

# 2020 ANNUAL SECURITY AND SAFETY REPORT



Friends,

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the safety-related requirements of the Higher Education Opportunity Act (including the Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act and provisions of The Campus Sexual Violence Elimination (SaVE) Act), the Earlham College Department of Public Safety produces an Annual Security and Safety Report. The Department of Public Safety works with many other departments and agencies, such as the Office of Student Life, Human Resources, and the Richmond Police Department to compile the information contained in the report.

The report<sup>1</sup> includes policy statements and specific information regarding the College's procedures, practices, and programs concerning safety and security. It includes information about the services and programs of the Department of Public Safety and details the process by which persons can report and prevent crimes or suspicious activity. The report provides information about programs the College provides to prevent the abuse of drugs and alcohol as well as awareness, prevention, and response to all forms of sexual misconduct. The report also includes three years' worth of statistics for particular types of crimes that occurred on campus, fire safety data, policies, procedures, and systems. We encourage members of the Earlham community to use this report as a guide for safe practices on and off campus.

Developing a safe and secure environment in an academic institution is a partnership. Within the Earlham College community, the Department of Public Safety is tasked with the primary responsibility of identifying those programs, methods and tactics necessary to assist the entire College community in reducing risk, and achieving a safe and secure environment. In order to maintain such an environment, we encourage every member of the community to learn and demonstrate responsible personal behaviors regarding safety and security at all times and to immediately report crimes or suspicious activity.

A copy of this report will be provided to anyone upon request. An electronic copy can be viewed at the following web address: <http://www.earlham.edu/public-safety>

We hope that this report helps demonstrate that Earlham College is a place where students and their families can be confident of their safety and invite any questions or comments.



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<sup>1</sup> This report complies with regulations from the United States Department of Education, which implement the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") 20 U.S.C. 1092 (a) and (f); 34 CFR 668.46

## INTRODUCTION

The mission of Earlham College Department of Public Safety is to work in partnership with the campus community to enhance a safe living, working, and learning environment; to provide quality service with an emphasis on integrity and professionalism; and, to promote individual responsibility and cooperative commitment.

For purposes of the "Clery Act," Earlham College reports security procedures and crime statistics for the following locations:

Earlham College, 801 National Road West, Richmond, IN 47374

Earlham School of Religion, 228 College Avenue, Richmond, IN 47374

Bethany Seminary<sup>2</sup>, 615 National Road West, Richmond, IN 47374

## THE DEPARTMENT OF PUBLIC SAFETY – SERVICES AND PROGRAMS

Operating 24 hours a day, 365 days a year, Public Safety may be reached at: 765-983-1400

The duties of the Department of Public Safety include, but are not limited to, rendering assistance in case of an emergency; responding to a request for service; conducting investigations when appropriate as requested by the administration; aiding in quelling any disturbances; providing requested safety escorts; managing electronic door access; issuing employee and student ID cards and keys; managing and enforcing campus parking regulations; and, opening and securing campus buildings as needed. Public Safety also enforces all rules and regulations, including the proper use of buildings and facilities.

### **PATROL AND OTHER SERVICES**

Public Safety performs the following activities to detect and deter crime for the safety and security of the Earlham College community:

Public Safety Patrols – Uniformed Public Safety officers patrol all Earlham College buildings, parking areas and campus grounds, as well as Bethany Seminary 24-hours per day to deter crime. Public Safety student workers supplement staff members and provide parking enforcement. Employees of Public Safety are not law enforcement officers and do not have police arresting authority. Their functions include: assuring the safety of the community members on campus, making periodic inspection tours of buildings and grounds, guarding against fire, theft and illegal entry, enforcing traffic and parking regulations, and aiding in maintaining an orderly campus environment.

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<sup>2</sup> Bethany Seminary is a separate institution not affiliated with Earlham College, for which Earlham College provides security services. Specific policy statements of Bethany Seminary, in regards to the Clery Act, Violence against Women's Act and Title IX, are published separately by Bethany Seminary.

