they have to be late. If, for safety or personal reasons, they cannot reach campus, they are expected to call their supervisor.

## Personal Safety Tips and Resources

### LiveSafe Personal Safety Application

LiveSafe is a mobile application that empowers students 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 Safety. Through iPhone and Android devices, users can report GPS-tagged information with added pictures, video, and audio clips. Campus Safety 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 SafeWalk 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 & info, including a map with crime data and safety locations. LiveSafe is available to use for all faculty, staff, students, and parents.

## Safety Escort Service

Campus Safety will provide a safety escort for students, staff, or faculty, anywhere from one on-campus location to any other on-campus location. Escorts will most often be offered on foot, but may be offered by vehicle if our officer staff deems the situation warrants vehicle service. **Call Ext. 1264 or 717.361.1264 to request this service. Requests for Safety Escorts may also be made from any Blue Light Phone on campus.** Using the SafeWalk 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.

## Blue Light Phone Service

Blue Light Phones are strategically placed on campus for your safety and convenience. Blue Light phones offer a direct phone connection to the Campus Safety Dispatcher. The Dispatcher is able to determine the location of each blue light phone once it is activated.

## Tips for Personal Safety:

- Keep your door locked, even if you are leaving for only a few minutes or are going just down the hall
- 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 Safety 717.361.1111, or dial 911.
- Make a plan with friends before going out to parties and events.
- Always be aware of your surroundings, and follow your instincts.

## Missing Student Emergency

A student will be deemed missing when they are absent from the College for more than 24 hours without any known reason. 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.

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

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 Safety, the Vice President for Student Life and Dean of Students and members of the Student Life on-call team 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 Safety that the student is missing. Campus Safety will also notify the Elizabethtown Police Department no later than 24 hours after it determines any student, regardless of age, is missing.

# Procedures Regarding College ID Cards

Every student is issued an Elizabethtown College ID Card by Campus Safety. The ID card is non-transferable and should not be shared with others.

- **Your ID card is your official Elizabethtown College identification** and must be carried with you at all times. Your College ID Card includes your name, photo, and student ID number.
- **The College ID Card functions as an electronic key to admit students to their college residence hall and academic buildings.**
- **Elizabethtown College ID cards must be shown to College officials upon request.** Failure to do so may result in disciplinary action. College ID cards found in the possession of someone other than the cardholder will be confiscated by a Campus Safety officer. The cardholder may reclaim the card at the Campus Safety Office.
- The College ID Card provides access to your Meal Plan at the Marketplace and at the Jay's Nest (Jay Bucks) and must be presented for all meals. Your ID Card provides individual access to vending, the Fitness Center, and is used to check out materials at the High Library. It can also be used to charge purchases at the College Store and the Jay's Nest, and for copier charges.
- **Treat this card as you would a credit card. It is as valuable as cash on campus.** Charge activity via your College ID card is billed on a monthly basis. Any balance not paid by the due date is subject to finance charges of 1.5% per month or 18% per annum.
- The College ID Card may be required for admission to College events such as athletic contests, Office of Student Activities events, exhibitions and public lectures, and dramatic theater productions.
- The College's Time and Attendance System requires student employees in some departments to use their College ID card. Students are required to have their College ID card with them whenever reporting to work.
- The College will include a student's preferred first name on their College ID Card (instead of their legal name) when the student has provided the College with their preferred first name that they wish to use for College business (except where, by law, the College is required to use the student's legal first name). Students who already have a College ID Card but wish to obtain one with their preferred first name indicated on the card should contact Campus Safety. The College will provide a new card to the student, containing the student's preferred first name, at no cost to the student, provided that the student surrenders their current College ID Card before receiving their new card. Because the College ID Card may not be recognized by others outside the College community as a documentation of identification, all students are strongly encouraged to carry with them at all times a government-issued form of identification (e.g. driver's license).

**Call Campus Safety immediately at 717.361.1264 to report lost or stolen ID Cards.**

- If your College ID card is lost or is damaged by neglect (including the punching of holes in the card), you will need to purchase a new one through Campus Safety. The cost of a new card is \$30. This replacement fee will be billed to your student account.
- Dining Services (offices in Brossman Commons, Room 135) can issue a temporary ID card valid for three (3) days or nine (9) meals, whichever comes first. This temporary ID card is only valid at The Marketplace. It may not be used for Jay Bucks or other types of student charges. Dining Services will not issue a temporary ID card until you report your original card as lost to Campus Safety
- You will be responsible for all transactions made with your College ID card until you report the loss to Campus Safety.



# Vehicle Registration and Parking Regulations

All motor vehicles used by students, faculty, staff, and overnight visitors on College property must be registered with Campus Safety. Vehicle registration for students must be renewed annually. Starting with the Class of 2025, the cost of student parking is included in the Comprehensive Fee. For the Class of 2023 and 2024, the cost for parking is \$100 per academic year or \$50 for the semester for residential students and is \$50 per academic year or \$25 for the semester for commuter students. Failure to register a vehicle will result in an UNREGISTERED VEHICLE violation. Three Unregistered Vehicle Violations will result in immobilization of the vehicle and may be routed to Student Rights and Responsibilities.

Students must pre-register vehicles in JayWeb, using the Student Vehicle Registration form. Students may only register their own vehicle (a student may not register a vehicle for another student). Vehicles must be owned by the student or immediate family member. If the owner of the vehicle is someone other than the registrant, a letter from the owner authorizing the registrant to use the vehicle is required at the time of registration. A valid state registration (owner's) card, proof of current insurance and driver's license must be presented at the time of registration.

For additional information on vehicle registration and parking regulations, please go to:

<https://www.etown.edu/offices/security/parkingregs.aspx>

## Counseling and Student Health

### Student Health

Elizabethtown College collaborates with Penn Medicine Lancaster General Health to provide comprehensive clinical health services for our students. To be connected with Student Health Nurse Lori Hoffer, RN (or other medical staff) to address health concerns, please call the LG Health Physicians Family Medicine Sycamore Square phone line for Etown College students at 717-588-1059. Students can also call Lori for consultation and, if needed, assistance with transportation to the Sycamore Square facility which is about a four minute drive from the Etown College campus, at the following address:

**LG Health Physicians Family Medicine Sycamore Square**

99 Masonic Drive, Suite 101

Elizabethtown, PA 17022

Phone: 717-588-1059. For a medical crisis, please call the 24/7 Campus Safety number of 717-361-1111.

For more information, please visit <https://www.etown.edu/offices/health/services.aspx>

### Counseling Services

Counseling Services provides a broad range of counseling and mental health support services that facilitate our students' personal, social, and academic development. Our licensed mental health professionals provide short-term individual counseling, group counseling, crisis intervention, and consultation to currently enrolled students for no additional charge. Counseling services are provided in a confidential and diversity-affirming environment to help students address a variety of mental health, situational, and developmental concerns. Our office is located in the Baugher Student Center, Suite 216. Appointments can be made in person or by calling 717-361-1405. Urgent walk-in

services are also available. To access our after-hours crisis services, please call the 24/7 Campus Safety number of 717-361-1111.

Counseling Services: <https://www.etown.edu/offices/counseling/>

## **Notification Process for Brief Absence for Medical or Personal Reasons**

The Associate Dean of Student Success or designee may notify faculty and staff when a student is unable to attend classes due to brief illness, injury, hospitalization, death of a loved one or other personal circumstances. The notification is to facilitate communication only and does not supersede individual course attendance policies, assignment due dates, or scheduled exams. Students are responsible for discussing options for completing missed coursework with faculty (due date modifications, course incomplete, course withdraw). Students who require accommodations should contact Disability Services. The student or family member may call 717.361.1415 for more information. For more information regarding a formal leave or withdrawal from the College see Leave of Absence, Withdrawal, Medical Withdrawal.

## **Campus Wellness Network (CWN)**

The Campus Wellness Network is an on-campus resource that helps to identify and intervene with at-risk students in our Elizabethtown College community. This action group meets bi-weekly to discuss particular referrals, and follows students and their concerns to conclusion.

Any member of the Elizabethtown College community can contact CWN. Names and contact information for members of the CWN can be found on the website. Should you wish to refer a student to the CWN, you may contact any member of the committee with the student's name and the concern. Referrals will be shared only with members of the committee. The student's name will be presented to the group by the contact person, the situation will be discussed and, if an intervention is needed, the professional most appropriate for the student's situation will respond to the need.

## **Policy Regarding Immunization/Communicable Diseases**

The College requires proof of immunization against rubella (3-day measles), rubeola (measles), mumps, hepatitis B, meningitis, tetanus and pertussis (Tdap vaccine), varicella (chickenpox) and polio, as well as tuberculosis screening. The College reserves the right to add immunizations to this list of requirements at any time if it determines it is beneficial to the health and safety of the College community.

Immunization records or applicable waivers must be submitted to the Student Health Services Office prior to a new student occupying on-campus residence halls or attending their first class. Incoming undergraduate students and summer program students may request a medical or religious exemption. Requests for a medical exemption must include a signed statement from the student's physician indicating the medical reason the student cannot receive immunization or vaccine. Requests for religious exemption must include a sworn statement from the student explaining the student's sincerely-held religious belief or practice and how the belief or practice conflicts with the requirement to be immunized. The College may request supporting documentation or information, including, where appropriate, confirmation from clergy or religious leaders. All requests must include a signed Vaccination Waiver Form found on JayWeb under "online forms".

Failure to provide immunization records in a timely manner may result in an interim separation from the institution. Prior warning will be given, and written notice of interim separation will be provided by the Vice President for Student Life and Dean of Students. Interim separation for failure to provide current immunization records does not require any hearing process.

The College reserves the right to deny access to the campus to anyone when the College determines that they present an unreasonable risk to health or safety resulting from an infectious or contagious disease. If, after gathering relevant information, the College determines that a student with an infectious or contagious disease is able to meet acceptable performance standards and that health and safety risks can be managed through reasonable accommodations, the College will not deny the student access to its educational programs. In order to help the College protect the safety and well-being of the College community, students are encouraged to report cases of infectious or contagious disease or other serious illness to the Associate Dean of Students for Counseling and Student Health.

## Residence Life

Elizabethtown College offers a variety of housing options including traditional residence hall rooms, suites, and independent living units (ILUs). Independent living units include the Brinser Suites, Vera Hackman Apartments, Schreiber Quadrangle, college-owned houses. ILUs are reserved for students with junior or senior academic standing.

## Residency Requirements

The College views residential life as an important part of a student's college learning experience. Students are encouraged to engage in meaningful co-curricular programs and activities and to utilize all services available for academic success and student wellbeing. All full-time undergraduate students are required to live in college-owned or leased residential facilities for the entirety of their undergraduate enrollment at Elizabethtown College, except when they are classified as commuters or are granted permission, in writing, by the Office of Housing & Residence Life to live elsewhere. If a student is formally classified as residing off campus, that student is no longer guaranteed College housing. Part-time and graduate students, including 5th year students are not guaranteed housing but are encouraged to contact the Housing & Residence Life regarding available housing options.

## Residency Agreement

The student is expected to be aware of all responsibilities set forth in the Residency Agreement, as well as all regulations, policies and standards as outlined in the Student Handbook and within each residential facility.

The following provisions are part of the Residency Agreement. Exceptions to any part of this Residency Agreement may be made if approved in writing by the Director of Residence Life. **Special conditions may apply depending on the student's year of entry; please carefully review your agreement.**

- Students entering Elizabethtown College must sign a Residency Agreement to reserve a room in one of the residential facilities. **Residency agreements are binding throughout a student's undergraduate enrollment at Elizabethtown College.** This agreement reserves space for the student and outlines the responsibilities of both the College and the student to safeguard the rights of all residents. The agreement is for room space without regard to designated residential facilities or specific rooms. **The Residency Agreement states that students are required to live in College-owned residential facilities during their undergraduate experience at Elizabethtown College.**

- Students who wish to change their housing status to commuter may do so by completing the Commuter Housing Status Change form on JayWeb and return it to the Office of Housing & Residence Life for review. Commuting means that students live within 30mile/minute radius of campus and live with family.
- Students who wish to break the housing contract to live off-campus on their own are strongly encouraged to review their housing agreement. Breaking the housing agreement means students are beholden to the double room rate on top of their off-campus financial obligations.
- A student may not reserve housing without registering for the following semester as a full-time student without signing a residency agreement, or if they do not process.
- Failure to participate in the housing lottery and housing selection processes will result in an assignment made by Housing & Residence Life during July.
- Students and their families should not sign any off-campus lease agreements prior to being formally released from the College Residency Agreement.
- Misrepresentation of residential status is considered a violation of the College's Residency Agreement, as well as the College's Code of Conduct.

## Room Security and Privacy

The College is not responsible for the theft or other loss of money, valuables, or personal effects of resident students or their guests. Therefore, each student is advised to carry personal property insurance. All resident students are encouraged to lock their doors when absent from their rooms.

The College respects the basic privacy of the student at all times and reserves the right to enter rooms should there be a reason to believe that College policies have been compromised or violated. Student on-campus residences may be entered at any time for purposes of routine maintenance, repair, health or safety inspections, alleged policy violations, or in response to any emergency situation.

See Residence Access and Authorized Search.

## Health and Safety Inspections

The Housing & Residence Life staff conducts health, safety, and wellness inspections at least once during each semester. The inspections promote safe, clean, and well-maintained living areas. In addition, the inspections provide opportunities for students to learn about their individual and community responsibilities.

## Facility Maintenance

It may be necessary for College staff to enter student rooms for purposes of maintenance, repair, or routine health and safety/quality assurance inspection. An effort will be made not to interfere with the normal routine of student activities when such work must be done and to inform students when College staff or contractors must enter student rooms. College staff and contractors should be readily identifiable and are required to provide identification upon request. Students should immediately contact Campus Security with any questions or concerns about non-residents in the building.

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# Residential Standards

- **Bicycles, Scooters, Skateboards and Hoverboards:** Bicycles may be stored only in designated areas in select residence halls. Students are encouraged to lock their bikes. In-line skates, scooters and skateboards are not permitted to be used in any College-owned facility (however these are allowed outside on college walkways and paths). Hoverboards are not permitted in College buildings or on College property.
- **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.
- **Fund Raising and Solicitation:** Soliciting is not permitted on campus including college housing without the written authorization of the Vice President for Student Life and Dean of Students. In general, no solicitation requests involving personal gain, or by agencies or individuals from outside the College will be approved. In addition, door-to-door solicitation in residence halls by campus clubs, organizations, or individuals is prohibited.
- **Drying Racks:** No drying racks are permitted in residential area hallways. Students who would like to use drying racks must keep them in their assigned residential space( room or unit). In the event of an emergency that requires students and staff to vacate the buildings the hallways must be free of all obstacles. Impediments such as drying racks in the hallways are a violation of NFPA Life Safety Code.
- **Grills:** George Foreman grills are permitted on campus and college-owned grills may be used with permission from Housing & Residence Life. Other grills are strictly prohibited.
- **Halogen and Lava Lamps:** Due to fire safety hazards associated with halogen and lava lamps, their use is prohibited in student housing.
- **Personal Air Conditioning Units & Portable Heaters:** Personal air conditioning units (units not supplied by Elizabethtown College) are not permitted for student use in any residential facility. Due to fire safety hazards associated with space heaters, all portable heaters are prohibited. Students requesting residential accommodations for health-related reasons should follow the procedure at the following link: [http://www.etown.edu/offices/disability/Housing\\_accommodation.aspx](http://www.etown.edu/offices/disability/Housing_accommodation.aspx)
- **Personal Items on Walls:** Students are not permitted to hang items on the walls in the residence halls, except in their personal room. Items should not be hung on the walls in restrooms, hallways, laundry rooms, or common areas (with the exceptions of approved college communications). If items are found hanging on walls outside of personal rooms, they will be removed by College staff. Students should utilize College-approved adhesive when posting items on walls. To limit the potential of fuel for a fire, only 20% of room walls may be covered. Nothing is to be hung from or affixed to ceilings.
- **Potential Fire Hazards:** Flammable materials are strictly prohibited in college housing. All candles, including wickless and incense are prohibited regardless of intended use. 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. Extension cords or multi-plug adapters that lack a built-in surge protector/breaker to the list of fire hazard items that are prohibited. Hoverboards are not permitted in College buildings or on College property. Covering of fire/life safety equipment, including smoke detectors, is strictly prohibited. The College reserves the right to require students to alter, change or remove any items deemed unsafe and hazardous.
- **Sports in the Halls:** Because of the danger of personal injury and damage to property, hitting golf balls in and around residential areas is not permitted This includes but is not limited to: nerf toys, soccer balls, footballs, basketballs, golf sets, etc. Students who violate this directive may be fully responsible for any and all damages caused by sports in the halls.
- **Trash** must be removed from the student's room on a regular basis and placed in the appropriate trash receptacle outside of the residence hall or ILU as provided by the College.

- **Recyclable Materials:** The College provides communal containers for both paper products and for commingled materials. With guidance from Housing & Residence Life Staff, students set up a system to ensure that these containers are emptied at the pickup point in the building on a regular basis. Facilities Management collects the recyclables and takes them to the Brown Building where they are transported to their final destination. The College encourages students to take advantage of this opportunity to impact the environment in a positive way. Residents living in an ILU will be provided a recycling bin, which they are responsible for emptying on a regular basis to the external building bins.
- **Smoking:** Smoking is prohibited in all campus buildings including college housing. See the section on the Smoke Free Campus.
- **Windows:** Climbing through windows is prohibited; tampering with functionality of window screens and other window safety systems is prohibited.

Violations of residential facilities policies are resolved through the Student Code of Conduct procedures as outlined in Student Code of Conduct.

## General Residential Policies and Procedures (listed alphabetically)

### Building Exteriors

Students may not hang, drape, or display any banner, flag, or object from residential facility windows or on the exterior of any residential facility at any time.

### Building Security

Residential facilities are locked at all times, with the exception Check-In Day and Check-Out when the buildings are open to accommodate for increased pedestrian traffic. Academic buildings are locked when classes are not in session. All residential and academic buildings are equipped with ID card access to exterior doors. Propping doors is prohibited.

### Damage to Property

Students are expected to respectfully use College facilities. All damage to college-owned, leased or managed property, regardless of the reasons for the damage, should immediately be reported to Residence Life or Campus Safety. At the beginning of each academic year or when a room change occurs, a Room Condition Report (RCR) will be completed by each resident to track damages beyond wear and tear.

- Damage to property within student rooms is the responsibility of the students residing in the room.
- Damage to public areas of residence facilities, outside of student rooms, will be charged to the student(s) responsible, or to the residents of the smallest living unit who can be held responsible.
- Damage to property on the exterior of the residential building is charged to the student(s) responsible.

The Residence Life Office is responsible for determining which individual(s), if any, is held financially responsible for the damage, and what disciplinary action, if any, is appropriate. Damage resulting from irresponsible or willful acts may result in disciplinary action beyond the restoration costs for repairs, replacement, or labor. The Facilities Management department determines the cost of replacement or repairs for which the student(s) is responsible. Charges are made on the basis of estimated damage to existing College property and, in many instances, estimated labor charges. While charges for cost or replacement are made immediately following the occurrence of damage, the actual repair or replacement may be scheduled at a later date. This enables the Facilities Management department to consider

how repair/replacement work may affect daily student activities. It also allows for consideration of projected repair/replacement/renovation schedules as determined by the College.

There are often incidents of vandalism that do not necessitate a repair to the facility but require special cleaning services. These incidents fall into two categories: a biohazard charge and a personal trash clean-up charge. The fee for biohazard clean-up is \$100 and the fee for personal trash clean-up is \$25 per garbage bag or \$25 per hour of clean up time.

Students will be notified of each damage charge as it occurs via email. In addition, students will be notified of any monthly totals that accrue. Students will be billed at the end of the semester for all of the accrued charges.

A student has the right to appeal a damage charge in writing to the Residence Life Office. This must occur within five (5) calendar days of the damage notice. A student should consult with their building professional staff if the student has questions regarding the appeal process.

For additional information regarding damage investigation and billing, please contact the Residence Life Office.

## Guests and Visitors

See Guest and Visitor Policy.

## Keys

Individual room keys are issued to students by Campus Safety. A \$75 charge is assessed for any key that is lost or not returned at the time the student leaves College housing. Residents are not permitted to have their room keys duplicated. The College ID card is a building key – see policies regarding college ID card.

## Life Safety

Life safety systems are an essential for individual and community safety. *To alter, obstruct, or in any way defeat the purpose of these systems is to place yourself and other students in harm's way.* Tampering with life safety systems will result in serious disciplinary action.

**A student who knowingly tampers with a life safety system at Elizabethtown College may be fined up to \$1,000 or any amount above for repair and/or replacement of college property.** The College may refer life safety violations to local law enforcement.

- **Elevators:** Please observe the following related to elevators:
  - When there is smoke or fire in the building, do not use the elevator.
  - When elevator cars are overloaded, exceeding 125% of its rated capacity, they will normally stop.
  - There are emergency phones in all elevators with the exception of the freight elevator in Myer Hall.
  - If you are stuck in an elevator, activate the phone and report the incident to Campus Safety.
  - When you are stuck in an elevator, stay in the car until help arrives; the car is the safest place to be. Do not attempt to exit a car, even if the doors are open, if the car is more than 8" to 10" out of level.
  - Do not jump up and down in an elevator; it may cause the car to get stuck in the shaft.
- **Evacuation Procedures:** All individuals are required to exit the building and proceed to designated assembly point during the sounding of an alarm, *regardless the reason for the alarm.* Designated assembly points exist for each residential facility (see table below). 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. Maintain clear pathways for potential Fire and Rescue vehicles. Remain at your assigned place outside the

building until you are told you may return by Campus Safety or Residence Life staff. Failure to vacate during fire drills is considered a violation of policy and will be handled through the student conduct process.

Building	Assembly Point
Brinser	Lawn area between Brinser and Ober
Founders	College Hill (grass between Founders and Bowers Writers House)
Hackman Apartments	Wolf Field
Myer	Lawn area between Myer and Cedar Street
Ober	Lawn between Myer and Cedar Street
Quads	Lawn area between Soccer Field and Wolf Field
Royer	Dell
Schlosser	Dell
College Owned Houses	Sidewalk in front of the house to the left

- **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:** 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 re-enter the building until they are told that it is safe by Campus Safety or Residence Life staff. Students should call 717.361.1111 and report the fire when they are out of harm's way. Notify your Residence Life staff immediately. If a fire occurs and is put out, residents still need to contact Campus Safety to report the fire. If a fire extinguisher is used, a work order must be submitted to have the fire extinguisher recharged.
- **Fire Alarm Systems:** Fire alarm systems are installed in all residence facilities. The 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, Residence Life, and local service providers. Batteries needing replacement should be reported to Facilities Management via a work order.
- **Fire Drills:** At least one fire drill will be held each semester.
- **Fire Extinguishers:** Fire extinguishers are strategically located throughout all residence halls, quads, apartments, and SDLC's. Students are encouraged to take the time to know where extinguishers are located, particularly those closest to their rooms. Residence Life Staff 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. If an extinguisher is discharged, please submit a work order to have it replaced or recharged and contact Campus Safety.
- **Smoke Detectors:** Each residence hall room has a smoke detector that is monitored and supervised by Campus Safety. It is important that the detectors remain in working order. If a problem is noted, it should be reported to Campus Safety at 717.361.1264.
- **Sprinklers:** Sprinkler protection is installed in the Hackman Apartments and will automatically activate in the event of a fire. If the sprinkler system is activated report it immediately to Campus Safety at 717.361.1111.



## Lock outs

Students can seek assistance from the on-call RA during on-call hours (8pm – 7am daily) or Campus Safety to gain entry into their residence room when locked out. A charge of \$5 per lockout will be assessed to the student's account.

## Meal Plans

Students residing in Elizabethtown College residence halls are required to participate in one of the College's mandatory meal plans (Gold, Silver, or Bronze). Students commuting or residing in Houses, the Brinser Suites, Vera Hackman Apartments, and Schreiber Quadrangle are exempt from this provision but may purchase any meal plan.

See Dining Services' Webpage for current information.

## Pets

A pet is a privately owned animal (vertebrate or invertebrate) that is not a service animal or an assistance animal. The only pets permitted in residential areas are non-carnivorous fish in an aquarium of ten (10) gallons or less capacity. Non-carnivorous fish may be kept in student rooms with the agreement of all roommates. Assistance animals must be approved by the Office of Disability Services. (Elizabethtown College Assistance Animal Policy and Agreement). All animals brought on campus, and not confined to a cage, must be leashed. All animals must be kept under the owner's control at all times while on campus, including Service and Assistance animals.

## Quiet Hours

**Courtesy hours** are in effect at all times. This includes being courteous, considerate and respectful of others.

**Quiet hours** are from 11:00 p.m.–8:00 a.m., Sunday through Thursday; midnight–10:00 a.m., Friday and Saturday. The responsibility for quiet hours is shared by all residents. It is the student's right and obligation to inform residents of disruptive activities.

A violation of Quiet or Courtesy hours is any activity that is at a noise level that can be heard by others (either in the hallway, next door neighbors, or upstairs/downstairs neighbors) and is disrupting those who hear it.

## Restroom Use Policy

Elizabethtown College encourages all students, employees and guests/visitors to utilize the restroom facilities that most closely align with their gender identity. Many people desire non-gendered restroom facilities for multiple different reasons. The College seeks to expand the availability of gender inclusive restrooms. It is not a requirement that a gender inclusive restroom be single-use, private or locked. Individuals utilizing gender inclusive restrooms do so with understanding and respect for the privacy of others.

## Room Furnishings

Room furnishings must not obstruct or hinder access to any room in College-owned housing. A clear visual and physical path from the entry door to the window needs to be available at all times in case of an emergency. Water beds,

bed risers and lofts are not permitted. Alterations, additions, or unauthorized use of furnishings within the residence halls or other College-owned housing are prohibited. This includes, but is not limited to, moving furniture from public areas to individual rooms, removing College furniture from a room or building, moving College-owned furniture from lounges or onto balconies or roofs, painting or applying adhesive backed wall-coverings to any window, ceiling, floor, wall, or furniture surface. Due to safety concerns the use of bed risers, cinder blocks or other materials to raise beds/furniture off the floor is strictly prohibited. However, the College does have loftable beds and any student who is interested should contact Housing & Residence Life to request one for their room. All college furniture should remain indoors. Students found responsible for moving college furniture outdoors may be subject to disciplinary action and/or will be charged for any damages that occur in the process of moving furniture. Students in the Brinser Suites, Vera Hackman Apartments, Schreiber Quads, and SDLCs may not bring furniture other than what is already provided if they are not able to remove it when asked. College owned furniture will remain in ILUs and not be removed to make room for personal furniture.

TOP

# **Student Code of Conduct**

## **Introduction and Purpose**

The Elizabethtown College living-learning community affirms the values of peace, non-violence, human dignity, and social justice. These foundational values influence our high community standards for personal behavior, integrity, and social responsibility. All individuals who accept admission to Elizabethtown College are responsible for upholding the Student Code of Conduct, the Pledge of Integrity, and all other standards of the College in their own conduct and by reporting the unacceptable behavior of others.

While many College policies align with federal and Commonwealth laws, students are reminded that their personal conduct must exceed the requirements of the law to meet the standards of the Elizabethtown College community. As full community members, all students are expected to act with respect toward other persons and their property. Students will be challenged to make reflective ethical decisions and to seek just outcomes in all situations both on and off campus.

Elizabethtown College students enjoy the right to make independent decisions, to express diverse opinions, and to advocate for change with a commitment to civil discourse and human dignity. Personal behavior should never diminish the integrity or interfere with the wellbeing of the Elizabethtown College community.

The Student Code of Conduct has been developed to promote a healthy and safe environment for learning, to notify students of prohibited behavior at Elizabethtown College, and to advise them of college procedures for resolving violations of community standards and policies. When violations occur, the College can impose sanctions on individual students and campus organizations found responsible for the violations. Sanctions are intended to promote greater self-awareness and improved ethical decision making while supporting the rights of other community members. In some cases student behavior may result in temporary or permanent separation from the College.

## **General Provisions**

### **Authority**

The Vice President for Student Life and Dean of Students (referred to as VPSL in this section) is responsible for the Student Code of Conduct and associated processes and procedures. The VPSL has the authority to intervene at any point, as deemed necessary, to maintain the safety of individuals, to protect property, to assure continuation of the educational process and to preserve the integrity of the College. The VPSL may develop policies for the administration of the conduct system and procedural rules for resolution proceedings that are consistent with provisions of the Student Code of Conduct. In general, the VPSL shall have responsibility for ongoing management of the student conduct process and may assign a designee for ongoing management of the student conduct process at any time.

The VPSL shall determine which Student Conduct Administrator(s) shall be authorized to hear and decide upon outcomes for each matter. All Student Conduct Administrators are expected to participate in annual professional development and training.

## Interpretation and Revision

A question of interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Life and Dean of Students for final determination. The College reserves the right to amend the Student Handbook or other current regulations as deemed necessary for the protection of property or the general welfare of the college community. If revisions are made during the academic year, students will be notified through standard campus communications of any new rule or amendment of existing policy. The Student Code of Conduct shall be reviewed annually under the direction of the Vice President for Student Life and Dean of Students and the Student Handbook will be published on the College website prior to the start of the fall semester. Community members are encouraged to comment on the Student Code of Conduct or to make recommendations for its revision at the regular meetings of the Student Senate.

## Jurisdiction

The jurisdiction of the Elizabethtown College Student Code of Conduct and other college policies include 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 College may refer student conduct violations to law enforcement and will if a felony level violation occurs. 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.

### **Statement about the Elizabethtown Sexual Misconduct Policy**

All formal complaints of Regulatory Quid Pro Quo Sexual Harassment, Regulatory Hostile Environment Sexual Harassment, Regulatory Sexual Assault, Regulatory Dating Violence, Regulatory Domestic Violence and Regulatory Stalking will follow process and procedure outlined in the (Title IX) Formal Complaint Process of the Elizabethtown Sexual Misconduct Policies and Procedures. **Allegations of Non-Regulatory Prohibited Conduct defined in the Sexual Misconduct Policy, or discrimination based upon other protected classes, 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. Notwithstanding any other provision of the Sexual Misconduct Policy and Procedures, the rights**

**and procedures set forth in the Sexual Misconduct Policy and Procedures shall not apply to allegations of Non-Regulatory Prohibited Conduct that are addressed under other policies and procedures.**

## Definitions

1. The term *College* means Elizabethtown College.
2. The term *student* includes all persons enrolled and/or matriculated at the institution, taking or auditing courses in the traditional program at the College, either full time or part time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular period of time but who have a continuing relationship with the College are considered students.
3. The term *faculty member* means any person hired by the College to conduct classroom activities.
4. The term *College official* includes any person employed by the College performing assigned administrative or professional responsibilities.
5. The term *member of the College community* includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation shall be determined by the Vice President for Student Life and Dean of Students.
6. The term *College premises* includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, operated, controlled, or supervised by the College (including adjacent streets and sidewalks).
7. The term *organization* means any number of persons who have complied with the formal requirements for College recognition. All student organizations must be registered with Office of Student Activities.
8. The term *Student Conduct Administrator* means the Vice President for Student Life and Dean of Students or any designee authorized to review complaints, issue simple resolution opportunities, conduct formal resolutions, and impose sanctions upon students or organizations found to have violated the Student Code of Conduct.
9. The term *Appeal Officer* means a college staff or administrator who considers an appeal of a Student Conduct Administrator's decision or of the sanctions imposed.
10. The term —*will* and *shall* are used in the imperative sense.
11. The term —*may* is used in the permissive sense.
12. The Vice President for Student Life and Dean of Students (VPSL)- is that person designated by the President of the College to be responsible for all aspects of student life and shall be responsible for the administration of the Student Code of Conduct.
13. The term *policy* is defined as the written regulations of the College as found in, but not limited to, the *Student Handbook*, the College web pages (all departments), and the College Catalog.
14. The term *Complainant* means any person who submits a complaint alleging that a student may have violated any portion of the Student Code of Conduct.
15. The term *Respondent* means any student or student organization alleged to have violated the Student Code of Conduct.
16. The term *charge* refers to a formal notification to a student of an alleged violation of the Student Code of Conduct.

## Amnesty 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 student conduct sanctions if you call on behalf of another student 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 Safety 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 Safety 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 enact the Amnesty Provision may still be required to meet with staff to discuss the incident and resources.

Students who experience a personal health or safety emergency that results in being transported to the hospital are required to meet with the Associate Dean of Students for Counseling and Health Needs for assistance in connecting with support resources. In some situations, other student(s) involved may be contacted by the Vice President for Student Life and Dean of Students 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 and Dean of Students or designee will determine the applicability of Amnesty and may refer the incident for student conduct action.

## Standards of Conduct

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 shall not be condoned.

Students are expected to uphold the following Standards of Conduct and all other College policies and regulations. Any student found to have committed or to have attempted to commit the following misconduct or to have violated any other College policy contained in College publications is subject to Elizabethtown College disciplinary processes and sanctions. Some policies stated below refer to an appendix to this document where the full policy is defined.

**Academic Misconduct:** See College Catalog Academic Policies. (Appendix C)

**Alcohol Policy Violation:** See Alcohol and Other Drug Policy (AOD) (Appendix A) for complete description.

**Bullying, Intimidation and Harassment** – see appendix E

**Bias-Related Harassment and Discrimination** – see appendix P

**Business Ventures** – The use of college facilities, resources, or other property including computers and network servers for business purposes of any nature is prohibited. Serving as agents for business firms or engaging in business ventures that involve solicitations or the giving and receiving of goods, services, or money is strictly prohibited. Students involved in entrepreneurship through the Elizabethtown College Academic Departments or any other small initiative must petition the Vice President for Student Life and Dean of Students for an exception for business initiatives. The VPSL reserves the right to consult with Deans of

Schools, the Executive Vice President for Business and Finance, and any other administrator before making a determination.

**Complicity** – Any effort to condone or encourage a violation of College policy. Students are expected to uphold college policies and to remove themselves from situations where college policies are being violated and report such incidents to Campus Safety. Examples of this include but are not limited to underage presence in a residence hall room with alcohol or other drugs, presence in a room violating quiet/courtesy hours, etc.

**Disruptive/disorderly conduct** including but not limited to:

- Infringing on the rights of other members of the College community;
- Attempting to discourage an individual's proper participation in, or use of the student conduct system;
- Disruption, interference or obstruction of teaching, research, administrative, or disciplinary proceedings, other College processes or activities, including its public-service functions on- or off-campus, or other authorized non-College activities, when the act occurs on College premises;
- Breach of peace; or aiding abetting, or procuring another person to breach the peace (which includes not only on-campus Code of Conduct violations, but also violations of Borough noise ordinances— see Elizabethtown Borough Noise Ordinances below);
- Leading or inciting others to disrupt scheduled or normal activities or proceedings within any campus building or area.

**Drug Policy Violation**—See Alcohol and Other Drug Policy (AOD) (Appendix A) for complete details.

**Endangering Safety or Wellbeing of Others** – including but not limited to:

- Behavior that endangers safety/health of others or threats to cause such action;
- Intentionally initiating or causing to be initiated any false warning or threat of fire or other safety emergency, interfering or tampering with safety or emergency response systems; intentional false activation of any safety alarm; failure to comply with fire safety regulations or officials during a fire safety drill or other evacuation;
- Physical assault
- Starting a fire or providing conditions where a fire is likely to occur or continue;
- Open burning including bonfires;
- Adulteration of food or beverages, the intentional placement of drugs or other illicit substances into the food or beverage to be consumed by others, and without their knowledge and consent.
- Inappropriate use of personal self-defense resources such as pepper spray.

**Failure to comply** or cooperate with the reasonable request or direction of a college official. Including but not limited to:

- Failure to uphold COVID-19 expectations as outlined in the Return to Campus guide and/or most up to date expectations outlined on the Etown website;
- Failure to identify oneself to College officials when requested;
- Failure to comply with the summons of a College official;
- Failure to comply with sanction(s) imposed under the Student Code of Conduct;
- Failure to comply with interim actions;
- Failure to comply with a no-communication/no-contact directive;
- Failure to comply with emergency safety personnel acting in performance of their duties.

**False Information**—May include but are not limited to:

- Cheating, plagiarism, or other forms of academic dishonesty (see #1);

- Furnishing false information to any college official, faculty member, or office, including but not limited to use, possession, or provision of false identification;
- Falsification, distortion, or misrepresentation of information in any student conduct process or investigation;
- Submitting a false allegation of misconduct;
- Forgery;
- Alteration or misuse of any college document, record, or instrument of identification;
- Concealing one's identity individually or collectively for the purpose of avoiding the consequences of illegal, irresponsible, or inconsiderate behavior;
- Surreptitious audio recording, photography, or videography, or posting of images to social media sites, etc. without expressed permission of all parties.
- Tampering with the election of any College-recognized organization.

**Gambling** for money or stakes representing money or for any other form or monetary reimbursement is prohibited. Student athletes should refer to NCAA regulation regarding gambling. All raffles must be approved by the Vice President for Student Life and Dean of Students and coordinated through the Business Office. No raffles may be conducted without prior approval from both offices. Organizations may conduct raffles under the following conditions:

- Raffle is conducted by a College office or recognized organization;
- Prizes are donated by an individual, firm or other organization;
- Proceeds benefit the organization or a recognized charity.

**Guest Policy Violation** – (Appendix D) Any and all overnight guests must be registered with and approved by Campus Safety and the Residence Life Office prior to visiting Campus. No guests under the age of 16 will be approved. Students are permitted to host guests for a maximum of three days per month each semester as long as their roommate(s) approve. Hosts and their guests must remain together at all times. Any alleged or actual policy violations will result in the guest's emergency contact being notified and the guest being asked to leave campus. The host will be routed through the student conduct process. The college reserves the right to restrict any guests or visitors for any reason at any time.

**Hazing Policy Violations** – See Policy Regarding Hazing.(Appendix F)

**Housing Policy Violation** –Any violation of Housing or Residence Life Policy and Procedures, including but not limited to Residency Requirements, Residency Agreement, and Residential Policies listed previously in this document.

**Lewd or indecent conduct**—included but not limited to:

- Public nudity
- Public intoxication, urination, or defecation
- Engaging in consensual sexual activity in public

**Noise Policy** is any activity that is at a noise level that can be heard by others (either in the hallway, next door neighbors, and/or upstairs/downstairs neighbors) and is disrupting those who hear it.

#### **Elizabethtown Borough Noise Ordinances**

Elizabethtown College students are expected to be responsible members both of the College community and of the Elizabethtown Borough community. Breaching the peace is a violation not only of college policy, but also of Elizabethtown Borough Ordinances.

It is illegal in the Borough of Elizabethtown to cause, or permit other people to cause, noise disturbances including:

- Any sound amplification system within a vehicle which can be heard at a distance of 50 feet or more from the source,
- Any sound that is plainly audible across a property line between the hours of 9:00pm and 7:00am,
- Yelling, shouting, hooting, whistling, singing, or creating any other noise disturbance on the public streets, public spaces, or public rights-of-way which causes a noise disturbance across a property line between the hours of 9:00 pm and 7:00 am.

Each day that any violation of these ordinances takes place will be considered a separate offense. Any violation of these Borough ordinances may result in fines of no less than \$50 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.

This information is current as of the time of the initial publication of the 2022-23 Student Handbook. 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.

**Retaliation** – Any action by any person that is perceived as intimidating, hostile, harassing, or violent that is directed toward any Complainant, witness, or other person associated with a misconduct complaint or student conduct process. This also includes a violation of a no contact directive.