Officers are designated representatives for the College and are authorized to ask individuals (students, employees and visitors) for identification and assistance in the course of carrying out their duties with the expectation of compliance. When necessary, Public Safety will notify law enforcement authorities of persons unlawfully or illegally in buildings or on College grounds, being uncooperative, or involved in criminal activity.

Electronic Access Systems – Public Safety manages and monitors the electronic door access system of the campus. This system allows only those individuals with programmed access on their student or employee ID card to access a building (via proximity card).

Safety Escorts – Public Safety officers will provide an escort to a car, campus residence or other on-campus destination to any student, employee or visitor upon request.

Alerts to the College Community – By monitoring local law enforcement information as well as communications with the Wayne County Emergency Communications Center, Public Safety is usually aware of crimes around the campus that threaten the Earlham College community, as well as weather conditions that could produce dangerous conditions. When circumstances are appropriate, Public Safety notifies the College community by coordinating with the Emergency Response and Recovery Planning Team (ERRP), Marketing and Communications Office, Student Life, and Residence Life. Communications occur via any or all of the following mediums: Earlham College website; campus-wide e-mail, text messaging, and postings in campus buildings.

#### HOW TO REPORT A CRIME OR EMERGENCY

If members of the Earlham College community become victims of a crime, they should report it immediately to the Department of Public Safety, regardless of how small the incident may seem. Any suspicious persons or activities should always be reported immediately to Public Safety. Alternatively, reports of criminal or suspicious activity can be made to designated persons, such as “Campus Security Authorities,” who are listed below. They in turn will immediately notify Public Safety of the incident or event.

Upon notice of such activity, Public Safety personnel will respond to the incident scene or notify the appropriate emergency response agency. All calls or requests are documented and, when appropriate, recorded on an incident report.

To report a life threatening emergency or incident in which fire, police or emergency medical services are needed, call 911 immediately and then notify Public Safety.

Public Safety can be contacted 24-hours per day, seven days per week; in person at the Public Safety office or by phone at 765-983-1400 (ext. 1400 from a campus phone). The Department of Public Safety maintains direct contact with the Richmond Police and Fire departments. Support from these departments can be obtained immediately.

Listed below are additional contacts to which a crime can be reported (“Campus Security Authorities”).

<sup>35</sup><sub>17</sub> VP of Student Life/Dean of Students at 765-983-1311

<sup>35</sup><sub>17</sub> Assoc. Dean of Student Life/Director of Residence Life at 765-983-1317

<sup>35</sup><sub>17</sub> Assistant Dean’s for Residence Life at 765-983-1317

<sup>35</sup><sub>17</sub> Area Directors/Hall Directors, Resident Assistants for student housing.

## CONFIDENTIALITY

A complainant's privacy concerns are weighed against the needs of Earlham College to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate personnel, departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Information reported to Public Safety is treated as confidential during the investigative phase, except as required by law. When major incidents occur or there may be a threat to life or property, the Richmond Police Department may also respond.

Applicable Public Safety incident reports are forwarded to appropriate campus department offices for review and potential action. Public Safety, Student Life, or Human Resources will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the appropriate campus personnel or offices.

Members of Counseling Services and Religious Life are considered Confidential Reporters. Counseling Services can be contacted at 765-983-1432 or through Public Safety after-hours. Religious Life can be reached at 765-983-1413 or through Public Safety after-hours.

## ANONYMOUS REPORTING/INFORMATION

The Earlham College Department of Public Safety depends on the community to report crimes promptly and support crime prevention efforts. If crimes go unreported, little can be done to prevent other members of our community from becoming victims. You can help by reporting suspicious and criminal activity immediately.

Public Safety offers an anonymous tip form to report possible crimes, planned crimes, law/policy violations and/or crime information. The information will be forwarded to Public Safety through a 3rd party site, with no identifying information attached.

You are always encouraged to provide your name and contact information with the information you submit, in case Public Safety has questions or needs clarification about the information submitted, although this is not required.

The online form is NOT to be used where you expect a Public Safety officer to contact you the same day (if information is provided) or for an emergency situation.

If you need an Earlham Public Safety officer to respond, call 765-983-1400 for dispatch, 24 hours a day.