**Sexual Misconduct – Non-Regulatory** - Non-Regulatory Prohibited Behavior outlined in the Elizabethtown Sexual Misconduct Policy and Procedures, including the following violations as defined in said Policy:

- Non-Regulatory Quid Pro Quo Sexual Harassment
- Non-Regulatory Hostile Environment Sexual Harassment
- Non-Regulatory Sexual Assault
- Non-Regulatory Dating Violence
- Non-Regulatory Domestic Violence
- Non-Regulatory Stalking
- Sexual Exploitation
- Retaliation

**Smoking** is prohibited at all times in all College-owned facilities. Smoking, including use of electronic/vape devices, is restricted to designated areas.

**Theft** of property or resources belonging to individuals or the College; possession of stolen property; this also includes College computer and network resources as described in the Information Technology Acceptable Use Policy.

**Unauthorized possession, use, or sharing of College resources** including but not limited to college keys, ID cards, access codes, College electronic resources, and the unauthorized entry, presence in, or use of College premises, including entering/exiting/passing through a window or hatch.

**Vandalism, damage to property** – Damage to or misuse of college or other property. Incidents of institutional vandalism may be referred to law enforcement.

**Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College web site.**



**Weapons, firearms, explosive devices** – This restriction includes but is not limited to: 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 nerf/water guns, air rifles, BB or pellet guns, firearms, or items resembling a firearm regardless of color or type (such as Nerf toys, paint guns, etc.), and weapons including switchblade, spring action and/or other knives longer than 3" (with the exception of kitchen knives), and swords (including ceremonial or decorative swords), ammunition and shell casings, gunpowder, fireworks, explosives, or other flammable substances. Any such articles or substances will be confiscated by Campus Safety.

**The following Policies are also listed and defined in the Appendices, and violations of said policies may be resolved through the Student Conduct Process:**

- [Appendix B](#) - Policies and Procedures Regarding Brief Absences, Leave of Absence, and Withdrawals and other Academic Issues
- [Appendix G](#) – Policy Regarding Animals on Campus for Disability-Related Needs
- [Appendix H](#) – Grievance Procedure for Students in Cases of Alleged Discrimination on the Basis of a Disability
- [Appendix I](#) – Information Technology Acceptable Use Policy
- [Appendix J](#) – Non-Solicitation Policy
- [Appendix K](#) – Maintenance of Public Order and Demonstrations Policy
- [Appendix L](#) – Restroom Use Policy
- [Appendix M](#) – Social Media/Networks Policy
- [Appendix N](#) – Campus Speaker Policy
- [Appendix O](#) – Student Complaint Policy and Procedures
- [Appendix Q](#) – Student Athlete Sexual Misconduct Annual Disclosure Policy and Procedures
- [Appendix R](#) – Sexual Misconduct Policies and Procedures (All regulatory violations will be handled through the Title IX Process and Procedures)

## Violation of Law and College Conduct

College conduct proceedings may be instituted against a student charged with violation of a law which is also a violation of the **Student Code of Conduct**, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code of Conduct; however, the College may advise off-campus authorities of the existence of the Student Code of Conduct and related processes and of how such matters will be handled internally within the College community.

The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. To the extent possible, students will be informed in advance of any release of information related to a criminal investigation.

Individual students, and faculty and staff members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

# 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 U.S. Department of Education Federal Student Aid webpage.

## Student Conduct Process

### Making a Report of Student Misconduct

Any member of the College community may file a report to Campus Safety, any member of the Residence Life professional staff (Area Coordinators or Director), or the Vice President for Student Life and Dean of Students. Reports should be submitted as soon as possible.

- Campus Safety, 605 South Mount Joy Street, 717.361.1264
- Public Reporting Form: [https://elizabethtown-advocate.symplicity.com/public\\_report/index.php/pid601929](https://elizabethtown-advocate.symplicity.com/public_report/index.php/pid601929)
- The **ECTipline** provides an option for making an anonymous report of a non-emergency.
  - Any member of the College community may also file a report by using the ECTipline (non-emergency reports only). In case of emergency, call 911 or Campus Safety at 717.361.1111.
- Call 855.696.1899. A representative is available 24/7.

The College reserves the right to assume the role of Complainant and to refer student misconduct to local law enforcement.

The College may conduct an investigation or assessment to better understand the issue and/or collect additional information. This assessment may include individual or group interviews, review of college files or other relevant information. The assessment may yield sufficient information to proceed with a student conduct process. In some cases

the assessment may not support a student conduct response. In either case, the Complainant will be informed of recommendations for resolution pathways.

### **Emergency Action**

1. The Vice President for Student Life and Dean of Students or their designee may take emergency action regarding a student when immediately necessary to secure the health or safety of any persons and there is an alleged violation of the Student Conduct Code.
2. Emergency Action includes, but is not limited to:
  - a. Immediate withdrawal of the student from the College;
  - b. Restrictions on the student's presence on College Premises or at College Sponsored Activities;
  - c. Placing a hold on a student's record that will prevent registration would prevent the student from obtaining an official copy of the student's transcript.
3. The Vice President for Student Life and Dean of Students or their designee may request that the student secure a medical and psychological evaluation through the Associate Dean of Students for Counseling Services and Health Needs or at another facility at the student's own expense. The evaluation may be used to determine the appropriateness of withdrawing the emergency action.
4. When the emergency action takes place, the Vice President for Student Life and Dean of Students or their designee will:
  - a. Inform the student and Complainant, if applicable, of the reason for the emergency action;
  - b. Give the student and Complainant, if applicable, the opportunity to explain why emergency action should or should not be taken;
  - c. Inform the student and Complainant, if applicable, that a preliminary hearing will take place according to the procedures in this section and that the student will be informed of its time, place, and date; and
  - d. Inform the student and Complainant, if applicable, of the possible restrictions that may be imposed prior to a conduct hearing.
5. The preliminary hearing shall take place within two business days of the implemented emergency action. At this hearing the student shall have a full opportunity to demonstrate to the Vice President for Student Life and Dean of Students or their designee that emergency action is not necessarily pursuant to Paragraph 1. The student may be accompanied by an advisor. The Vice President for Student Life and Dean of Students or their designee will also consult with the Complainant, if applicable, who may also be accompanied by an advisor, during any consultation. Based on the reasonable evaluation of the information presented at the preliminary hearing, the Vice President for Student Life and Dean of Students or their designee shall notify the student within 24 hours of the decision to:
  1. Dissolve the emergency action and take no further action;
  2. Dissolve the emergency action but proceed to a conduct hearing; or
  3. Sustain or modify the emergency action until such time as a resolution is researched following a conduct hearing.
6. An emergency action shall be reviewed by the Vice President for Student Life and Dean of Students or their designee at the request of the student no sooner than the next working day after the preliminary hearing. The review shall provide an opportunity for the student to explain why an emergency action need no longer be imposed. Subsequent review of the same emergency action may be requested no more frequently than every ten days.
7. If emergency restrictions on a student's housing or enrollment are removed, the student will not be assessed any fees for reinstatement.

## **Student Rights in the Conduct Process**

Students have the following basic rights when accused of violating policies outlined in the Code of Conduct:

1. The right to know of what they're being accused
2. The right to know who is accusing them (in most cases this may be the College)
3. The right to be heard in a fair process

4. The right to an appeal upon the presence of certain criteria

## Steps for Resolution

**Mediation or Restorative Resolution** may be used if the involved students and Student Conduct Administrator agree that this resolution option is reasonable and appropriate. A mediator or conference facilitator will be assigned by the Vice President for Student Life and Dean of Students. Parties of mediation or restorative resolution will be expected to honor the outcome(s) of the process. Documentation of the process will be placed in the student's confidential file. If the matter cannot be resolved by mutual agreement, or parties do not comply with the outcome, the matter may be referred for a Formal Resolution.

**Simple Resolution** is a formal written warning for minor violations of the Student Code of Conduct. The Office of Student Rights and Responsibilities assesses relevant documents and determines the student is responsible for a violation of the Student Code of Conduct. The Respondent receives notification of policy violation(s) along with a formal warning. If a Respondent agrees with the assessment, accepts responsibility for the violation(s) and agrees with the formal warning a record of the Simple Resolution will be maintained in the case file along with any supporting information. If a Respondent does not agree with a Simple Resolution outcome, the Respondent has five (5) business days to request a Formal Resolution.

**Formal Resolution** is an interactive response to a violation of the Student Code of Conduct. A Formal Resolution procedure will be followed when the Vice President for Student Life and Dean of Students (VPSL) determines a Formal Resolution is necessary.

- The VPSL or other Student Conduct Administrator (designee) will review all relevant information including investigative notes and witness statements and send written notification to the Respondent(s) listing the alleged violations and how to schedule a formal resolution meeting.
- Respondents will have seven (7) calendar days to schedule their Formal Resolution meeting with the Student Conduct Administrator assigned to the case. Formal Resolution meeting dates and times may be changed or expedited by the VPSL or designee when there is concern for the health and safety of college community members, a concern for property, or when additional information is being gathered.
- If a Respondent fails to appear for the meeting, the process will continue and the information in support of the allegations will be considered in order to determine whether or not the Respondent has violated the Student Code of Conduct.
- The Formal Resolution meeting will be conducted by the Student Conduct Administrator in a confidential setting.
- The process shall be prompt, fair and impartial through to resolution.
- The Vice President for Student Life typically reviews cases that may result in separation from the College and may assign a conduct panel to hear the case.
- During the Formal Resolution meeting, the Student Conduct Administrator meets individually with the Respondent(s) to present an overview of the allegations. The alleged violations are explained as well as the range of possible and reasonable sanctions. During this meeting, the Respondent has the opportunity to provide their perspective. The Complainant (if not the College) may be asked to participate in the hearing process as a witness. In such cases, the Respondent may ask questions of the Complainant through the Student Conduct Administrator. Pertinent information, witness lists, or written witness statements may be accepted by the Student Conduct Administrator for consideration.
- Both the Complainant and the Respondent have the right to request witnesses. However, such requests must be sent no less than 24 hours in advance of the hearing date and time, and the Student Conduct Administrator determines whether or not a witness may be relevant to the case. Hearing processes cannot be stalled due to witness schedules.
- All procedural questions are subject to the final decision of the Vice President for Student Life and Dean of Students, who has the authority to intervene at any point in the student conduct process, including the Formal

Resolution, to protect the safety or well-being of individuals and the campus community or the integrity of the College and its administrative processes.

- **Conduct Advisors** - During the individual Formal Resolution meetings, the Complainant and the Respondent(s) have the right to be supported by any conduct advisor they choose who is a member of the College community, unless the community member is also a Respondent or witness in the case being considered, or if the College identifies any conflict of interest. Parents/guardians may not support Respondents or Complainants. Conduct Advisors are there to provide emotional support to a party. They cannot speak, respond, take notes, record, or otherwise participate in the meeting. Delays will not normally be allowed due to the scheduling conflicts of a conduct advisor. If a conduct advisor disrupts the Formal Resolution meeting, they may be asked to remain silent, leave the room, or the Formal Resolution meeting may be rescheduled without that conduct advisor in attendance. Students must identify the conduct advisor to the Student Conduct Administrator a minimum of 24 hours before the Formal Resolution meeting.

## Determining Responsibility

At the conclusion of the Formal Resolution process, the Student Conduct Administrator, shall determine whether the Respondent has violated the **Student Code of Conduct**. The determination shall be based on preponderance of evidence, that is, whether the facts in the case were enough to establish that a violation of the Student Code of Conduct more likely than not occurred. Formal rules of process, procedure, or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings. The Respondent is notified in writing of the outcome.

No student may be found to have violated the Student Code of Conduct solely because the student failed to appear for the Formal Resolution meeting. In all cases, the evidence in support of the complaint shall be presented and considered in order to determine whether or not the student has violated the Student Code of Conduct.

Decisions made by the administrative conduct officer shall be final, pending the normal appeal process.

## Recordkeeping

There shall be a single record, which could include such items as notes or audio recording, of all Formal Resolutions. The record shall remain the property of the College. The record shall be maintained for seven (7) years.

## Sanctions

Sanctions are designed to educate students and guide future decision-making. If a student is found responsible for a violation of college policy, sanctions may be assigned. Appropriate and reasonable sanctions will be based on current and previous violations. Common sanctions are detailed below; however, student conduct administrators may recommend and assign alternative sanctions. More than one sanction may be imposed for a single violation. Students are required to complete sanctions; failure to comply may result in additional disciplinary action or the activation of a "Dean of Students/Student Conduct Hold" on the student's account. Sanctions may be imposed upon groups or organizations as well as individual students.

### Status Sanctions

Status sanctions pertain to a student's relationship with the college and provide a form of consistency for the College in responding to acts of misconduct. One or more of these is usually issued when a student has been found responsible for violating the Code.

- **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/or 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 a period of time (which maybe indefinite) during which a student is under warning that any violation of college policy may result in suspension. Disciplinary probation may also prohibit a student from participating in certain college activities or programs, as it is considered notice that the student is not in good standing due to their behavior. This sanction is not reflected on the academic transcript.
- **Disciplinary Suspension** is a defined period of time during which a student is not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at Elizabethtown College. During the period of suspension, a Student Conduct hold designating such will be placed on the student's account and transcript prohibiting registration, enrollment, attendance, or ability to earn credit for any credit or noncredit courses offered by Elizabethtown College. This also prohibits receipt of a degree or certificate from Elizabethtown College during this time. This suspension may not prevent a student from attending another college or university. Once the period of suspension has been completed, the hold will be lifted from the student account, provided the student has completed any other requirements required prior to return. During the period of suspension, the student is also banned from College property unless otherwise stated. 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 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 student must petition the Vice President for Student Life in writing for permission to return to the College. 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 Student Conduct Administrator 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 Suspension for One Semester** – Unless a deferral has been issued, the length of suspension will be for one semester in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of the next traditional fall or spring term.
  - **Disciplinary Suspension for Two Semesters** – Unless a deferral has been issued, the length of suspension will be for two semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
  - **Disciplinary Suspension for Three Semesters** – Unless a deferral has been issued, the length of suspension will be for three semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of three traditional semesters.
  - **Disciplinary Suspension for Four Semesters** – Unless a deferral has been issued, the length of suspension will be for four semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term.

Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of four traditional semesters.

- **Disciplinary Suspension for Five Semesters** – Unless a deferral has been issued, the length of suspension will be for five semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of five traditional semesters.
- **Disciplinary Suspension for Six Semesters** – Unless a deferral has been issued, the length of suspension will be for six semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
- **Disciplinary Suspension for Longer Than Six Semesters** – A Disciplinary Suspension for Longer than six semesters should be a special circumstance, and will be indicated by specific dates.
- **Disciplinary Expulsion** is a defined period of time during which a student is not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at Elizabethtown College. During the period of suspension, a Dean of Students hold designating such will be placed on the student's account and transcript prohibiting registration, enrollment, attendance, or ability to earn credit for any credit or noncredit courses offered by Elizabethtown College. This also prohibits receipt of a degree or certificate from Elizabethtown College during this time. This suspension may not prevent a student from attending another college or university. Once the period of suspension has been completed, the hold will be lifted from the student account, provided the student has completed any other requirements required prior to return. During the period of suspension, the student is also banned from College property unless otherwise stated. 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 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 student must petition the Vice President for Student Life and Dean of Students in writing for permission to return to the College. The Vice President for Student Life and Dean of Students may require a personal meeting to determine eligibility; return following a disciplinary suspension is not automatic as special conditions or considerations imposed by the Student Conduct Administrator 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 (7) years. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student's status. Disciplinary Suspension length of time will be sanctioned in one of the following ways:
  - **Disciplinary Suspension for One Semester** – Unless a deferral has been issued, the length of suspension will be for one semester in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of the next traditional fall or spring term.
  - **Disciplinary Suspension for Two Semesters** – Unless a deferral has been issued, the length of suspension will be for two semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
  - **Disciplinary Suspension for Three Semesters** – Unless a deferral has been issued, the length of suspension will be for three semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of three traditional semesters.

- **Disciplinary Suspension for Four Semesters** – Unless a deferral has been issued, the length of suspension will be for four semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of four traditional semesters.
- **Disciplinary Suspension for Five Semesters** – Unless a deferral has been issued, the length of suspension will be for five semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of five traditional semesters.
- **Disciplinary Suspension for Six Semesters** – Unless a deferral has been issued, the length of suspension will be for six semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
- **Disciplinary Suspension for Longer Than Six Semesters** – A Disciplinary Suspension for Longer than six semesters should be a special circumstance, and will be indicated by specific dates.
- **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 and Dean of Students. 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 indefinitely. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student's status.

## Educational Sanctions:

Educational sanctions may be imposed that are designed to maximize the learning of a specific student. These sanctions take into account the student's learning style and stage of development, as well as unique factors of a give situation. This list is not exhaustive.

- **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.
- **AlcoholEDU for Sanctions** is an educational module offered by Vector Solutions specifically addressing student behavior violating College alcohol policies.
- **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.
- **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.
- **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.
- **Other** appropriate sanctions that do not fall within the scope of the items listed in this section.
- **Parent /Guardian Notification** alerts student found responsible for a Student Code of Conduct violation that parent/guardian will be notified.
- **Residential Expulsion** results in student being permanently removed from college housing.
- **Residential Relocation** results in a student being administratively moved to a different on-campus residence.
- **Residential Restriction** results in restricted access to certain college housing buildings.
- **Residential 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. The Vice President for Student Life and Dean of Students or the Director of Residence Life may require a personal meeting to determine eligibility; 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 and Dean of Students or other student life administrator.
- **Student Conduct Hold** blocks the student from registering for classes until expectations found in a sanction letter are satisfied.

## Notations on the Student's Permanent Transcript and Confidential File

Every student has (1) a permanent transcript maintained as part of each student's academic record by the Office of Registration and Records and (2) a separate confidential file maintained in the Vice President for Student Life and Dean of Student's Office.

- The permanent transcript is part of the student's official academic record.
- The confidential file contains documents related to student conduct violations and outcomes and may include notes from personal interactions with college personnel.

The College routinely expunges the student confidential file seven years after the student's graduation, withdrawal, suspension or expulsion. An individual record of a student conduct violation maintained in a student's confidential file may be expunged seven years after the date of the violation upon request of the student.

Disciplinary expulsion is noted on the student's permanent transcript.

Disciplinary suspension is not formally indicated on the permanent transcript; however, the student receives a "WF" for each enrolled course in the semester when the suspension sanction was imposed. The grade "WF" is noted on the permanent transcript.

## Appeal Process

A student found responsible of a violation of the Student Code of Conduct may appeal a Formal Resolution decision or sanction(s) in writing via the link in the student's decision letter within five (5) calendar days of the time of written notification of the decision. Decisions rendered by the conduct officer shall be final until an appeal outcome has been determined. An appeal may be assigned to a specific appeal officer to avoid a conflict of interest or to expedite a review. The Vice President for Student Life and Dean of Students will assign the appeal cases to an appeal officer, prepare relevant documents for the review, and conduct a preliminary meeting with the appeal officer to define the scope of the appeal.

Disciplinary sanctions generally are stayed pending appeal, unless the Vice President for Student Life and Dean of Students determines that sanctions should be immediately implemented because the underlying offense involved serious harm to another person or the student otherwise presents a continuing risk of harm or disruption to the community.

An appeal must be based on one or more of the following reasons; the appeal officer may decide not to consider an appeal if sufficient grounds have not been articulated for an appeal.

1. **There are new facts, unavailable at the time of the Formal Resolution meeting that could reasonably be expected to change the original decision.** The student must outline the source of new information, the name(s) of the individual(s) who can present this information, the reason(s) why this information was not available at the time of the Formal Resolution meeting, and the reason(s) why this information may contribute to a different decision.
2. **There was a substantial violation of the student conduct procedures that may change the original decision.** The student must include a citation of specific procedural error, the reason(s) why the procedural error was not mentioned in the Formal Resolution meeting, and how the correction of the error can contribute to a different decision.
3. **The sanction imposed is substantively disproportionate to the violation.** The student must include specific information about why the sanction is deemed substantively disproportionate.