**ALL LIFE-THREATENING EMERGENCIES SHOULD BE IMMEDIATELY REPORTED  
TO 911**

## RELATIONSHIP WITH LOCAL LAW ENFORCEMENT AND LEGAL AUTHORITY

The Department of Public Safety maintains a working relationship with the Richmond Police Department, Wayne County Sheriff's Office, and all appropriate authorities of the criminal justice system. Meetings are held as needed with these agencies, both on a formal and informal basis. Crime-related reports, statistics and crime-fighting strategies are exchanged when available. While Earlham College has no Memorandum of Understanding (MOU) with any response agencies, the Richmond Fire and Police Departments includes the College as part of their emergency response obligation and also provides assistance and support to the Department of Public Safety when requested. All criminal incidents and arrests made on College property are processed by the Richmond Police Department. Public Safety does not have law enforcement authority, but has the common-law authority to detain and investigate persons who commit crimes on campus. It then transfers the detained persons to local law enforcement.

## CRIME REPORTS

The Department of Public Safety maintains statistics on crimes and other incidents occurring on campus. Representatives of Public Safety are available to discuss crime statistics and to answer questions about security on campus.

Public Safety compiles these statistics and shares them with the community in the following ways:

Incident Report - A record that documents pertinent information for each reported incident (incident reports are not released to the general public).

Daily Crime Log - A record of reported incidents is kept for a previous 12-month calendar period and current year. The log is available to the public at the Department of Public Safety during normal business hours, 8:30 a.m. to 4:30 p.m.

Campus Annual Security Report - A comprehensive annual report of crime-related information and statistics is compiled, published and distributed by Public Safety to current and prospective students and employees. Public Safety compiles the statistics from its own incident reports, from Campus Security Authorities, Student Life and Human Resource records and from local law enforcement. This report is made available online and in paper copy. A copy can be obtained at the Department of Public Safety.

## TIMELY WARNINGS AND EMERGENCY NOTIFICATION

The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate or imminent threat to the health or safety of students and/or employees occurring on campus, unless the notification will compromise efforts to contain the emergency.

Information will be distributed via a Timely Warning or an Emergency Notification.

In the event of an imminent threat to the College community, an Emergency Notification will be issued. Without delay, the Director of Public Safety or designee will inform and initiate a call-out of the Emergency Response and Recovery Planning (ERRP) Team. Incident specific personnel and key members of ERRP will promptly create the appropriate message(s) to alert and instruct the Campus community. In immediate life-threatening instances the Department of Public Safety may send a message directly. The content of notification messages will take into account safety of the community, unless issuing notification will, in the professional judgment of our campus authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Wayne County Emergency Operations Center will be the source for issuing any and all emergency notifications such as declarations of Tornado Warnings by the National Weather Service.

A Timely Warning will be issued to the community when incidents of criminal activity, specifically the crimes reported on our statistics page, occur on campus or within the immediate proximity of campus. Timely Warnings may also be issued when instances of criminal behavior pose a potential on going threat to the community. Timely Warnings differ from Emergency Notification by the degree of imminent threat.

What type of instances may initiate an Emergency Notification?

Emergency Notifications will be sent to the community when an imminent threat is perceived to the community. Instances may include severe weather, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, explosion, a nearby chemical or hazardous waste spill, or health emergencies.

How are Notifications Sent?

Multiple modes of communication will be utilized via Rave© for the notification including text messages, e-mail, and phone calls. Additionally, follow-up information may be provided by the Director of Media Relations on the campus main webpage. In the event of an approaching tornado the Wayne County Emergency Operations Center will activate a warning siren. The Department Of Public Safety will send an emergency notification via (Rave) to the campus for tornado and upon the National Weather Service issuing certain other severe weather warnings for the Earlham area. All students are required to provide emergency contact information during New Student Orientation to facilitate delivery of emergency notification messages. Employees enter emergency information upon hire. Students and employees are asked to periodically update their emergency information, which is available through The Heart web portal.

Timely Warnings are sent by campus-wide email and posted on the Public Safety webpage. Timely Warnings are not normally sent via text message as text messages are reserved for instances when an imminent threat is perceived.