The appeal must articulate, with specificity, which of the above reasons forms the basis of the appeal. The College will not consider any of the above reasons that is not specifically raised and discussed in the appeal. An appeal will be considered by an appeal officer. The scope of the appeal will be limited to one or more grounds outlined above. The appeal is not a new review of the original student conduct decision. The appeal officer gives deference to the student conduct administrator's original decision. Appeal officers will be trained and knowledgeable about the student conduct process.

In most cases, the appeal will be completed within ten (10) business days after the receipt of the appeal letter. There are conditions by which the College may deem it necessary to either expedite or postpone an appeal. If this occurs, there will be a written communication to the Respondent.

## The Appeal Officer Will:

- Review the record only. The record will normally consist of any Formal Resolution documents and materials, and the decision letter. In some cases, the review may include any relevant new information presented by the student.
- Provide a final written decision and explanation to the VPSL generally within ten (10) business days after receipt of appeal letter. Some cases may require additional time.

## The Appeal Officer May:

- Determine the appeal is without merit and uphold the original decision and sanction(s).
- Determine that new and relevant information presented in the appeal could reasonably alter the underlying outcome. In this situation, the Appeal Officer will return the case to the original Student Conduct Administrator and ask for consideration of the information and request final determination based on new information. The College reserves the right to seek a competent, trained, outside party to reach a final determination.
- Determine a procedural error was made that likely materially impacted the outcome of the original decision. In this situation, the Appeal Officer will refer the case to the Vice President for Student Life and Dean of Students who may take steps necessary to resolve the complaint or may seek a competent, trained, outside party to reach a final determination or determine the sanction(s) should be reconsidered. In this case, the Appeal Officer will refer the appeal to the Vice President for Student Life and Dean of Students for the sole purpose of final sanctioning. See previous section on Sanctions.

# Appendix A: Alcohol and Other Drug Policies (AOD)

## Introduction

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 Student Rights & Responsibilities.

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 policies.

Alleged violations of the AOD Policy are enforced by Campus Safety and the Office of Student Rights and Responsibilities 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 1 pint of distilled alcohol or other alcohol (this includes pre-mixed cocktails)
3. Students assigned to an independent living unit (College owned houses, Quad Apartments, Hackman Apartment or 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 provide 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 or complicit to policy violations.
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
  - Kegeators
  - Beer/water pong tables (a table or surface designated to be used for drinking games)
  - Any items, in the college's estimation, associated with drinking games
  - Any items related to abuse/misuse of other substances
9. Participation in any behavior designed for the rapid consumption of alcohol (funnels, keg stands, drinking games, etc.)
  10. Sale of alcoholic beverages (includes door cover charge and sale of cups) is prohibited.
  11. Use or possession of distilling, wine making or brew kits is prohibited.
  12. Public drunkenness is prohibited (See Alcohol Emergencies).
  13. Driving under the influence of alcohol or other drugs is prohibited.
  14. The abuse of alcohol, drugs or other substances by individuals of any age will not be tolerated.
  15. Emergency medical response to any alcohol or other drug related emergency will be at the student's expense.
  16. 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 and Dean of Students or their 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.
  17. 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.
  18. Students may not be present where drugs are being used or distributed.
  19. 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 Safety. Students should keep over-the-counter medication in original packaging to guard against misuse.

20. Any student who is a resident of an independent living unit and have a social gathering at which alcohol is present is considered a host. Hosts are expected to register non-student guests, monitor activities within the living unit to ensure that no violations of College policy are occurring, and ensure that individuals under the legal drinking age are not consuming alcohol. Hosts of private social gatherings held off campus are responsible for insuring adherence to alcohol and drug laws and Standards of Conduct.
21. 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).
22. 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 and Dean of Students or designee or Dean of the Faculty.

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## 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, inability to wake up
- Temperature-decrease in body temperature, cold, sweaty skin
- Absence of color-pale or blue skin
- Low/Irregular breathing
- Seizures

One warning sign is sufficient reason to take action!

CALL 717.361.1111 or 911 for immediate emergency response.

**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.

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

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## 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.

### **Local Law**

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 anywhere 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.

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.

## 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 make healthy decisions. In addition, the College regularly monitors the patterns of alcohol and other drug use in order to provide the community with accurate information. Students are encouraged to participate in educational programs facilitated by Student Wellness and the Office of Housing & Residence Life.

Educational programs include but are not limited to:

- New 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 – *Wellness Wednesdays* special topics, National Collegiate Alcohol Awareness Week; Alcohol Awareness Month programming, Social Norming programs, 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 and 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.
- Alcohol/Drug Assessment with a college staff counselor which requires two sessions. The fee is waived if not a sanction.

## Commonly Abused Drugs

From the National Institute on Drug Abuse – [www.drugabuse.gov](http://www.drugabuse.gov)

Substances: Category and Name	Examples of Commercial or Street Names	Acute Effects/Health Risks
<b>Tobacco</b>		
Nicotine	Found in cigarettes, cigars, bidis, and smokeless tobacco (snuff, spit tobacco, chew)	Increased blood pressure and heart rate/chronic lung disease; cardiovascular disease; stroke, cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia; adverse pregnancy outcomes; addiction
<b>Alcohol</b>		
Alcohol (ethyl alcohol)	Found in liquor, beer and wine	In low doses, euphoria, mild stimulation, relaxation, lowered inhibitions; in higher doses, drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness/increased risk of injuries, violence, fetal damage (in pregnant women); depression; neurologic deficits; hypertension, liver and heart disease; fatal overdose

<b>Cannabinoids</b>		
Marijuana	Blunt, dope, ganja, grass, herb, bud, Mary Jane, pot, reefer, green, trees, smoke, sinsemilla, skunk, weed	Euphoria, relaxation, slowed reaction time, distorted sensory perception, impaired balance and coordination, increased heart rate and appetite, impaired learning, memory, anxiety, panic attacks, psychosis / cough; frequent respiratory infections; possible mental health decline; addiction.
Synthetic Cannabinoids	K2, Spice, Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Genie, Moon Rocks, Skunk, Smacked	
Hashish	Boom, gangster, hash, hash oil, hemp	

<b>Opioids</b>		
Heroin	<i>Diacetylmorphine</i> / smack, horse, brown sugar, dope, H, junk, skag, skunk, white horse, China white, cheese (with OTC cold medicine and antihistamine)	Euphoria, drowsiness, impaired coordination, dizziness, confusion, nausea, sedation, feeling of heaviness in body, slowed or arrested breathing/ constipation, endocarditis, hepatitis, HIV, addiction, fatal overdose  <b>Also, for Prescription Opioids</b> --Dangerous slowing of heart rate
Opium	<i>Laudanum, paregoric</i> / big O, black stuff, block, gum, hop	
Kratom	Herball Speedball, Biak-Biak, Kahuam, Ithang, Thom	
Prescription Opioids: Codeine, Fentanyl, Hydrocodone, Morphine, Methodone, Oxycodone	Captain Cody, Sizzurp, Dance Fever, Vike, Fizzies, Oxy	

<b>Stimulants</b>		
Cocaine	<i>Cocaine hydrochloride</i> / blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot	Increased heart rate, blood pressure, body temperature and metabolism, feelings of exhilaration, increased energy, mental alertness, tremors, reduced appetite, irritability, anxiety, panic, paranoia, violent behavior, psychosis/ weight loss, insomnia, cardiac or cardiovascular complications, stroke, seizures, addiction.  <b>Also, for cocaine</b> —nasal damage from snorting  <b>Also, for methamphetamine</b> —severe dental problems  <b>Also, for Khat</b> --grandiose delusions
Amphetamines, Adderall, Benzedrine	<i>Biphetamine, Dexedrine</i> / bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers	
Synthetic Cathinones/Bath Salts	Bloom, Cloud Nine, Cosmic Blast, Flakka, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning	
Methamphetamine	<i>Desoxyn</i> / meth, ice, crank, chalk, crystal, fire, glass, go fast, speed	
Khat	Abyssinian Tea, African Salad, Catha, Chat, Kat, Oat	



Club Drugs		
MDMA (methylenedioxyamphetaminemine)	Ecstasy, Adam, clarity, Eve, Molly, lover's speed, peace, uppers	Mild hallucinogenic effects, increased tactile sensitivity, empathic feelings, lowered inhibition, anxiety, chills, sweating, teeth clenching, muscle cramping/ sleep disturbances, depression, impaired memory, hypothermia, addiction
Flunitrazepam*	<i>Rohypnol</i> / forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofinol, rope, rophies	Sedation, muscle relaxation, confusion, memory loss, dizziness, impaired coordination/ addiction
GHB*	<i>Gamma-hydroxybutyrate</i> / G, Georgia home boy, grievous bodily harm, liquid ecstasy, soap, scoop, goop, liquid X	Drowsiness, nausea, headache, disorientation, loss of coordination, memory loss/ unconsciousness, seizures, coma
Dissociative Drugs		
Ketamine	Ketalar SV/ cat Valium, K, Special K, vitamin K	Feelings of being separate from one's body and environment, impaired motor function/ anxiety, tremors, numbness, memory loss, nausea
PCP and analogs	Phencyclidine/ angel dust, boat, hog, love boat, peace pill	<b>Also, for ketamine</b> —analgesia, impaired memory, delirium, respiratory depression and arrest, death
Salvia divinorum	Salvia, Shepherdess's Herb, Maria Pastora, magic mint, Sally-D	<b>Also, for PCP and analogs</b> —analgesia, psychosis, aggression, violence, slurred speech, loss of coordination, hallucinations
Dextromethorphan (DXM)	Found in some cough and cold medications/ Robotripping, Robo, Triple C	<b>Also, for DXM</b> —euphoria, slurred speech, confusion, dizziness, distorted visual perceptions
Hallucinogens		
Ayahuasca	Aya, Yage, Hoasca	Strong hallucinations including perceptions of otherworldly imagery, altered visual and auditory perceptions, increased blood pressure, vomiting
DMT	DMT, Dimitri	Altered states of perception and feeling, hallucinations, nausea
LSD	<i>Lysergic acid diethylamide</i> / acid, blotter, cubes, microdot, yellow sunshine, blue heaven	Also, for DMT--depersonalization, auditory distortions, and an altered perception of time and body image, possible coma
Mescaline	Buttons, cactus, mesc, peyote	<b>Also, for LSD and mescaline</b> —increased body temperature, heart rate, blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, impulsive behavior, rapid shifts in emotion
Psilocybin	Magic mushrooms, purple passion, shrooms, little smoke	<b>Also, for LSD</b> —Flashbacks, Hallucinogen Persisting Perception Disorder <b>Also, for psilocybin</b> —nervousness, paranoia, panic
Other Compounds		

Anabolic steroids	<i>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise/roids, juice, gym candy, pumpers</i>	<p>No intoxication effects/ hypertension, blood clotting and cholesterol changes, liver cystitis, hostility and aggression, acne.</p> <p><b>In adolescence</b>—premature stoppage of growth</p> <p><b>In males</b>—prostate cancer, reduced sperm production, shrunken testicles, breast enlargement</p> <p><b>In females</b>—menstrual irregularities, development of beard and other masculine characteristics</p>
Inhalants	Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl)/ laughing gas, poppers, snappers, whippets	(Varies by chemical) Stimulation, loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing/ cramps, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, sudden death

## Appendix B: Policies and Procedures Regarding Brief Absences, Leave of Absence and Withdrawals and other Academic Issues

### Notification Process for Brief Absences for Medical or Personal Reasons

The Director of Academic Advising or designee may notify faculty and staff when a student is unable to attend classes due to brief illness, injury hospitalization, death of a loved one, or other personal circumstances. The notification is to facilitate communication only and does not supersede individual course attendance policies, assignment due dates, or scheduled exams. Students are responsible for discussing options for completing missed coursework with faculty (due date modifications, course incomplete, course withdraw). Students who require accommodations should contact Disability Services. The student or family member may call 717.361.1415 for more information. For more information regarding a formal leave or withdrawal from the College see Policies and Procedures Regarding Leave of Absence and Withdrawals (below).

### Leave of Absence

Students in good academic standing may take a leave of absence from the College for a period of time not to extend beyond the academic year in which the leave is taken. Leaves of absence must be approved by the Director of the Center for Student Success. In order to return to the College following a leave of absence, students must submit a readmit request to the Office of Registration and Records. For more information about the Leave of Absence process, contact the Associate Dean of Students for Student Success (Center for Student Success).

## **Withdrawal from College (Voluntary)**

Students who withdraw from the College during a semester also withdraw from all of their classes for that semester. Full-time students withdraw from the College through the Center for Student Success; part-time students withdraw through the Office of Registration and Records. Students who withdraw during the semester are expected to leave the campus as of the effective date of their withdrawal.

For purposes of billing, room reservation, academic responsibility, etc., the effective date of withdrawal is the date on which the completed official notice is returned to the Center for Student Success or the Office of Registration and Records. A student who withdraws without notification receives no refunds and may incur the full room penalty. Failure to comply with the withdrawal procedures may result in loss of the privilege of readmission to the College and the right to the release of a transcript of credits earned. See the Institutional Refund Policy for information about prorated refunds.

For more information about the voluntary withdrawal process, contact the Associate Dean of Students for Student Success (Center for Student Success).

## **Medical Withdrawal (Voluntary)**

A medical withdrawal for a physical health or mental health reason is defined as a withdrawal from the College for at least the remainder of the semester in which it is initiated. The withdrawal may extend through subsequent semesters depending on the nature and course of the health concerns. The transcript will indicate "W" for all current courses.

A medical withdrawal for physical or mental health reasons is requested voluntarily by the student and may be approved if, in the judgment of a licensed medical or mental health provider, it is determined to be in the best interest of the student. A Medical Withdrawal Documentation Form must be signed by the student and completed by the student's treatment provider. The Form must be submitted to the Associate Dean of Students for Counseling and Health Needs, who also speaks with the student, before the withdrawal can be authorized.

During a medical withdrawal, the College expects the student to participate in professional healthcare treatment with a licensed medical or mental health provider as the primary method of resolving or managing the health concerns which led to the medical withdrawal. Prior to being considered for readmission by the College, the student must have the relevant treatment provider submit the Medical Withdrawal Re-Entry Documentation Form to the Associate Dean of Students for Counseling and Health Needs. Consulting with the Associate Dean of Students for Counseling and Health Needs is necessary as part of the readmission process following a medical withdrawal. See the Re-Entry Requirements after a Medical Withdrawal document for details on the re-entry process.

Students are also encouraged to:

1. Contact Housing & Residence Life at 717.361.1197 as soon as possible for information about the procedures for moving out of the Residence Hall, and to inquire about the housing registration process.
2. Contact Disability Services at 717.361.1227 to discuss accommodations during the re-entry process. It may be necessary to provide documentation from your health care provider in order to support requests for accommodations.
3. Consult with Financial Aid and the Business Office regarding implications for individual financial aid and the Institutional Refund Policy.

For more information about a voluntary medical withdrawal, contact the Associate Dean of Students for Counseling and Health Needs.

## **Involuntary Withdrawal**

An Involuntary Withdrawal may be imposed by the college when a student exhibits behavior that has not been appropriately resolved through the Student Conduct process or is threatening to the safety and well-being of the college community.

Each situation will be reviewed on a case-by-case basis through an individualized assessment of the student's ability to safely participate in college programs. The Vice President for Student Life and Dean of Students will consult with the Associate Dean of Students for Counseling and Health Needs, Director of Campus Safety, Associate Dean of Students for Student Success, the Director of Residence Life, the Director of Disability Services and/or college legal counsel as necessary to fully consider available medical knowledge and the observed, documented behavior which prompted the review in order to determine if a reasonable accommodation can be made or if a withdrawal is recommended.

If a withdrawal is recommended, the Vice President for Student Life and Dean of Students will confer with the student and/or parent/guardian to explain the advantages of a voluntary withdrawal or voluntary medical withdrawal and the conditions for re-entry which may include a medical clearance from a licensed physician or psychologist. If the student declines to take a voluntary withdrawal or voluntary medical withdrawal, the Vice President for Student Life and Dean of Students may impose an involuntary withdrawal. The Vice President for Student Life and Dean of Students will explain the implications for the student including the conditions for re-entry which may include a medical clearance from a licensed physician or psychologist. During an Involuntary Withdrawal, the student is immediately administratively withdrawn from all classes and from college housing if applicable. The transcript will indicate "W" for all currently enrolled courses. The student may be eligible for a refund according to the Institutional Refund Policy.

In an emergency situation, the College will take immediate steps to protect the health, safety, and welfare of students, employees, and the campus community including the imposition of an Interim Separation by the Vice President for Student Life and Dean of Students. The subsequent individual assessment may result in an Involuntary Withdrawal.

## **Appeal of an Involuntary Withdrawal**

A decision to impose an Involuntary Withdrawal may be appealed by the student to the Provost within five (5) business days of the decision. Appeals should be in writing, sent from @etown email address, and include specific reasons for the appeal. The Provost has five (5) business days to review the information presented and inform the student in writing of a final decision. The Provost may uphold the decision of the Vice President for Student Life and Dean of Students, adjust the finding, refer the matter back to the Vice President for Student Life and Dean of Students for additional consideration or reverse the decision and reinstate the student. The Provost's decision is final.

Students who believe they may have been discriminated against on the basis of a disability can follow the grievance procedure at [www.etown.edu/offices/disability/Grievance\\_Procedure.aspx](http://www.etown.edu/offices/disability/Grievance_Procedure.aspx).

## **Appendix C: Academic Dishonesty**

### **Procedures for Dealing with Cases of Academic Dishonesty**

**Instances Involving Course Work. The following steps are to be followed when dealing with instances of academic dishonesty involving course work:**

**Initial Conference.** When an instructor discovers evidence of academic dishonesty, an informal conference is scheduled promptly with the student or students involved. If a face-to-face meeting is not possible, this conference can take place by video conferencing (i.e. Zoom) or via e-mail. If an instructor is unable to schedule a conference before grades are due, a grade of Incomplete for the course may be assigned in the interim. If the student confirms his or her academic dishonesty in the initial conference, then the procedure continues with the written notification step below.

**Second Conference.** If, in the informal conference, the student denies academic dishonesty, but the instructor is satisfied that there is evidence of academic dishonesty, a second conference is scheduled with the student involved. In cases involving more than one student, either individual or group conferences may be appropriate depending on the particular circumstances of the case. This second conference should include the School Dean or another faculty member in the School in instances where the School Dean is also the Chair of the Academic Standing Committee. If the School Dean commenced the integrity violation a second faculty member from the School should be included. The student also has the right to have a faculty member, another student, or a member of the Center for Student Success present as a silent observer. Due to the nature of this second conference, it should be scheduled as a face-to-face meeting. If a face-to-face meeting is not possible, this conference can take place video conferencing (i.e. Zoom).

**Written Notification.** If, following either the initial or second conference, the initiating faculty member is satisfied that there is proof of academic dishonesty, the faculty member will give the accused student(s) written notification specifying the infraction and the recommended penalty. Copies of this notification are sent to the School Dean (or equivalent) and the Chair of the Academic Standing Committee. Should the School Dean (or equivalent) not agree with the faculty member's recommended penalty, both the faculty member and the School Dean (or equivalent) will give written notification with rationale to the Chair of the Academic Standing Committee. The Chair of the Academic Standing Committee will review the matter and recommend action and will inform the student in writing of the recommended action.

**Reported Cases.** Cases of alleged academic dishonesty reported by a student or students or college staff are managed as described above.

**Academic Standing Committee.** Following the second conference, the accused student(s) will have the alternative of (1) accepting the penalty recommended by the faculty member or the Chair of Academic Standing Committee [in the case of a difference between the faculty member and the Chair of Academic Standing Committee], or (2) requesting a hearing before the Academic Standing Committee. The request for a hearing must be presented in writing to the Chair of Academic Standing Committee within five business days of receipt of the notice of information. In no case may the Academic Standing Committee impose a penalty more severe than the one imposed by the faculty member, or the Chair of Academic Standing Committee, as the case may be.

**Dismissal.** Beyond the penalty imposed for the individual course, the Chair of the Academic Standing Committee will review each case of academic dishonesty and exercise judgment as to whether a student found to be in violation of the standards of academic integrity should be recommended for dismissal from the College. If it is the Chair of the Academic Standing Committee's judgment that academic dismissal is appropriate, the Chair of the Academic Standing Committee will notify in writing both the student and the Academic Standing Committee of their decision and the factors that influenced that decision.

**Academic Standing Committee.** In the event of dismissal, the student will have the option of (1) accepting the Chair of the Academic Standing Committee's decision, or (2) requesting a hearing before the Academic Standing Committee. The request for a hearing must be presented in writing to the Chair of the Academic Standing Committee within five business days of receipt for the Chair of the Academic Standing Committee's decision. The Academic Standing Committee's decision is final.

**Note:** If the School Dean is serving as the Chair of the Academic Standing Committee and initiates an integrity violation, then the Provost for Academic or Associate Provost for Student Learning will participate in the processes, as described, in place of the Chair of the Academic Standing Committee.

### **Other Instances**

All forms of dishonesty in academic matters are violations of the Standards of Academic Integrity and are the concern of the Academic Review Committee. Inappropriate actions – for example, lying to College officials or forgery of an advisor's signature – are violations equivalent to cheating and plagiarism in course work. Such dishonesty will be dealt with following the general procedures set forth above. Cases are reviewed individually and according to the circumstances of the violation; possible penalties include suspension or dismissal from the College.

Grades are considered to be official at the time they are submitted by the faculty. Questions concerning grades must be called to the attention of the instructor immediately after the official grade report is received. Formal grade appeals must be submitted within 30 working days of the date on which the grade was issued from the Office of Registration and Records. An exception to the 30-day time limit requires formal petition to and approval of the Academic Standing Committee.

## **Appendix D: Guest and Visitor Policy**

Any and all overnight guests must be registered with and approved by Campus Safety and the Office of Housing & Residence Life prior to visiting campus. No guests under the age of 16 will be approved. Students are permitted to host guests for a maximum of three days per month each semester as long as their roommate(s) approve. Hosts and their guests must remain together at all times. Any alleged or actual policy violations will result in the guest's emergency contact being notified and the guest being asked to leave campus. The host will be routed through the student conduct process. The College reserves the right to restrict guests or visitors access for any reason at any time.

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## **Appendix E: Policy Regarding Harassment, Intimidation, and Bullying**

### **Harassment**

The College defines harassment as any behavior, verbal or physical, which creates an intimidating, hostile or offensive work, learning or living environment, particularly if questionable behavior is repeated or if it continues after the offending party is informed of the objectionable or inappropriate nature of the behavior

Harassment, bullying and intimidation complaints of a non-sexual nature where either the Complainant or Respondent are students will be resolved through the Student Conduct Process.

In cases where an employee is the Respondent (accused), the College will resolve the complaint according to procedures in the Employee and Faculty Handbooks.

### **Harassment and Intimidation**

The totality of the circumstances of any given harassment incident must be carefully investigated, but prohibited harassment may take many forms. The most common examples include:

1. Verbal harassment such as jokes, epithets, slurs, negative stereotyping, and unwelcome or patronizing remarks about an individual's body, color, physical characteristics or appearance.
2. Physical harassment such as physical interference with normal work, impeding or blocking movements, assault, unwelcome physical contact, staring at a person's body, or threatening, intimidating or hostile acts that relate to a protected characteristic.
3. Visual harassment such as offensive or obscene photographs, calendars, posters, e-mails, social media, cards, cartoons, drawings and gestures, display of lewd objects, unwelcome notes or letters, or any written, electronic, or graphic material that denigrates or shows hostility or aversion toward an individual.

## **Bullying**

Bullying is unwelcome or unreasonable behavior that demeans, intimidates, or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly banter exchanged by colleagues and comments that are meant to be, or are taken as, demeaning.

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment, or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

## **Confidentiality**

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 Safety and/or the local police. Impacted 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.

## Appendix F: Policy Regarding Hazing

Elizabethtown College does not tolerate any form of hazing. Any student, student group, team, or other persons associated with a student organization found responsible for hazing, aggravated hazing, or organizational hazing under this policy, whether occurring on or off campus, will face disciplinary action from the College. Hazing is not only a violation of College policy, but is also a criminal act under The Timothy J. Piazza Antihazing Law, 18 Pa. C.S. § 2801, *et seq.* (the "Antihazing Law"). Hazing negatively impacts student development and well-being, and contributes to an environment of disrespect and erodes institutional core values of peace, non-violence, human dignity, and social justice.

Elizabethtown College defines hazing, as set forth below, consistent with the Antihazing Law. Under both the Antihazing Law and College policy, the express or implied consent of any participant or witness is not a legitimate defense to hazing.

Members of the Elizabethtown College community have a responsibility not only to refrain from participation in hazing activities but they have an affirmative duty to report such activities to a College official. Acquiescence to the conduct prohibited by this policy is not acceptable and may lead to discipline.

For more information about hazing, or preventing hazing, visit [StopHazing.org](http://StopHazing.org).

### Definitions

Consistent with the Antihazing Law, the following definitions apply to this policy:

**Alcoholic liquid:** A substance containing liquor, spirit, wine, beer, malt or brewed beverage, or any combination thereof.

**Bodily injury:** The term has the same meaning as defined in 18 Pa.C.S. § 2301.

**Drug:** A controlled substance or drug as defined in the act of April 14, 1972 (P.L. 233, No. 64) known as The Controlled Substance, Drug, Device and Cosmetic Act.

**Minor:** An individual under the age of eighteen (18) years.

**Organization:** (1) A club, society, association, or other group of individuals that are recognized by the College, with all appurtenant operational privileges, whose members are primarily students, minors, or alumni of the College; (2) any group of students, minors, or alumni of the College that, regardless of recognition by the College, exists, based on the totality of the circumstances (including, for example, the relevant history, structure, formalities, etc.), as an identifiable association based on a shared characteristic, belief, status, or other commonality among individual members, associates, or participants of the group.

**Serious bodily injury:** The term has the same meaning as defined in 18 Pa.C.S. § 2301.



**Student:** An individual who attends or has applied to attend or has been admitted to the College.

### **Prohibited Conduct**

Elizabethtown College prohibits hazing, aggravated hazing, and organizational hazing—all of which are prohibited under the Antihazing Law. These prohibited acts are defined below.

**Hazing.** A person commits the offense of hazing if the person intentionally, knowingly, or recklessly, for the purpose of initiating, admitting, or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces, or forces a minor (*i.e.* an individual under the age of 18) or a College student to do any of the following:

1. Violate federal or state criminal law;
2. Consume any food, liquid, alcoholic liquid, drug, or other substance which subjects the minor or student to a risk of emotional or physical harm;
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
5. Endure brutality of a sexual nature;
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student; or
7. Violate any policy, rule, or regulation of the College, including, for example, the Student Code of Conduct.

Hazing does not include reasonable and customary athletic, law enforcement, or military training, contests, competitions or events. In its discretion, the College has the right to determine what is "reasonable and customary" in the relevant context.

**Aggravated Hazing.** A person commits aggravated hazing if the person commits a violation of hazing that results in serious bodily injury or death to the minor or student; and:

1. The person acts with reckless indifference to the health and safety of the minor or student; or
2. The person causes, coerces, or forces the consumption of an alcoholic liquid or drug by the minor or student.

**Organizational Hazing.** An organization commits organizational hazing if the organization intentionally, knowingly, or recklessly promotes or facilitates a violation of hazing or aggravated hazing.

Under the Antihazing Law, any person or group who causes or participates in hazing commits a summary offense unless the hazing results in or creates a reasonable likelihood of bodily injury to the minor or student. When the hazing results in or creates a reasonable likelihood of bodily injury to the minor or student, hazing is a misdemeanor of the third degree. Additionally, any act that would violate the Antihazing Law also violates this policy.

### **How to report an incident of hazing**

*In the case of an emergency, dial 911.*

Elizabethtown College encourages all members of the community who believe that they have witnessed, experienced, or are aware of conduct that may constitute hazing, aggravated hazing, or organizational hazing in violation of this policy to contact the College's Vice President for Student Life and Dean of Students at 717.361.1196 or Campus Safety at 717.361.1264.

### **The College's response to a report of hazing**

Upon receipt of a report of hazing, aggravated hazing, or organizational hazing, the College will take the action deemed necessary by the College to protect the College's students, properties, and interests. Campus Security or a qualified external investigator will conduct an investigation into the alleged prohibited conduct. As discussed below, the College will sanction any individual or organization that violates this policy. Any sanctions issued by the College are independent of the issuance or resolution of any criminal charges, and the College reserves the right to complete its investigation and implement sanctions, as appropriate, regardless of any past, ongoing, or future criminal investigation.

If the alleged prohibited conduct was committed by a College student or student organization (recognized or otherwise), the College will initiate the disciplinary process set forth in the College's Student Code of Conduct. Potential sanctions include, but are not limited to, loss of privileges, fine, suspension/expulsion of individual students or the responsible organization.

If the alleged prohibited conduct was committed by a varsity athletic team, the Vice President for Student Life and Dean of Students, in consultation with the Director of Athletics, and any other appropriate College personnel, will implement sanctions, up to and including removal from the team and forfeiture of one or more games, competitions, meets, or other contests.

If the alleged prohibited conduct was committed by a faculty member or a staff member, the College will process the allegation consistent with the Faculty Handbook or Staff Handbook, respectively. Potential sanctions include, but are not limited to, reassignment, suspension, or termination of employment.

### **Institutional reports**

Elizabethtown College will maintain a report of all alleged violations of this policy or of federal or state laws related to hazing that are reported to the College. The College will publish updated reports on January 1 and August 1 of each year and will publish each updated report on the Office of Student Rights and Responsibilities' website.

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## **Appendix G: Policy Regarding Animals on Campus for Disability-Related Needs**

This policy statement provides information to individuals using animals to assist with disability related needs at Elizabethtown College. The use of animals on campus falls into two categories: service animals and assistance animals:

### **Service Animals**

In accordance with Section 504 of the Rehabilitation Act of 1973 the Americans with Disabilities Act of 1990 (ADA), the Fair Housing Act, and the Americans with Disabilities Amendments Act of 2008 Elizabethtown College

seeks to accommodate persons with disabilities requiring the assistance of a qualified service animal. We encourage individuals with service animals to share this information with the Office of Disability Services.

## Definitions: Service Animal

Under the ADA, a public accommodation shall modify policies, practices, or procedures to permit the use of service animals by an individual with a disability. The ADA defines a service animal as a dog individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether trained or untrained, are not considered service animals (with the exception of miniature horses). The work or tasks performed by a service animal must be directly related to the handler's disability. Examples include but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting during a seizure, alerting to the presence of allergens, and preventing or interrupting impulsive or destructive behaviors.

**Documentation and Inquiries regarding Service Animals:** The College is able to make the following inquiries to determine whether an animal qualifies as a service animal:

- Is the animal required because of a disability?
- What work or tasks has the animal been trained to perform?

### Responsibilities of the Student with the Service Animal

The Service Animal must be under the control of its handler. A harness, leash, or other tether must be used unless the handler is unable because of the disability to use a harness, leash, or other tether, or if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of the work or task. In such cases, the service animal must remain under the student's control, such as voice control.

The student must provide care and supervision of the service animal. Elizabethtown College is not responsible for the animal's care or supervision. All students are responsible to clean up after and properly dispose of their animal's feces while on campus.

It is the handler's responsibility to ensure that the service animal is in good health, clean, free of fleas and ticks, and is at all times in compliance with all Pennsylvania State laws and requirements associated with licensing, vaccinations, and other health regulations.

### Exceptions

Elizabethtown College may ask a student with a disability to remove a service animal from the premises if the animal is out of control and the student does not take effective action to control it, if the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to other policies, practices, and procedures (must be an individualized assessment), or if the animal is not housebroken. If Elizabethtown College properly excludes a service animal, it must give the student the opportunity to obtain goods, services, and accommodations without having the service animal on college property.

### Grievance Procedures

Students who wish to appeal a denied request for use of a Service Animal may file a grievance utilizing the College's Grievance Procedure.

## Assistance Animals

An assistance animal (AA) is an animal that provides security, calming influence, emotional support, or otherwise assists the student in managing or relieving a symptom associated with a mental or emotional condition. While the College may be required to reasonably accommodate an assistance animal in a residence hall or campus apartment, the institution is not required to allow that student to bring the animal to other areas or buildings on campus unless the animal also qualifies as Service Animal under ADA and section 504 of the Rehabilitation Act.

Although the campus welcomes approved assistance animals, under no circumstances may a student bring an assistance animal to campus **without the College's express written approval.**

### **Requests for Assistance Animals**

Students wishing to make a request for the reasonable accommodation an assistance animal must do so by contacting the Director of Disability Services, 228 Baugher Student Center, Elizabethtown College, at least 60 days prior to the start of the semester for which the request is being made. Requests submitted after that date may be considered but may not be granted based on available housing and other circumstances. Requesting Students must complete the Request for Assistance Animal as a Reasonable Housing Accommodation Form and submit supporting documentation from their treating health care provider. Determinations will be made by a review committee on a case-by-case basis, and in accordance with applicable laws and regulations, as to whether the animal in question qualifies as an assistance animal for the requesting student. This process may include additional conversations between Disability Services, the requesting student, and, with the student's consent, the treating health care provider. If the student does not consent to the College communicating with the student's provider, the College may not be able to determine whether the student qualifies for an assistance animal and whether the requested animal is suitable as an assistance animal. Approval for an assistance animal may be situationally dependent on factors including whether the animal will be disruptive in student housing and whether the animal is suited to live within the confines and restrictions of student housing. Due to the unique issues that apply to residential living on a college campus, the College may defer the effective date of any approval of an assistance animal until the beginning of the next semester.

### **Criteria for Determining If Presence of the Assistance Animal is Reasonable**

College housing is unique in several aspects including the mandatory assignment of roommates for many students and the mandate that students must share a room or suite in certain residence halls.

Elizabethtown College does not limit room assignments for individuals with an assistance animal to any particular building or buildings. Nonetheless, the College may reserve certain buildings or wings as free from animals in order to ensure that others are not adversely impacted (e.g., to accommodate allergies, phobias, religion, etc.). The College reserves the right to assign an individual with an assistance animal to a single room without a roommate to ensure that the presence of an assistance animal does not present an undue administrative burden or fundamental alteration of college housing.

A request for an assistance animal may be denied as unreasonable on the basis of the following considerations (which is not an exhaustive list):

1. The size of the animal and accompanying cage or crate is too large for the currently assigned or other available housing space
2. The animal is not crate trained or otherwise accustomed to being in a cage;
3. The presence of the animal imposes an undue financial and/or administrative burden;
4. The presence of the animal fundamentally alters college housing policies;
5. The presence of the animal poses a direct threat to the health or safety of others or would cause substantial property damage to the property of others, including college property

6. The resident has failed to abide by the guidelines for managing the assistance animal, including but not limited to permitting the animal to be disruptive to others in the housing community.

### **Conflicting Disabilities and Other Concerns**

Allergic and other adverse reactions to animals are common. For this reason, we may notify the other residents that one or more students residing in the hall have been approved to have an animal in accordance with College policy without disclosing the nature of the policy or the presence of a disability. Please inform all persons entering your room of the presence of the animal. Persons who have asthma, allergies, or other medical conditions affected by the presence of any animal should contact Disability Services to request an accommodation. The person impacted by the presence of the animal may need to provide verifiable medical documentation to support their claim. The College will consider the needs of all individuals affected by the presence of an animal in resolving any dispute or conflict.

The College appreciates that some residents, who may not have a disability or need for religious accommodation, have a strong preference against residing with an animal. The College will entertain timely raised concerns and make a good faith effort to work with all interested parties for a mutually agreeable outcome.

### **Safety Concerns**

Animals attacking, biting, or nipping at other animals or humans is not permitted. The College reserves the right to immediately remove from any animals that exhibits (or has exhibited) any behavior that threatens the safety or wellbeing of any member of the College community. Any species of animal that is prohibited by any applicable law is not a reasonable accommodation and may not be possessed by a student as an assistance animal.

### **Access to College Facilities by Assistance Animals**

An assistance animal must be contained within the student owner's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an assistance animal is outside the private individual living unit (residence hall room, apartment), it must be in an animal carrier or controlled by a leash or harness. An assistance animal is not allowed in any college facilities other than college residence halls (e.g. individual residence hall rooms, suites, apartments, etc.) to which the individual is assigned. No student owner is permitted to bring the animal into common areas outside the resident's own immediate living quarters (e.g., not permitted in dining halls, laundry facilities, study areas, lounge areas, etc.) No student owner shall permit the animal to go loose or run at large outside of their individually assigned residence hall room. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from college housing. The student owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there. Understanding the limited access to campus facilities under the FHA, students are encouraged to carefully consider both the advantages and disadvantages of the campus environment for their particular assistance animal.

### **Student Owner's Responsibilities for Assistance Animals**

If the college grants an student owner's request to live with an assistance animal, the student owner is solely responsible for the custody and care of the assistance animal and must meet the following requirements. The student owner is responsible for ensuring that the assistance animal is contained in a crate, cage or similar restricted physical space when the student owner is not present while attending classes or other activities. An assistance animal is not permitted in common areas such as lounges in traditional residence halls. Animals may, with the permission of roommates, be in common living areas in campus owned apartments. The student owner must abide by the colleges requirements in meeting current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the student owner's responsibility to know and understand these ordinances, laws, and regulations <http://www.padoglicense.com/> . The following items must be presented to the Office of Disability Services in hardcopy, email, or fax: a current record of vaccinations completed and a copy of the pet ID tags and

county license tags for dogs. Dogs and cats must have an ID tag on at all times that identifies its name and the name and phone number of the Student Owner. Dogs must wear county license tags. All cats and dogs entering human-inhabited dwellings who are three months or older are required by law to have a rabies vaccination.

### **Care of the Animal**

The student owner is required to ensure the animal is well cared for at all times. All dogs and cats must be housebroken before arriving on campus. Under no circumstances are animals allowed to run inside or outside unsupervised or unleashed. Animals cannot be tied up, leashed to an object or building when outside or in a hallway/area while the student owner is not present. Any evidence of mistreatment, abuse, neglect, or failure to care for the assistance animal may result in immediate removal of the assistance animal and/or disciplinary sanctions through Campus Security, Student Rights and Responsibilities, and other external agencies as appropriate for the responsible individual. Elizabethtown College personnel are not required to provide care or food for any assistance animal.

The student owner is required to clean up after animal waste. All animal waste and litter must be disposed of in an outdoor receptacle. Student Owners must consult their Housing & Residence Life staff if they require assistance locating a designated outdoor receptacle. When provided, animals must use animal relief areas designated by Elizabethtown College. Animals are not permitted in residence hall bathrooms.

All food must be properly sealed in airtight containers to minimize attracting pests. Food containers are to be rinsed out or other measures undertaken to reduce residual odors. Any pet products that require cleaning (e.g., dog beds) may only be laundered in designated washing machines. Under no circumstances may the student owner clean their animal in residence facilities, including the student owner's residence (e.g., sink, shower, etc.)