Testing of our emergency notification system is advertised and announced each semester.



## EMERGENCY MANAGEMENT – RESPONSE AND EVACUATION

The Earlham Department of Public Safety coordinates college and community emergency response utilizing the College Crisis Management Plan. Each year the Emergency Response and Recovery Planning (ERRP) Team conducts annual testing of response and evacuation procedures via a table top exercise, functional exercise and /or a practical exercise. Public Safety provides training and information on how to report an emergency, preparedness, response, evacuation, and recovery to College departments and all new employees via orientation training. Each division is charged with development and implementation of response, evacuation and business continuity in conjunction with College Crisis Plans. Earlham Public Safety conducts announced campus wide annual testing of our Emergency Notification System, and further conducts fire safety and evacuation drills each semester in residential buildings including training on how to report an emergency. All tests and drills are documented with date, times, and circumstances involved with the tests.

## EMERGENCY PROCEDURES

A comprehensive list of Emergency Procedures including what to do in the event of imminent threat is included on the Public Safety website. Some examples of emergencies include; Acts of Violence, Fire, Chemical Spill, Fire, Bomb Threats, Weather Emergencies, and Medical Emergencies.

See the College's Emergency Procedures at <http://www.earlham.edu/public-safety/emergency-preparedness/emergency-procedures/>, or by contacting the Department of Public Safety at 765-983-1400, or visiting our office.

All student housing rooms also have emergency procedures posted on the back of each room door.

## ACCESS TO AND SECURITY OF CAMPUS BUILDINGS

Earlham College is a private, liberal arts college that restricts access to all facilities, including residence halls, to Earlham College students, faculty, staff, and guests.

Exterior doors to all campus residence halls and houses are designed and equipped to remain locked 24 hours a day. Additionally, Public Safety and Residence Life staff patrol the residence halls.

Administrative and academic buildings are secured after their scheduled use times. After that time, access is limited to persons with authorized keys/cards or who have received permission for special use. Public Safety patrols all facilities seven days per week.



The Department of Public Safety is the only entity that may make changes, additions, or alterations to College approved or installed access systems (mechanical or electronic). Hasps, padlocks, or other privately supplied locking devices are not allowed. These devices will be removed by Public Safety and the department or individual responsible will be charged for all costs incurred.

The Department of Public Safety as well as Facilities/Maintenance personnel have access to all areas of the campus with the exception of specifically identified restricted or high security areas.

In order to protect the safety and welfare of students and employees of the College and to protect the property of the College, any person(s) on Earlham College property behaving in a suspicious, disruptive or threatening manner may be asked to identify themselves by a College official.

If any person refuses or fails upon request to present evidence of his/her identification and proof of his/her authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. Richmond Police may be called upon if necessary and the individual issued a Trespass Warning.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to Public Safety.

## SECURITY CONSIDERATIONS

Proper lighting and building security are major factors in reducing crime on campus. Earlham College maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such as broken locks and windows, to Facilities office or the Department of Public Safety.

Public Safety completes campus lighting checks and Facilities is notified when there are burned out or damaged street and building lights. This inspection ensures maximum lighting for the public at night.

To prevent injury and promote campus safety, select members of the campus community are invited to take part in occasional lighting tours of campus. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make a safer environment for the campus community.

Key locks and electronic door (card) access devices must be secured at all times. It is the policy of the College that assigned keys and ID cards should remain in the care, custody and control of the assigned employee/student and not be given to other individuals. Any violations of this policy can result in disciplinary action.

## CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

It is the philosophy of Public Safety that it is better to prevent crimes rather than react to them. In order for crime to take place three ingredients must be present; desire, motivation and opportunity. Earlham College's crime prevention and personal security programs are based on the concepts of eliminating or minimizing opportunities for crime. We encourage the members of the campus community to share in the responsibility for their own security and the safety of others by eliminating opportunities for crime. The following is a list of some of the crime prevention and personal security programs provided by the Public Safety Office:

New Student Orientation – Information on the services offered by Public Safety as well as general crime prevention material is made available to students checking in during New Student Orientation.