By accepting this accommodation of an assistance animal, the student owner understands and agrees that they are solely responsible for the wellbeing and actions of their animal. Student owners further agree that neither the Trustees of Elizabethtown College nor any of its employees/agents are responsible for any loss, damage, injury or death caused by their animal or sustained by their animal, even if such loss, damage, injury or death is caused by the college or its employees/agents. An individual with a disability may be charged for any damage caused by their Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The student owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the College's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a College-approved pest control service. The student owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The college shall have the right to bill the student owner's account for unmet obligations under this provision.

The student owner must fully cooperate with College personnel concern any term of this Policy and caring for the animal (e.g., cleaning the animal, animal cage and bedding, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.)

Student owners must notify Facilities Management there is an animal in the room when requesting work orders. For the safety and wellbeing of their animal and facilities staff or other contracted technicians animals are to be crated or student owners must be present during contracted work.

### **Evacuations & Fire Drills**

In the event campus needs to be evacuated, all animals must be removed from campus as part of the emergency evacuation procedures. Student owners are reminded that during an evacuation, no one remains on campus and power may be disconnected; therefore abandoned animals may suffer from hunger and be subjected to discomfort. Student owners are required to develop a personal disaster plan that addresses the removal of any assistance animal in the event of evacuation. Students found responsible for abandoning an animal will be referred to the Office of Student Rights and Responsibilities and may lose the opportunity to have an assistance animal. During fire drills, assistance animals must be appropriately controlled by leash or cage, then removed to the designated meeting place. In the event that a drill

occurs during a student owner's absence, College staff may remove assistance animals from the student owner's room. Emergency personnel may determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

### **Campus Breaks**

If the student owner will be absent from their residence hall for 10 hours or more—including official College breaks (e.g. Thanksgiving break, winter break, etc.) or a sunset to sunrise period of time—the animal must be removed from campus until the student owner returns. It is the responsibility of the student owner to contact and make any necessary off-campus arrangements. It is not permitted for student owners to make arrangements for their assistance animal to reside with another student in College-owned student housing or to request that a roommate/suite-mate care for the assistance animal.

Student Owners found in non-compliance will forfeit their accommodation of an assistance animal. If a student has been given permission by Housing & Residence Life staff to remain on campus during a College break period (Fall, Thanksgiving, Winter, Easter, or Spring Break) all College policies regarding assistance animals apply.

### **Removal of Assistance Animal**

An assistance animal may remain in College housing only to the extent that the animal is needed, and supported by the student owner's healthcare provider, because of the student owner's disability. The student owner must notify the Disability Services Office in writing if the assistance animal is no longer needed or is no longer in residence. To replace an assistance animal, the student must submit a request for an accommodation, and must establish that the animal is an assistance animal. The student owner must follow the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different assistance animal. Students are cautioned not to presume that a replacement animal will be approved and may not bring the animal to campus prior to such approval.

Elizabethtown College may require an individual to remove an animal from College housing if:

1. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior directed at or resulting in injury to the individual or others or causes substantial property damage to the property of others.
2. The assistance animal's presence results in a fundamental alteration of a college program.
3. The student owner fails to comply with the student owner's responsibilities set forth above.
4. The assistance animal or its presence creates an unmanageable disturbance or interference with the College community, including, but not limited to, disruptive noise, physical harm, or an objectively reasonable perception of harm to humans or other animals/pets, or destruction of property.
5. The assistance animal's presence would displace another individual from individual housing (e.g. serious allergies).
6. The assistance animal's presence otherwise violates an individual's right to peace and quiet enjoyment.
7. The assistance animal is not housebroken or is unable to live with others in a reasonable manner.
8. The assistance animal's vaccinations are not up-to-date.
9. The assistance animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

The College will base such determinations upon the consideration of the behavior of the particular assistance animal, and not on speculation or fear about the harm or damages an animal may theoretically cause. Aggressive assistance animals will be immediately removed from campus and the student may be referred to the Office of Housing & Residence Life. The student owner will be responsible for securing a placement for his/her animal. In the event the College has determined the animal must be removed from the campus the Emergency Contact will be notified and asked to assist if necessary. If Elizabethtown College properly excludes an assistance animal, it will give the individual with the disability the opportunity to obtain goods, services, and accommodations without having the assistance animal on college property.

### **Complaints**

Any member of the Elizabethtown College community may file a written complaint with Disability Services or Housing & Residence Life regarding the presence or conduct of an assistance animal permitted by the College. When a complaint relates to an alleged threat of health or safety to a member of the College community, or the threat of property damage, the College may require the immediate removal of an animal from campus until the complaint is resolved. In cases where the College requires immediate removal, the student owner shall make all arrangements, and take all necessary actions, to immediately remove the animal from campus.

If the College deems a complaint to be appropriate for informal resolution, the College will contact all interested parties in an attempt to mediate a resolution that is acceptable to the individual who submitted the written complaint (the "Complainant"), the student owner of the animal in question (the "Respondent"), and the College. The College will consider each complaint on a case-by-case basis in determining whether a complaint is appropriate for informal resolution. The College will consider factors such as the severity of the alleged situation, potential remedies, and relative positions of the Complainant and Respondent, plus any witnesses, in determining whether a complaint is appropriate for informal resolution. In the event that the College does not deem a complaint to be appropriate for an informal resolution, or if informal resolution does not yield consensus, the College will resolve the complaint via a formal investigation.

The Vice President for Student Life and Dean of Students, or their designee (the "Investigator"), will conduct the formal investigation as follows:

1. In conducting the investigation, the Investigator will collect evidence and perspective from the Complainant and Respondent. The Investigator may interview witnesses, meet with the Complainant and Respondent, receive oral or written information, and make other appropriate inquiry. Within thirty (30) business days of the submission of the Complaint, the Investigator will make a decision on the merits of the complaint and any appropriate remedy. If resolution is not possible within thirty (30) business days, the Investigator shall inform the interested parties of the reasons for delay.
2. The Investigator shall memorialize their decision in writing, together with all bases for it, and contemporaneously submit it to the Director of Disability Services, the Complainant, and Respondent—all via their official College email addresses.

The Complainant or Respondent may appeal the Investigator's decision or remedies only by filing a written grievance under the below Grievance Procedure within seven (7) days after receipt of the Investigator's written decision. At the discretion of the Vice President for Student Life and Dean of Students, the College will immediately implement any remedy deemed appropriate by the Investigator, despite any appeal.

### **Non-retaliation Provision**

Elizabethtown College will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for an assistance animal. Nor will the College permit retaliation against anyone who has in good faith filed a complaint against a student owner with respect to their use of an assistance animal.

**Emergency Contact:** Every assistance animal student owner is expected to identify an emergency condition of approval for such assistance animal. Please provide the name and contact information of a person you designate to take care of your assistance animal should you need to leave campus and/or be unable to care for your assistance



animal. This person may not be another student who resides in the college residence halls. This person must remove your assistance animal from your residence hall within a reasonable amount of time and in consultation with Housing & Residence Life staff. By listing an emergency caretaker, you are giving permission for college personnel to contact this person in the event that you leave campus or are unable to care for your assistance animal. In the event that the emergency contact is unable to take your assistance animal in a timely manner, the college may take steps to have your assistance animal boarded at a local animal facility and you will be responsible for any financial charges.

**Consent from the emergency caretaker is required prior to the animal being approved.**

**Vaccination records must be affixed to the animal's cage or crate in the event the information is needed for emergency off campus boarding**

### **Grievance Procedures**

Students who wish to appeal a denied request for use of an assistance animal may file a grievance utilizing the College's Grievance Procedure.

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## **Appendix H: Grievance Procedure for Students in Cases of Alleged Discrimination on the Basis of a Disability**

Elizabethtown College will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified individual (as those terms defined in the American with Disabilities Act). If you have a disability which requires an accommodation, please contact Lynne Davies, Director of Disability Services (BSC 216, 717.361.1227). Students and the Director will engage an interactive process to determine reasonable accommodations. For more information about the process for requesting a reasonable accommodation, please consult the Disability Services web page.

Elizabethtown College policy and federal law prohibit discrimination on the basis of a disability. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 require that a grievance procedure be available to a student who wishes to contest an administrative or faculty decision regarding documented disability-related accommodations or issues.

### **Informal Resolution**

When a student wishes to contest an administrative or faculty decision regarding disability related accommodations or issues, the student should make every attempt to resolve the problem through informal discussions with the person claimed to be responsible for the contested decision or act. If the student is unable, or chooses not, to resolve the issue directly with that person, the student should involve the Director of Disability Services for advice or help in negotiating a solution. The student may also contact that person's supervisor to assist in the informal resolution process.

Attempts to informally resolve the contested decision or act should occur within thirty (30) business days of the contested decision or act. If the issue cannot be resolved by communication, education, or negotiation to the student's satisfaction through the informal process, the student may follow the formal process set forth below.

## Formal Resolution

The student may file in writing a formal grievance with the Dean of Faculty and Associate Provost for Student Learning (for academic issues) or Vice President for Student Life and Dean of Students (for student life issues) – hereafter referred to as "the Dean or Associate Provost." The grievance statement should be as specific as possible regarding the decision or action(s) that precipitated the grievance: date, place, and people involved; efforts made to settle the matter informally; and the remedy sought.

1. The Dean or Associate Provost shall **forward a copy** of the grievance statement to all parties involved within one week of the receipt of the statement. The Dean or Associate Provost will also provide a copy of the grievance statement to the Director of Disability Services who will be involved in resolution of the grievance as appropriate.
2. The Dean or Associate Provost shall **investigate** the matter set forth in the grievance statement. In conducting the investigation, the Dean or Associate Provost may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance and may request a written response to the grievance from appropriate individuals in the College. The Dean or Associate Provost may also choose to interview witnesses, to meet with concerned parties, to receive oral or written information, and to make other appropriate inquiry. Within thirty (30) business days of the submission of the grievance statement, the Dean or Associate Provost will make a decision on the merits of the student's grievance and the appropriate resolution of the situation. If resolution is not possible within thirty (30) business days, the Dean or Associate Provost shall inform the student of the reasons for delay.
3. **Copies of the decision** by the Dean or Associate Provost will be sent to the student and the Director of Disability Services. A copy may also be sent to the department or persons whose actions (or inactions) are the subject of the grievance, as appropriate. In the event that any party is not satisfied with the Dean or Associate Provost's resolution of the grievance, a written appeal may be made to the Provost within (5) business days of the student's receipt of the Dean or Associate Provost's resolution. The Provost's resolution is final.
4. **A record of all formal grievances** filed under this procedure will be maintained in the office of Disability Services, The Center for Student Success.

ADA/504 Compliance Officer for Employees is the Director of Human Resources, Myer Hall, 717.361.1406. The ADA/504/ Title II Compliance Officer for Students is Lynne Davies, Director of Disability Services, Baugher Student Center 216, 717.361.1227.

For further information on non-discrimination, visit <http://www2.ed.gov/about/offices/list/ocr/index.html>, or contact the Philadelphia Office of the Office for Civil Rights, U.S. Department of Education, Suite 515, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3323.

[OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or 215-656-8541

## Appendix I: Information Technology Acceptable Use Policy

Elizabethtown College Students are encouraged to consult the IT Acceptable Use Policy regularly to ensure knowledge of college policies and standards regarding electronic communications and use of electronic tools.

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## Appendix J: Non-Solicitation Policy

### Solicitation and Fundraising

Soliciting is not permitted on campus without the written authorization of the Vice President for Student Life and Dean of Students. In general, no solicitation requests involving personal gain, or by agencies or individuals from outside the College will be approved. In addition, door-to-door solicitation in residence halls by campus clubs, organizations, or individuals is prohibited.

If the fund-raising project involves any solicitation of off campus persons including parents, businesses, alumni, or any other off campus constituency, it must be approved by the Office of Institutional Advancement in Alpha Hall and the group's advisor.

## Appendix K: Maintenance of Public Order and Demonstrations Policy and Procedures

### Policy:

Elizabethtown College recognizes an individual's right to peacefully organize for the purpose of publicly expressing thoughts or opinions. The College does not condone nor forbid public demonstration. Campus demonstrations are limited to the outdoors. Members of Elizabethtown College community are free to express opinions publicly and privately in an orderly and respectful manner that does not disrupt the operations of the institution. The College reserves the right to take immediate action against any individual whose conduct, solely in the College's opinion, becomes injurious or potentially injurious to an individual, a group or the Campus community.

Elizabethtown College is private property, for use by students, faculty and staff. A recognized student organization, student or employee must sponsor any/all demonstrations. Said student organization, student or employee assumes all responsibility for the scheduled event. Members of the College community hosting guests or visitors assume responsibility for the conduct of their guests or visitors, and guests and visitors are expected to abide by all College policies and procedures. Any guest or visitor violating College policy may be removed from campus property immediately without process.

The College neither permits nor forbids off-campus demonstrations by members of the College community. Students as participants in local community affairs as residents of or visitors to Elizabethtown, PA or other municipalities, colleges or universities, are expected to abide by institution policies and/or local, state and federal laws and ordinances. The College will act in situations wherein a specific act off-campus endangers the welfare of the College and/or wherein members of the College community are harmed as a result of student conduct off-campus.

### Procedures for On-Campus Demonstrations:

Demonstrators must abide by the following procedures:

- Demonstrations may not be conducted within 50 yards of a campus building.
- Members of the University community who choose to peacefully demonstrate must register as a scheduled campus activity through SESP and be approved by the Vice President for Student Life and Dean of Students no less than 48 hours (two business days) prior to the event.
- All members of the Campus community are expected to comply with the reasonable directives of any authorized College official, including **but not limited to** members of the Senior Leadership Team, Associate Provosts, Deans and Directors, residential staff, Campus Safety.

- Sound-amplification equipment may not be used at any time, in any place, or in any manner so as to disrupt the College's functions of teaching, public service or administration, study and sleep in the residence halls, or other authorized scheduled event.
- Any demonstrations not abiding by the above policy or procedures may be disbanded immediately.
- Violations of this policy will be handled in compliance with the Student Code of Conduct, Employee handbook, and Faculty handbook. Campus community members will be held accountable through said processes for violations committed by their guests or visitors.

## Appendix L: Restroom Use Policy

Elizabethtown College encourages all students, employees and guests/visitors to utilize the restroom facilities that most closely align with their gender identity. Many people desire non-gendered restroom facilities for multiple different reasons. The College seeks to expand the availability of gender inclusive restrooms. It is not a requirement that a gender inclusive restroom be single-use, private or locked. Individuals utilizing gender inclusive restrooms do so with understanding and respect for the privacy of others.

## Appendix M: Social Media/Networks Policy

Elizabethtown College embraces the use of social media and recognizes it as a powerful tool to build relationships, communicate effectively, and create a space for thoughtful, purposeful engagement. Whether participating on behalf of the College, a College-related group, or personally, all students are expected to serve as responsible members of the Elizabethtown College community and adhere to the same levels of civility in their online conversations as in their other modes of interaction (verbal, written, etc.).

Elizabethtown College students are expected to use all forms of social media lawfully and with respect for others and are ultimately responsible for the legality, reliability, and appropriateness of posts and comments. Prohibited conduct, which is outlined in the Student Code of Conduct, includes behavior that occurs within the framework of social media.

It must be understood that the Student Code of Conduct and other Elizabethtown College policies apply to network usage and electronic postings. While the College does not as a matter of practice monitor posts for content, the College will investigate and take appropriate action if College officials learn of questionable content (e.g., depictions of illegal alcohol consumption, hazing, property damage, acts of violence, defamation of character, etc.). That is, students will be held responsible for the content and character of electronic postings in the public domain (e.g., Facebook, Twitter, etc.). If questionable material is brought to the attention of a college official, then an investigation will follow to determine appropriate interventions, if any. If the investigation so warrants, a student may be charged under the Student Code of Conduct and proceed to a Formal Resolution. Appropriate sanctions will be imposed if a student(s) is found in violation of the Student Code of Conduct. The College may be required to report results of its investigation to third parties, such as the Borough or State Police.

In some cases an electronic posting may give rise to concerns about the safety and well-being of a student or the campus community (e.g. depictions of self-injury, suicidal ideation, acute depressive state, etc.). These situations may be referred to the Campus Wellness Network or the Vice President for Student Life and Dean of Students.

## Appendix N: Campus Speaker Policy

## **External Speaker Policy Statement**

Elizabethtown College provides educational opportunities for students, faculty, staff, alumni and the broader community by inviting nationally and internationally known experts and thought leaders to present within classes, events, the institution's Lecture Series, etc. The purpose is to offer educational experiences by hosting speakers at events, some of which may be open and accessible to the public. The College believes sharing of diverse views is essential to education and the vitality of a free society. Thus, we are committed to civil discourse and the peaceful expression of ideas within our living and learning environment.

The opinions expressed by external speakers in classes or events represent those of the speakers and should not be attributed as viewpoints of the College. The College reserves the right to restrict attendance at an event involving an invited external speaker to members of the College community—students, faculty, and staff-- if the College decides that off-campus participation would severely disrupt the normal educational operation of the College.

The College also rents its facilities to external groups to hold lectures and other events at which speakers may be featured. These events are neither sponsored nor endorsed by the College. If a group event garners negative attention, the institution maintains the right to cancel the event at any time.

### **External Speaker Criteria**

- Faculty may invite external speakers to classes where the speaker will contribute to the educational content of their course.
- Faculty, staff, and student clubs or organizations may invite external speakers to meetings or events where the speaker will contribute to the educational mission of the College, and the College values of peace, non-violence, human dignity, and social justice. The College reserves the right to deny a request for an external speaker that jeopardizes the College mission and values.
- The College reserves the right to deny any request for an external speaker that is currently campaigning for public office, other than for classroom purposes. Should an approved speaker be campaigning for public office, the approval should not be considered an endorsement by the College of such person, nor is the College obliged to approve or provide speakers with opposing viewpoints.
- The College reserves the right to deny or re-schedule a request to rent its facilities if the College decides the speaker or event would severely disrupt the normal educational operation of the College.

### **Approval Procedures**

Faculty inviting external speakers to class should follow guidance in the faculty handbook. Any questions or concerns regarding a speaker for a class would be resolved by the Dean of the school of the course in which the speaker is visiting.

Faculty, staff, students, clubs/organizations, or anyone wishing to invite an external speaker to campus for a campus event or meeting must submit their request through 25 Live. The speaker request is not considered approved until the event is confirmed in 25 Live. Should the Office of Special Events and Summer Programs (SESP) flag a speaker as requiring further review, SESP will convene the External Speaker Review Committee. (see below)

External groups or organizations seeking to rent College-owned space for lectures or events shall work with SESP. SESP will consult the External Speaker Approval Committee for any concerns about external speakers. The College will provide appropriate support services for the groups in order to hold their event, as provided for in their contract with the College; the groups must abide by College policies in advertising and organizing their events.

### **Promotion of External Speakers**

Promotion of events or activities (such as student organization- or department-run social media, email, or campus ads) involving external speakers is prohibited prior to receiving approval.

All promotion of external speakers through Elizabethtown College-branded social media accounts must be approved and requested by the Office of Marketing and Communications (OMC). Request for such approval may be submitted while the event is being considered by the committee. However, no promotional materials will be completed or distributed until the event is approved. Contact [omc@etown.edu](mailto:omc@etown.edu) for any questions.

### **External Speaker Review**

Speakers requiring review by the External Speaker Review Committee must submit information about the speaker and the contract to the committee for review. The Committee will determine whether the speaker is approved or not approved and provide rationale to the requestor if denied.

While each department is responsible for signing their own contracts within the guidelines set forth in the College procedures for contracts, the External Speaker Approval Committee may request changes to the contract as a condition of approval.

Contracts may be reviewed for reasons including but not limited to safety, liability and financial purposes. Any additional requirements determined by the Committee as conditions for approval will be at the expense of the requestor (ie, event security, food, etc.)

### **External Speaker Approval Committee**

- 1 – OMC
- 1 – Student Life
- 1 – Academic Affairs
- 1 – Business Office
- 1 – SLT
- 1 – Student Assembly

\*At least one of the above must be an Emergency Management Group representative.

## **Appendix O: Student Complaint Policy and Procedures**

The policy and procedures outlined below are intended to provide structure for resolving specific student complaints and concerns. This policy is not intended to address anonymous concerns. Elizabethtown College values student privacy, and the information collected throughout any process will only be shared with those having a right or need to know to help resolve the complaint or track the progress of the resolution. Prior to consulting this policy and procedure, students should first consult policies and procedures outlined in the Student Handbook and the Academic Policies outlined in the College Catalog. This policy is **not** a replacement for existing procedures outlined in the Elizabethtown College Student Code of Conduct, Sexual Misconduct Policy and Procedures, Bias-Related Harassment and Discrimination Policies and Procedures, Academic Policies outlined in the College Catalog, Whistleblower Policy, or other existing policies or appeals processes. Students must initiate and pursue complaints on their own behalf, and others are not permitted to initiate and pursue complaints on behalf of a student, including parents or family members.

1. Student concerns about a course, a faculty member, and/or issue directly related to academics should first consult the Academic Policies outlined in the College Catalog. Policies and procedures regarding grade appeals, the academic judicial system, etc., can be found in the College Catalog. If a student does not feel any existing policies or procedures address their concerns, they should speak directly with the faculty member. Should the concern fail to be addressed at that level, the issue should then be raised to the Dean of the school from which the issue originates.

2. Student concerns with a non-faculty employee or a non-academic policy or procedure should be raised directly with that employee. If the complaint cannot be resolved at this level, the issue should be raised with the employee's direct supervisor. Should the concern fail to be addressed at that level, the issue should then be raised to the director of the department/area. Please consult the Elizabethtown Organizational Chart.
3. Student concerns about other issues related to campus climate may be raised through the Vice President for Student Life and Dean of Students and/or Student Senate. Students may contact Senate Executive Cabinet to determine who their representatives are or may seek assistance through the Senate Executive Cabinet.
4. Students having concerns or grievances about another student should consult policies and procedures outlined in the Elizabethtown Student Code of Conduct.

Concerns not resolved after following the steps outlined above may then be brought forward as formal complaints utilizing the Student Complaint Form. The Complaint Form will be automatically directed to and reviewed by the Associate Provost for Institutional Effectiveness and Innovation. The Associate Provost will direct the Complaint form to the appropriate Executive Officer. Students submitting a complaint should expect a reply by the appropriate Executive Officer about the status of their complaint within 10 class days of submission. The resolution reached at the level of the Executive Officer is the final resolution.

## Appendix P: Bias- Related Harassment and Discrimination Policies and Procedures

- Bias Incident
- Hate Crime
- Policy Violations
- Bias Incident Reporting Form
- PA Law on Hate Crimes and Bias Incidents and Associated Penalties

Elizabethtown College will not tolerate acts of hatred and discrimination and seeks to prevent Hate Crimes and Bias Incidents. When an individual feels wronged, these procedures provide a fair and equitable process to bring such complaints forward and have them resolved.

Incidents motivated by bias generally fall into two categories; Bias Incidents and Hate Crimes.

– A Bias Incident is any deliberate act committed against a person or property, not rising to the level of a crime, motivated by the offender's conscious or unconscious bias against a person or group's perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status, possession of a general education development certificate as compared to a high school diploma, marital status or any other legally protected status.

– In Pennsylvania, a hate crime is defined as a criminal act motivated by ill will or hatred towards a victim's race, color, religion or national origin. In Pennsylvania, hate crimes are termed ethnic intimidation and the offense is set forth in the crimes code, Title 18, Section 2710. When certain criminal offenses are committed with the motive of hate, the crime of ethnic intimidation can also be charged. Generally, the types of offenses to which ethnic intimidation can be added are called underlying offenses. These underlying offenses involve danger or harm to you and/or your property.

- In Pennsylvania, a person commits ethnic intimidation if he or she is motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals while committing certain crimes.
- If the suspect is in the process of committing another crime, and calls the victim a derogatory name, it does not automatically mean that ethnic intimidation has taken place.

- If the suspect uses insulting or derogatory words but does not place another person in a reasonable fear of harm to their person or property, this is not ethnic intimidation.

If the incident is not found to be a crime – ethnic intimidation or any other type of crime - there is often not much enforcement action police can take. PHRC does keep statistics on bias incidents and encourages the reporting of every incident of this type.

Information provided above in the Hate Crime Section is taken from: <https://www.phrc.pa.gov/Resources/Pages/Hate-Crime.aspx>

Elizabethtown College will report any known incidents categorized as a Hate Crime to the appropriate law enforcement agency in accordance with the Clery Act and will follow standard College procedures outlined in the Code of Conduct whenever possible.

While many, if not most, bias incidents rise to the level of a violation of the Discrimination Policy or the Bias-Related Harassment Policy, the presence of a violation is not necessary for an occurrence to be considered a Bias-Related Incident. An offender may not be a student, may not be identified, may not be found responsible, etc. It is no less important to recognize, report, investigate and reconcile such incidents.

This policy prohibits the following forms of misconduct, and considers them violations of the Code of Conduct:

**Discrimination**– Treating a person differently, excluding a person, and/or denying a person benefit based on their actual or perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status, possession of a general education development certificate as compared to a high school diploma, marital status or any other legally protected status.

**Bias-Related Harassment** - Any unwelcome verbal or physical conduct directed against a person that occurs as a result of their actual or perceived based on his or her actual or perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status, possession of a general education development certificate as compared to a high school diploma, marital status or any other legally protected status. The behavior must be sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's education program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment. Bias-related retaliation would also be considered a form of Bias-Related Harassment.

Harassment may include but is not limited to: to hazing, bullying, verbal abuse, assault epithets, slurs, stereotyping, threatening, intimidating, hostile acts (even if claimed to be "jokes" or "pranks"). These acts may be written, graphic, electronic, verbal, physical, etc.

**Other Policy Violations Aggravated by Bias** – Any violation outlined in the Code of Conduct committed against a person or property that is aggravated by the offender's bias against perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status.

*Allegations of harassment on the basis of sex, gender, gender identity or gender expression will first be evaluated by the Title IX Coordinator and/or Director of Human Resources to determine if the allegation should be processed through Title IX or other employee procedures.*

## **Sanctions for Policy Violations**



When the conduct process is utilized to resolve violations of these policies, the full range of sanctions up to and including suspension/expulsion is possible for these violations. However, the College shall follow procedures outlined in the Code of Conduct. Whenever appropriate, the College will seek restorative practices as a method of resolution. The intent of the sanctions imposed when a student is found responsible for the Discrimination Policy, the Bias-related Harassment Policy, or any other policy violation aggravated by bias, is to remedy the effects of the violation on the impacted individual(s) and/or community, educate the offender, and prevent future recurrence of the same or similar offenses.

### **Procedures for Reporting Hate Crimes and Bias Incidents**

Everyone is encouraged to report incidents motivated by hate and bias so that the College can investigate and resolve these issues. Whenever a Bias Incident occurs or is reported, the College will implement the Bias Incident Response Protocol. The following are ways in which any member of the College community can report these types of incidents:

- **Bias Incident Reporting Form**

This form can be found on Jayweb, or here: [https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report). The form can be anonymous, depending on information the reporter is willing to provide. This form sent directly to the Vice President for Student Life and Dean of Students.

- **ECTipline**

This form can also be found on ECTipline webpage. The form can be anonymous, depending on information the reporter is willing to provide. This form sent directly to the Director of Safety and Security.

- **Safety and Security Services**

Anyone can report incidents directly to Campus Safety by calling 717-361-1111 or visiting the Campus Safety Office. The office is staffed 24/7.

- **Student Life Officials**

The Vice President for Student Life and Dean of Students, the Director of Residence Life, Area Coordinators for Housing & Residence Life, and Resident Assistants are all appropriate people to whom a student can report a Bias Incident or Hate Crime.

### **Documentation of the Incident**

It is essential that individuals who have experienced bias, and witnesses, or other individuals reporting a bias-related incident or hate crime 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 Safety and/or the local police. Impacted 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 phone, preserve your call log or make note of the time and length of the call along with the phone number if possible, but do not engage with the caller. If the incident occurs via electronic messaging, either through text messages or other messaging applications, preserve the original messages with time stamps if possible, or screen shot messages that may disappear after a certain period of time. Photo or video evidence of physical evidence should be secured and preserved.

Whenever there is a violation of this policy and the alleged offender is known, the College may implement the conduct process as outlined in the Code of Conduct, or resolution procedures outlined in the Employee or Faculty manuals. Reporting parties can provide their requests and recommendations regarding how the situation is resolved, but the Bias Incident Response protocol will be followed, and the College will determine through that protocol whether to formally pursue allegations, and/or which process to utilize. Other methods of resolution between parties include but are not limited to:

- Restorative Practices
- Mediation
- Participation in educational programs or workshops
- Other informal and formal means of truth finding and reconciliation

#### **Counseling Resources for Impacted Individuals**

Confidential counseling is available to students, regardless of whether they choose to report incidents. Counseling Services provides free counseling services on campus to students. Additionally, the College Chaplain is available to provide pastoral support.

#### **Confidentiality**

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.

#### **PA Law on Hate Crimes and Bias Incidents and Associated Penalties**

§ 2710. Ethnic intimidation.

(a) Offense defined.--A person commits the offense of ethnic intimidation if, with malicious intention toward the race, color, religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.

(b) Grading.--An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.

(c) Definition.--As used in this section "malicious intention" means the intention to commit any act, the commission of which is a necessary element of any offense referred to in subsection (a) motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals.

(June 18, 1982, P.L.537, No.154, eff. imd.; Dec. 3, 2002, P.L.1176, No.143, eff. imd.; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days)

# **Appendix Q: Student Athlete Sexual Misconduct Annual Disclosure Policy and Procedures**

**SASMAD** = Student Athlete Sexual Misconduct Annual Disclosure

## Student Athlete Sexual Misconduct Annual Disclosure Policy

In compliance with the NCAA Policy to Combat Campus Sexual Violence, Elizabethtown College requires all incoming, continuing and transfer student-athletes to complete an annual disclosure of discipline for sexual violence and criminal conviction for sexual, interpersonal or other acts of violence. Transfer student-athletes also must disclose if they were a responding party in a disciplinary proceeding involving allegations of sexual violence that was incomplete at the time of transfer. Students must complete a full disclosure to participate in competition. Information gathered in this process may impact student athlete eligibility. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility. Knowingly providing false information on the disclosure would likely warrant disciplinary action resulting in sanctions including but not limited to suspension or expulsion from the institution.

Incoming, continuing and transfer student athletes must disclose if they have been disciplined through a Sexual Misconduct disciplinary proceeding (as defined by Elizabethtown College, or by the student's prior institution of matriculation) or informal resolution process, or criminally convicted, regardless of the degree, and whether the result of a plea or court determination, of any of the following:

- **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
- **Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape. Discipline for sexual violence, under any policy, must be disclosed.
- **Other Acts of Violence:** Crimes including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.

*For implementation year 2022-2023, all returning students must report incidents occurring during years enrolled at Elizabethtown College up through August 2022. All transfer and first year students will be required to report incidents from transferring institutions and high schools.*

In compliance with the NCAA Policy to Combat Campus Sexual Violence, Elizabethtown College Title IX Coordinator will prepare and send summary information, as defined in this policy, about a transferring student athlete disciplined for an act of sexual violence through any Elizabethtown College policy, excluding personally identifiable information about anyone other than the transferring student athlete. The College will disclose discipline, whether it was imposed through a formal or informal resolution process. Unless the receiving institution contacts Elizabethtown College and requests the information be sent to a specific person according to their institutional policy, the summary information will be sent to the receiving institution's Title IX Coordinator. The disclosure of summary information does not require the permission of the transferring student athlete.

In compliance with the NCAA Policy to Combat Campus Sexual Violence, Elizabethtown College Title IX Coordinator will request information from former educational institutions of all incoming and transfer students and conduct criminal background checks for students with affirmative disclosures. Any information received will be considered when determining sanctions if the student is found responsible in future Title IX Sexual Misconduct proceedings or other related disciplinary proceedings at Elizabethtown College.

## Additional Definitions Related to Policy and Procedures

- **Discipline(d)** – a student was found to be in violation of a policy through an institutional Title IX Sexual Misconduct proceeding or faced consequences through an informal resolution process.
- **Summary Information** – Elizabethtown College will collect the following information from prior educational institutions:
  1. Whether the student left the institution with an incomplete or pending allegations of sexual violence;
  2. Whether the student was disciplined for an act of sexual violence and if so, what sanctions or consequences were imposed;

3. Whether the student was convicted of, pleaded guilty, or pleaded no contest to any crime of sexual, interpersonal, or other acts of violence.

## Student Athlete Sexual Misconduct Annual Disclosure Procedures

### SASMAD Form

All student athletes will be provided an electronic SASMAD form to complete. A link to this form will be sent via email by the Title IX Coordinator to each student athlete with an annual policy and procedure statement and will include a due date in the directions. This schedule may change on an annual basis to better meet the needs of College officials and student athletes. Failure to complete the form by the due date indicated by the Title IX Coordinator, or failure to make a full and accurate disclosure, could result in sanctions, including loss of eligibility to participate in athletics. Students must complete a full disclosure to participate in competition.

### Collection of Information

The Title IX Coordinator will take the following course of action with all incoming and transfer students:

- send questionnaire to incoming or transferring student's former educational institution(s) to receive summary information as defined in this policy
- request a criminal background check of anyone disclosing a criminal conviction

Elizabethtown College will make a good faith effort to obtain information from other institutions in compliance with NCAA policies. The College recognizes that certain educational institutions may have institutional policies or are subject to state laws that preclude that institution from sharing information with the College. In such cases, the College will consider any information available to the College at the time of review.

### Review of Disclosures

### SASMAD Committee

Disclosures and information collected through this process will be reviewed by the SASMAD Committee for accuracy and completeness and to determine if further action is required. The committee will include the Title IX Coordinator and/or Deputy Coordinator, the Athletic Director and the Vice President for Student Life and Dean of Students. The SASMAD committee will determine any further action to be taken and may request to meet with the athlete to discuss potential impact and provide resources.

The Title IX Coordinator will review and maintain all submitted information for 7 years from the dates of submission in compliance with Elizabethtown College's record keeping policy.

# Appendix R: Elizabethtown College Sexual Misconduct Policies and Procedures

**IF YOU BELIEVE YOU OR ANYONE ELSE IS IMMEDIATE DANGER,**

**CALL 911 or Campus Safety at 717-361-1111**

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.

- **Sexual Assault Forensic Examination (SAFE) - Lancaster General Hospital – Emergency Room – 555**  
N. Duke Street, Lancaster, PA 17602, 717.544.5122
- **YWCA Lancaster Sexual Assault Prevention & Counseling Center 24/7 Hotline – 717.392.7273**
- **Sexual Assault Forensic Examination (SAFE) - Penn State Hershey Medical Center – Emergency Room – 500** University Dr., Hershey, PA 17033, 717.531.8333
- **Sexual Assault Forensic Examination (SAFE) - UPMC Pinnacle Harrisburg Campus - 111** South Front Street, Harrisburg PA 17101 Phone: 717.782.3131
- **Penn Medicine Lancaster General Health - LG Health Physicians Family Medicine Sycamore Square**  
99 Masonic Drive, Suite 101, Elizabethtown, PA 17022. Phone: 717-689-4243 (Etown College students call 717-588-1059 to be connected during business hours)
- **Domestic Violence Services 24-Hour Hotline – Community Action Program of Lancaster County –**  
717.299.1249 (collect calls accepted)

## Title IX

Title IX of the Education Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972<sup>[1]</sup> that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) that are reflected in the definitions of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking included as Regulatory Prohibited Conduct under this Policy
- Addresses how the Institution must respond to reports of misconduct falling within the definitions of Regulatory Prohibited Conduct under this Policy, and
- Mandates a grievance (or resolution) process the Institution must follow before issuing disciplinary sanctions against a person accused of Regulatory Prohibited Conduct under this Policy.

In addition to federal legislative requirements, Act 16 of 2019<sup>[2]</sup> of the General Assembly of Pennsylvania requires all postsecondary institutions in the Commonwealth of Pennsylvania to adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under federal and state law, including the crime victims bill of rights.

## Prohibited Behaviors

Elizabethtown College (henceforth "The College") prohibits all Sexual Misconduct Violations as defined in this Policy. This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law. The College will promptly and equitably respond to all reports of sexual misconduct to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

## Scope of the Policy and Jurisdiction

Elizabethtown College Sexual Misconduct Policy and 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. This policy applies to all on-campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the College community. Methods of resolution of violations of this Policy vary. All allegations of Regulatory Prohibited Conduct will be addressed according to this Policy and Procedures. **Allegations of Non-Regulatory Prohibited Conduct defined in this policy, or discrimination based upon other protected classes, 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. Notwithstanding any other provision of this Sexual Misconduct Policy and Procedures, the rights and procedures set forth herein shall not apply to allegations of Non-Regulatory Prohibited Conduct that are addressed under other policies and procedures.**

There is no time limit for reporting allegations of sexual misconduct, however, the College strongly encourages the prompt reporting of sexual misconduct to allow the Institution to respond promptly and effectively. If the reported Respondent is not a member of the College community or is no longer associated with the College at the time of the report or at the time a resolution process is initiated, the College may be unable to investigate or take disciplinary action and may be required to dismiss the Formal Complaint for a lack of jurisdiction. The Title IX Coordinator will determine whether to apply this Policy and Procedures or refer for resolution through another policy. See "Dismissals" section.

**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.*

This Policy applies when any Employee of the College is alleged to have engaged in Regulatory Prohibited Conduct 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.

## Title IX, VAWA and Nondiscrimination

Elizabethtown College prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a College program or activity in accordance with the letter and spirit of federal, state, and local non-

discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act and ADA Amendments Act, the Equal Pay Act, and the Pennsylvania Human Relations Act.

The College also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. The College has designated the Title IX Coordinator, with assistance of Deputy Title IX Coordinator(s), to coordinate the College's compliance with Title IX and VAWA and to respond to reports of violations. The College has designated the following person to coordinate the College's compliance with the VAWA-related Clery reporting requirements.

**Title IX Coordinator:**

**Gabrielle Reed-Title IX Coordinator**

**Office Address:** BSC 210 (Baughner Student Center)

**Email:** reedg@etown.edu

**Telephone Number:** 717-361-3727 or at any hour by contacting Campus Safety, 717-361-1111

**Title IX Web page:** <https://www.etown.edu/offices/diversity/titleix/index.aspx>

## Standard of Evidence

Elizabethtown College uses the Preponderance of the Evidence standard in resolving all matters alleging Title IX Sexual Harassment. Consistent with requirements set forth in the Pennsylvania Code pertaining to student disciplinary due process requirements, the College will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred. 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.

## Burden of Proof

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the Institution to satisfy the burden of proof. The Respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the Institution and does not indicate responsibility. Additionally, Decision-Maker(s) shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).

# Definition of Title IX Sexual Harassment (Regulatory Prohibited Conduct)

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**.

*The definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking can be found in the Glossary at the end of this document.*

**Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

**Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.



**Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

**Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:

- **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **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 their age or because of their temporary or permanent mental or physical incapacity;
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. Sexual Assault is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as **Non-Regulatory**.

**Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
- B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
- D. Prostituting another individual; or
- E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and

F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

**Regulatory Quid Pro Quo Sexual Harassment** - An Employee conditioning the provision of aid, benefit or service of the College on an individual's participation in unwelcome sexual conduct.

**Non-Regulatory Quid Pro Quo Sexual Harassment** - An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the College on the individual's participation in unwelcome sexual conduct.

**Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's Education Program or Activity.

**Non-Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program offered in connection with the College.

**Stalking** – (as defined in the VAWA amendments to the Clery Act) means 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 substantial emotional distress.