Residence Hall Security Awareness – Crime prevention and personal security presentations are conducted for residential students at the request of Residence Life or the Student Life staff. Additionally, brochures and other printed materials are available to residents of the Residence Halls, College Housing and off-campus residents. The materials include a description of services provided by the Department of Public Safety as well as crime prevention and personal security strategies.

Other Crime Prevention and Personal Security Presentations - These presentations are available upon request to other campus groups including commuter students, disabled students, international students, specific student organizations, faculty and staff members and staff members of affiliate organizations headquartered on campus. The presentations are accompanied by printed materials and include most of the same content as in the presentations mentioned above.

New Employee Orientation - Crime prevention and personal security presentations are made to new employees at the request of Human Resources or Academic Affairs. These programs include general crime prevention and personal protection strategies as well as the services offered by Public Safety.

Safety Escorts - Safety escorts are provided to students, employees and visitors around campus 24 hours a day. Call for an officer to walk with you to your destination at 765-983-1400.

Operation Identification – Operation Identification is a program centered on the idea of making property less desirable to would be thieves by marking valuables in a way that they can be identified. Public Safety offers this service of engraving identifying information on valuables free to students and employees.

Blue Light Phones and Emergency Call Boxes – Blue Light Phones and emergency call boxes are installed around campus for emergency or other assistance, including at the entrance to every residence hall.

Bicycle Registration – Public Safety offers free bicycle registration for students and employees in which identifying information on the bicycle is provided to Public Safety at which time a registration sticker is affixed to the bike. Should the bike become lost, stolen, or recovered, this service will aid in returning the bicycle to its owner.

## MISSING STUDENT NOTIFICATION POLICY AND PROCEDURES

Definition of a Missing Student: any person who is a student of Earlham College who resides in college owned housing and is reported missing from his or her residence.

If it is believed that a student is missing, immediate referral to Public Safety is required. If it is determined a student has been missing for more than 24 hours, or is an imminent danger, the Richmond Police Department will be notified.

### Reporting Procedure:

<sup>35</sup><sub>17</sub> Dial 911 for life-threatening incidents requiring fire/police/medical assistance.

<sup>35</sup><sub>17</sub> Earlham Public Safety

- Phone: 765-983-1400

You may also choose to contact:

<sup>35</sup><sub>17</sub> Student Life/Dean of Students office

- Office: East Wing, Earlham Hall
- Phone: 765-983-1311

This office will make immediate notice to Public Safety when a student has been reported missing.

### Missing Student Procedure:

<sup>35</sup><sub>17</sub> Upon receipt of information concerning a possible missing student from any office on campus, Public Safety or Student Life should be notified.

<sup>35</sup><sub>17</sub> Immediate attempts will be made to locate the student

<sup>35</sup><sub>17</sub> Officials will attempt to determine the last known whereabouts of the student using resources available to them, including but not limited to:

1. Questioning roommates, friends, Faculty/Staff
2. Calling and/or texting the student's "local" number, in most cases this is the student's cell number provided during registration
3. Determining the location and time of the most recent use of the Card Access System
4. Vehicle location: Checking of parking registrations, tickets, etc.

- <sup>35</sup><sub>17</sub> Consulting with a Dean from the Student Life office in order to update them and receive additional consultation. The Dean of Students will ascertain if/when other members of the Administration and/or College ERRP team will be notified.
- <sup>35</sup><sub>17</sub> Public Safety Officers or Student Life staff will follow up on any information that may lead to determining the current location of the student.
- <sup>35</sup><sub>17</sub> No later than 24 hours after determining that the student is missing, notification must be made to the “Emergency Contact.”
- <sup>35</sup><sub>17</sub> For those students who are under age 18, and not emancipated, the institution must notify a custodial parent or guardian when the student is missing, in addition to any additional contact person designated by the student.
- <sup>35</sup><sub>17</sub> Regardless of whether the student has identified a contact person, is below the age of 18, or is an emancipated minor, if a student is missing, the Public Safety Office should be notified.
- <sup>35</sup><sub>17</sub> Public Safety will notify Richmond Police, no later than 24 hours after determination of a missing person from campus. If abduction is suspected, a thorough and aggressive investigation will commence immediately utilizing all the resources of all agencies.
- <sup>35</sup><sub>17</sub> Once the student has been located, notification will be made to those College offices involved, as well as any additional law enforcement agencies that have been made aware of the missing student.