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

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

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

**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 may be initially given but withdrawn at any time.
- Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the College will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- 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, Consent is not present and 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 at the end of the Policy. The definitions in the Glossary are important to a complete understanding of this Policy.

## **Confidential Resources**

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 officially reporting an incident to the College. (see "Statement on Privacy and Confidentiality" below)

*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.*

- **Sexual Assault Forensic Examination (SAFE) - Lancaster General Hospital – Emergency Room – 555 N. Duke Street, Lancaster, PA 17602, 717.544.5122**
- **YWCA Lancaster Sexual Assault Prevention & Counseling Center 24/7 Hotline – 717.392.7273**
- **Sexual Assault Forensic Examination (SAFE) - Penn State Hershey Medical Center – Emergency Room – 500 University Dr., Hershey, PA 17033, 717.531.8333**
- **Sexual Assault Forensic Examination (SAFE) - UPMC Pinnacle Harrisburg Campus - 111 South Front Street, Harrisburg PA 17101 Phone: 717.782.3131**
- **Penn Medicine Lancaster General Health - LG Health Physicians Family Medicine Sycamore Square 99 Masonic Drive, Suite 101, Elizabethtown, PA 17022. Phone: 717-689-4243 (Etown College students call 717-588-1059 to be connected during business hours)**
- **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 personally identifiable 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 Safety after hours at 717.361.1111 to request confidential support.
- **College Chaplain and Assistant Chaplain (clergy)** are available during regular college business hours for confidential consultation. Call 717.361.1260.

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, you are encouraged to 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. Participating in a sexual assault forensic exam does not require the individual to press charges. This action keeps the option 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 Safety – 717.361.1111 (24/7 Emergency Hotline)**

Campus Safety 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, to law enforcement a crime of sexual assault, dating violence, domestic violence or stalking that you have experienced. 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**

You may speak with the Title IX Coordinator at any time. If you would like to speak to the Title IX Coordinator after hours, contact Campus Safety at 717-361-1111 and request to speak with the Title IX Coordinator.

**Title IX Coordinator:**

**Gabrielle Reed** –Title IX Coordinator

**Office Address:** BSC 210

**Email:** reedg@etown.edu

**Telephone Number:** 717-361-3727

**Title IX Web page:** <https://www.etown.edu/offices/diversity/titleix/index.aspx>

**Online formal complaint or anonymous reporting form:**

[https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report)

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. The Deputy Title IX Coordinator may be a Decision Maker provided they are not serving in the role of Title IX Coordinator for a case.

## **Timely Warning**

If a report of misconduct discloses a serious or immediate threat to the campus community, the College will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

## **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 Regulatory Prohibited Conduct. 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 (Regulatory Prohibited Conduct), the scope of the

College's program or activity, the Formal Complaint Process, Relevance, 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 named 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.

## Statement on Privacy and Confidentiality

Elizabethtown College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality and privilege have distinct meanings under this Policy.

**Privacy** generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who "need to know" to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct under this Policy, including Advisors and Witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties, however, nothing in this Policy is intended to impose restraints on a Party's ability to discuss the allegations under investigation or to gather and present evidence as part of the resolution process.

Certain individuals are designated as having **confidentiality**. For reports made to employees designated with having confidentiality, the College will respect the reporting party's expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, reports involving minors are subject to mandatory reporting requirements. Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Individuals designated as having confidentiality will not share other information with the Title IX Coordinator or any other employee of the Institution without the permission of the disclosing party. Individuals designated as having confidentiality can provide information about the College and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or Formal Complaint to the College and will not result in a response or intervention by the College. A person consulting with a confidential resource may decide to make a report to the College and/or law enforcement. Confidential Resources are outlined in this Policy, and in the Written Notification of Resources provided to all Reporting Parties.

Communication with certain individuals may be **privileged** by operation of law and reports made to these individuals will not be shared with the Title IX Coordinator or law enforcement except in very limited situations, such as when

failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

All College proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 (“Title IX”), Violence Against Women Act (VAWA), state and local law, and College policy. No information will be released from such proceedings, except as required or permitted by law and College policy.

The College may share non-identifying information about reports received in aggregate form, including data about outcomes and Disciplinary Sanctions.

## **Resources and 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 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 Sexual Misconduct.

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

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

## **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 Deputy Coordinator. 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. 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 person may also file an anonymous report, which will be routed directly to the Title IX Coordinator. Anonymous reports may be submitted here: [https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report)

An anonymous report is defined as a disclosure, and does not constitute a Formal Complaint. The procedure for filing a Formal Complaint is described in this Policy.

**Title IX Coordinator:**

**Gabrielle Reed** –Title IX Coordinator

**Office Address:** BSC 210

**Email:** reedg@etown.edu

**Telephone Number:** 717-361-3727

**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 an individual requires assistance making contact with local law enforcement and scheduling a meeting time with a Police Officer or Detective, please contact one of the following:

**Gerald Kelley, Campus Safety Director** or ask for the supervisor on duty. 24/7 access: 717.361.1264 or visit the Campus Safety Office at 605 S. Mt. Joy Street

**Gabrielle Reed** –Title IX Coordinator

**Office Address:** BSC 210

**Email:** reedg@etown.edu

**Telephone Number:** 717-361-3727

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, such as 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.

## Orders of Protection

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. Pennsylvania Coalition Against Rape



(PCAR) provides information about Sexual Violence Protections Orders: <https://pcar.org/sexual-violence-protection-orders>

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:

**Gerald Kelley, Campus Safety Director** or ask for the supervisor on duty. 24/7 access: 717.361.1264 or visit the Campus Safety Office at 605 S. Mt. Joy Street

**Gabrielle Reed** –Title IX Coordinator

**Office Address:** BSC 210

**Email:** reedg@etown.edu

**Telephone Number:** 717-361-3727

#### **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 or other protective order, you are encouraged to share a copy with Campus Safety. While Campus Safety 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 and/or Department/Area Include:**

### Academic Personnel

- All faculty
- All Academic Deans
- Provost & Vice President for Academic Affairs and Faculty Development
- Dean of Faculty and Associate Provost for Academic Affairs
- Associate Provost for Institutional Effectiveness and Innovation

### Staff

- All employees and administrators are considered responsible employees, with the exception of those identified as Confidential Resources

### Student Employees

- Resident Assistants and Community Assistants
- Peer Mentors
- Kinesis Peer Academic Advisors
- Ubuntu Mentors
- Some student employees may be required to report information to their supervisors when functioning as a student employee (including but not limited to Bower's Center student employees, Admissions Overnight Hosts)

*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. The College reserves the right to modify this list as needed. Modifications occurring after publication of this document for the academic year will be announced via Campus News.*

## **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 717.588-1059
- **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.

## Amnesty

The health and safety of every student at Elizabethtown College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to College officials or law enforcement will not be sanctioned under the Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct. The College may require the individual attend an approved alcohol or drug education program without assessing any charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

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 by following this link: [https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report)

## 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. The Title IX Coordinator will provide each Complainant or reporting individual a Written Notification of Resources.

## Assessment of Risk

When the Title IX Coordinator receives a Report of alleged Sexual Misconduct or a Formal Complaint alleging Sexual Misconduct, 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.

## Formal Complaint 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 the definitions of Regulatory Prohibited Conduct defined in 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 Formal Complaint form can be found here: [https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report)

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 Resolution Methods

With or without a Formal Complaint, when the initial assessment concludes with a determination that the alleged misconduct does not fall within the definitions of Regulatory Prohibited Conduct defined within this Policy but involves Non-Regulatory Prohibited Conduct, or other 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.

### **3. Emergency Removal of a Respondent**

Elizabethtown College may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if the Respondent poses an immediate threat to the physical health or physical safety of any student or other individual directly resulting from allegations of this Policy. Prior to implementing an emergency removal, the Title IX Coordinator will first gather information to conduct an individualized safety and risk analysis. The analysis will be conducted by 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 and Dean of Students if the respondent is a student, or the Director for Human Resources if the respondent is an employee. 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 Vice President for Student Life and Dean of Students or Director of Human Resources. If the Vice President for Student Life or the Director of Human Resources disagrees with the recommendation for removal, and chooses 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 physical safety risk exists will focus on the specific Respondent and consider the specific circumstances arising from the allegations of violations of this Policy that potentially pose an immediate threat to a person's physical health or physical 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 a violation 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 addressed 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 violations of this Policy, 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; 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 a violation of this Policy 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.

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 a resolution process.

## **Filing of Formal Complaint**

The Formal Complaint Process begins with the filing of a Formal Complaint which alleges that a Respondent has engaged in a violation of this Policy, is signed by the Complainant or the Title IX Coordinator, and requests that Elizabethtown College investigate the allegation of Sexual Misconduct. 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 and can be found here: [https://elizabethtown-advocate.symplicity.com/public\\_report](https://elizabethtown-advocate.symplicity.com/public_report)

## **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 the definitions of Regulatory Prohibited Conduct defined within this Policy, the Title IX Coordinator will dismiss the Formal Complaint from the Title IX Investigation process 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 Sexual Misconduct, prevent its recurrence, and remedy its effects.

## **Timeframe**

Elizabethtown College seeks to resolve all Reports of Sexual Misconduct 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.

Elizabethtown College's Title IX 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.

## **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.

## **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. There is no requirement the Advisor appointed by the College be of equal legal knowledge or skill to the Advisor obtained by another party. For example, if one party obtains an attorney, the College is under no obligation to provide the other party an attorney.

Advisor availability shall not place undue burden on process timeline. While reasonable requests may be made, requests for pauses in process to accommodate advisor schedules will not be entertained if said pauses jeopardize the process timeline. The Title IX Coordinator will make this determination.

Advisors are not permitted to speak on behalf of the party with the exception of cross-examination in a Live Hearing process. In all other aspects of the process, the role of the Advisor is to be a support person.

The roles and obligations for advisors are outlined in the Formal Complaint Process under "Roles and Obligations for Advisors".

## **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.

### **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.

#### **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.

#### **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 Director of Human Resources as soon as a Party becomes aware of any such grounds for removal. The Director of Human Resources 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 Director of Human Resources has a conflict of interest, they shall forward the request to the Senior Vice President for Administration and Finance, who will identify the person to perform 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:

- Notice of these grievance procedures, including the Informal Resolution process, and a copy of this Policy.
- The conduct alleged to violate this Policy, and the date and location of the alleged incident, if known.
- Known Parties involved in the alleged incident
- 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.
- 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.
- 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.

# **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(s), an external Investigator(s), 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 the definition of regulatory prohibited conduct defined in this Policy. When the alleged conduct, if proved, falls within the definition of regulatory prohibited conduct defined in 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 the definition of regulatory prohibited conduct defined in this Policy, 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 such instances where Dismissal is appropriate, 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.

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.

## **General Considerations for Evaluating Testimony and Evidence**

1. While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s).
2. Decision Maker(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
3. Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
4. Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.
5. Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker(s) may draw an adverse inference as to that Party or Witness' credibility.
6. Decision Maker(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
7. The Final Rule requires the College to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
8. The Final Rule requires the College allow parties to call character witnesses to testify. The College does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

## **Role and Obligations of Advisors**

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. Inspecting and reviewing recordings of the hearing will be made available utilizing the same methods and restrictions outlined under "Parties Review of/Response to Information".

## **Scope of the Live Hearing**

The Live Hearing will relate solely to 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. The College may have Counsel present to monitor the process.

## **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**

### **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.

## **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 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).
1. The Hearing Board may call Witnesses to provide relevant information to the Hearing Board.
  2. 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).
  3. 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.
  4. 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:

- Procedural History
- Summary of allegations in Notice of Charge/Notice of Live Hearing
- Policy provisions at issue
- Findings of Fact related to each allegation potentially constituting Title IX Sexual Harassment, made by the applicable standard of evidence
- 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
- A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility)
- Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility
- A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions
- 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.
- Information about how to file an Appeal and how to access the transcript or recording before the time to file an Appeal lapses.

# Possible Sanctions

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

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.

## Students

### Status Sanctions

Status sanctions pertain to a student's relationship with the college and provide a form of consistency for the College in responding to acts of misconduct. One or more of these is issued when a student has been found responsible for violating the Code.

- **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/or 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 a period of time (which maybe indefinite) during which a student is under warning that any violation of college policy may result in suspension. Disciplinary probation may also prohibit a student from participating in certain college activities or programs, as it is considered notice that the student is not in good standing due to their behavior. This sanction is not reflected on the academic transcript.
- **Disciplinary Suspension:** is a defined period of time during which a student is not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at Elizabethtown College. During the period of suspension, a Dean of Students hold designating such will be placed on the student's account and transcript prohibiting registration, enrollment, attendance, or ability to earn credit for any credit or noncredit courses offered by Elizabethtown College. This also prohibits receipt of a degree or certificate from Elizabethtown College during this time. This suspension may not prevent a student from attending another college or university. Once the period of suspension has been completed, the hold will be lifted from the student account, provided the student has completed any other requirements required prior to return. During the period of suspension, the student is also banned from College property unless otherwise stated. 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 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 student must petition the Vice President for Student Life and Dean of Students in writing for permission to return to the College. The Vice President for Student Life and Dean of Students may require a personal meeting to determine eligibility; return following a disciplinary suspension is not automatic as special conditions or considerations imposed by the Student Conduct Administrator 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 (7) years. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student's status. Disciplinary Suspension length of time will be sanctioned in one of the following ways:

- **Disciplinary Suspension for One Semester** – Unless a deferral has been issued, the length of suspension will be for one semester in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of the next traditional fall or spring term.
- **Disciplinary Suspension for Two Semesters** – Unless a deferral has been issued, the length of suspension will be for two semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
- **Disciplinary Suspension for Three Semesters** – Unless a deferral has been issued, the length of suspension will be for three semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of three traditional semesters.
- **Disciplinary Suspension for Four Semesters** – Unless a deferral has been issued, the length of suspension will be for four semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of four traditional semesters.
- **Disciplinary Suspension for Five Semesters** – Unless a deferral has been issued, the length of suspension will be for five semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of five traditional semesters.
- **Disciplinary Suspension for Six Semesters** – Unless a deferral has been issued, the length of suspension will be for six semesters in addition to the remainder of the semester in which the sanction is implemented. A Semester is defined as the traditional fall or traditional spring term. Unless a deferral has been issued, a student under suspension is unable to enroll in courses between the date the suspension is issued and the end of two traditional semesters.
- **Disciplinary Suspension for Longer Than Six Semesters** – A Disciplinary Suspension for Longer than six semesters should be a special circumstance, and will be indicated by specific dates.
- **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 and Dean of Students. 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 indefinitely. Parents/guardians, coaches, academic advisors, some academic programs and co-curricular program advisors may be notified of the student's status.

## Educational Sanctions:

Educational sanctions may be imposed that are designed to maximize the learning of a specific student. These sanctions take into account the student's learning style and stage of development, as well as unique factors of a give situation. This list is not exhaustive.

- **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.
- **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.
- **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.
- **Other** appropriate sanctions that do not fall within the scope of the items listed in this section.
- **Parent /Guardian Notification** alerts student found responsible for a Student Code of Conduct violation that parent/guardian will be notified.
- **Residential Expulsion** results in student being permanently removed from college housing at the student's expense.
- **Residential Relocation** results in a student being administratively moved to a different on-campus residence.
- **Residential Restriction** results in restricted access to certain college housing buildings.
- **Residential 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. The Vice President for Student Life or the Director of Residence Life may require a personal meeting to determine eligibility; 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 and Dean of Students or other student life administrator.
- **Student Conduct Hold** blocks the student from registering for classes until expectations from the Office of Student Rights and Responsibilities are satisfied.

## **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
- Sexual Harassment/Misconduct 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 Sexual Misconduct prevent its recurrence, remedy its effects, and to maintain an environment free from Sexual Misconduct.

Respondent's lack of comprehension that conduct constituting Sexual Misconduct 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 Sexual Misconduct 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.

## **Appeal**

### **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.

### **Grounds 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;
1. 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;
1. 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,
1. 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.

6. 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.

7. 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

8. The Appeal Decision-maker will issue their 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.

9. 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 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.
- 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.
- 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.

- **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.
- **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.

**Appeals:**

- Parties must file an Appeal within five (5) Business Days of receipt of the Written Determination.
- 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.
- 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.
- 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.
- 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.

## 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 information 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.

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 outlined in this Policy. 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.

## **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 educational 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 messages regarding awareness, primary prevention (including normative messaging, environmental management and bystander intervention), and discuss College Sexual Misconduct policies. 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. The College requires all first\_ year students to complete Sexual Assault Prevention for First Year Students, and Sexual Assault Prevention: Ongoing, for returning students. Both are online educational platforms offered by Vector Solutions. The College also

provides mandatory training in addition to Vector Solutions for student athletes focusing on bystander intervention and environmental and cultural factors that relate specifically to student athletes.

## Written Notification of Available Resources

The College will provide a Written Notification of Resources to students and employees, which includes 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 also available on the Elizabethtown College Title IX webpage.

## 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 are the most current.

## Disclosure of Results of Disciplinary Proceedings to Next of Kin

Upon request, the College will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense (incest or statutory rape) to the alleged victim's next of kin if the victim is deceased as a result of the offense.

## Federal Timely Warning Reporting Obligations

Victims of sexual assault, dating or domestic violence or stalking should be aware that the College must issue timely warnings for reported incidents that represent a serious or continuing threat to members of the campus community. In such circumstances, no personally identifiable information of the Complainant will be disclosed.

## Definitions

**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 file 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 Sexual Misconduct 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 may be initially given but withdrawn at any time.
- Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the College will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- 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, Consent is not present and sexual activity must stop.

**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:** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of

interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as **Non-Regulatory**.

**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:** (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the state, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

**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 Sexual Misconduct against a Respondent and requesting that the allegation(s) be investigated.

**Formal Complaint Process:** The process for investigating and resolving a Formal Complaint of regulatory prohibited conduct.

**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. May also be referred to as the Hearing Panel.

**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. May be used to resolve Formal Complaints of regulatory prohibited conduct and non-regulatory prohibited conduct.

**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 definitions contained within this policy, 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 Sexual Misconduct (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 within 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.

**Regulatory Prohibited Conduct:** For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

**Regulatory Quid Pro Quo Sexual Harassment:** An Employee conditioning the provision of aid, benefit or service of the Institution on an individual's participation in unwelcome sexual conduct.

**Non-Regulatory Quid Pro Quo Sexual Harassment:** An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the Institution on the individual's participation in unwelcome sexual conduct.

**Regulatory Hostile Environment Sexual Harassment:** Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institution's Education Program or Activity.

**Non-Regulatory Hostile Environment Sexual Harassment:** Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the Institution.

**Relevance:** Information that is relevant 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** – (As defined in the Clery Act) includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

- A. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
  
- A. **Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.



- A. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute<sup>[3]</sup>.

Sexual Assault is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as **Non-Regulatory**.

**Sexual Exploitation – (Sexual Exploitation is non-regulatory prohibited conduct)** Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
- B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
- D. Prostituting another individual; or
- E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Stalking:** (as defined in the VAWA amendments to the Clery Act) means 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 substantial emotional distress.

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

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

Stalking is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as **Non-Regulatory**.

**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:

1. an employee of the College conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. 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;
3. Sexual Assault;
4. Dating Violence;
5. Domestic Violence; or,
6. 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  
Written Determination: A letter delivered simultaneously to the Parties that describes the Hearing Board's decision regarding responsibility, which must be supported by evidence.

[1] The full text of the Final Rule and its extensive Preamble is available here: <http://bit.ly/TitleIXReg>

[2] The text of Act 16 of 2019 is available here: <https://bit.ly/3f7DAr6>

[3] The text of Chapter 31 of the Pennsylvania Crimes Code is available here <https://bit.ly/305G9pu>

## **Revisions to the Student Handbook 2023-24**

### **Revisions to the 23-24Handbook:**

1.