Students have the option to provide an Emergency Contact Person and a Confidential Missing Person Contact. The Confidential Missing Person contact may be the same or different from Emergency Contact Person. The Missing Person contact is the person that will be contacted in the event the student is reported missing, within 24 hours of the report.

Students may add or update their Emergency Contact Person and/or their Missing Person contact via their “Self Service” section on The Heart web portal. This information will be registered confidentially and the information will be accessible only to authorized campus officials and will not be disclosed except to law enforcement individuals in furtherance of a missing person investigation.

If a student is under the age of 18 and not emancipated, the institution must notify a custodial parent or guardian when the student is missing, in addition to any additional contact person designated by the student.

## ALCOHOL AND DRUG ABUSE PREVENTION: POLICIES, PROCEDURES, PROGRAMS

### EARLHAM COLLEGE APPROACH TO ALCOHOL

Earlham College's approach to alcohol is designed to help students reflect on whether alcohol should be a part of their lives and, for students who do choose to consume alcohol, how to do so responsibly.

This approach encourages healthy lifestyles and supports students in their efforts to be accountable to each other for their actions related to alcohol use. We recognize that our community encompasses students below and above the legal drinking age of 21.

Earlham College acknowledges the developmental value of self-determination regarding the personal use of alcohol. Our approach seeks to ensure that alcohol neither becomes the focus of the College's social life nor detracts from its educational mission.

The approach is designed to achieve the following goals:

- <sup>35</sup><sub>17</sub> Educate the Earlham community to recognize that students are responsible for their own well-being and the well-being of others.
- <sup>35</sup><sub>17</sub> Educate the Earlham community regarding the fundamental impacts of the abuse of alcohol on health and social relationships.
- <sup>35</sup><sub>17</sub> Promote personal responsibility in the use of alcohol.
- <sup>35</sup><sub>17</sub> Provide support resources for students struggling with alcohol-related concerns.
- <sup>35</sup><sub>17</sub> Promote an environment free from social pressure to use alcohol.
- <sup>35</sup><sub>17</sub> Reduce the negative secondary consequences of the illegal use or abuse of alcohol on the community.
- <sup>35</sup><sub>17</sub> Educate students regarding the value of and respect for public, community and individual living spaces, and the ongoing responsibility to care for them.
- <sup>35</sup><sub>17</sub> Foster an environment of open dialogue regarding the use of alcohol.
- <sup>35</sup><sub>17</sub> Ensure the existence and maintenance of alcohol-free spaces and social functions.
- <sup>35</sup><sub>17</sub> Comply with the Drug Free Schools and Community Act of 1989 and provide information regarding federal, state and local laws related to the use, possession and/or distribution of alcohol.

### HEALTH AND ALCOHOL USE

Significant health risks associated with the abuse of alcohol are widely acknowledged. The College provides accurate, evidence-based information related to the impacts of alcohol abuse on academic performance, health and community life to students throughout their enrollment. In addition, the College expects students to take an active role in educating their peers about alcohol use.

Students may obtain more information regarding alcohol and health from Student Health Services as well as the following sources:

- <sup>35</sup><sub>17</sub> Centers for Disease Control and Prevention
- <sup>35</sup><sub>17</sub> College Drinking — Changing the Culture
- <sup>35</sup><sub>17</sub> Substance Abuse and Mental Health Services Administration

## ALCOHOL EDUCATION AND RESOURCES

All incoming Earlham students are asked to complete “e-CHECKUP TO GO,” an evidence-based online program, as part of alcohol education. This occurs prior to students receiving their initial housing assignment. The College also provides ongoing education beginning at New Student Orientation, whether through programs, peer education or more in-depth assessment. Earlham’s Health Services, Counseling Services and Wellness Programs also conduct assessments and/or programming throughout the school year. Students in need of more personalized intervention may contact Counseling Services for confidential counseling or referral for clinical treatment, including inpatient services or other off-campus support.

## MEDICAL AMNESTY

The purpose of Medical Amnesty is to remove barriers to help-seeking and, thereby, to increase the likelihood that students who require emergency medical assistance as a result of high-risk alcohol consumption will receive such assistance.

Individuals who become incapacitated, seriously injured, unconscious or are otherwise unable to care for themselves following alcohol consumption should never be left alone; they require immediate medical assessment and intervention. Therefore, students who seek medical assistance for themselves or others will not be subject to disciplinary sanctions related to the consumption of alcohol. This medical amnesty applies only to the consumption of alcohol. Students will remain liable under the Student Code of Conduct for secondary behavior that might occur while intoxicated, including, but not limited to, property damage, assault against another person or sexual misconduct.

## INDIANA LIFELINE LAW

If students are not on College property, they are still urged to seek help for themselves or others. Within the State of Indiana, the Lifeline Law provides immunity for the crimes of public intoxication, minor in possession, minor in consumption, and similar laws, to persons who identify themselves to law enforcement while seeking medical assistance for a person suffering from an alcohol-related health emergency.

In order to receive immunity, the reporting individual must demonstrate that they are acting in good faith by fulfilling the following expectations:

- <sup>35</sup><sub>17</sub> Providing their full name and any other relevant information at the request of law enforcement officers.
- <sup>35</sup><sub>17</sub> Remaining on the scene until law enforcement and emergency medical assistance arrive.
- <sup>35</sup><sub>17</sub> Cooperating with all authorities on the scene, remain until dismissed by the officers.

The Indiana Lifeline law will not interfere with law enforcement procedures or limit the ability to prosecute for other criminal offenses such as providing alcohol to minors, operating vehicles while intoxicated, or the possession of a controlled substance. Earlham College acknowledges this source from the State of Indiana.

## GUIDELINES FOR ALCOHOL USE AT EARLHAM COLLEGE

In order to support a community with diverse cultural values, the presence of alcohol should not be at the center of events, parties or other social gatherings. Every member of the Earlham community is responsible for maintaining an environment that prioritizes academic success. The College will ensure the existence and maintenance of alcohol-free areas and social functions. Individuals publicly under the influence of alcohol at College-sponsored events, student-sponsored activities or College-owned House gatherings may be asked to leave that event.

### Alcohol Consumption and Conduct

The Earlham College Approach to Alcohol is the result of extensive consultation with students, faculty, staff, alumni and the Board of Trustees. This approach includes national research regarding alcohol use among college and university students, as well as data from the Earlham community. What follows reflects our expectation of personal responsibility and community care.

All members of the Earlham Community are expected to review the guidelines for the use of alcohol and to provide appropriate identification and/or proof of legal age when requested by campus officials. Students whose guests include those not enrolled at Earlham are responsible for informing guests of the guidelines and ensuring their cooperation with staff as requested. Students entrust one another with a high degree of personal choice and an equal degree of accountability whenever alcohol is present. Every student is responsible for understanding and abiding by this approach.

Students of legal age who consume alcohol are best guided by the phrase: “personal use in personal space.” ‘Personal use’ denotes the individual consumption of a reasonable quantity of alcohol that may be safely consumed by that individual. The possession or use of common source alcohol containers, e.g., kegs, pony kegs, beer balls, cases of alcohol or any other large scale container, is prohibited. Additionally, personal consumption should reflect the spirit of the Earlham College Approach to Alcohol with its emphasis on health and accountability. Therefore, high-risk use is considered to be abuse. Drinking games, funnels, doing ‘shots’, stands and any coercion or other pressure to abuse alcohol is prohibited.

Providing alcohol to students under the age of 21 is prohibited. Students over the age of 21 who provide alcohol to underage students in any manner may be administratively moved from their housing assignment and will face disciplinary action. Alcohol may not be sold or purchased on any College property, including living spaces; no fee, charge or donation to any activity where alcohol is present is permitted.

### Earlham College Grounds and Alcohol

Students are reminded that alcohol is permitted for personal use in personal space. ‘Personal space’ is defined as one’s living space only. Therefore, alcohol in or on other locations, including vehicles or personal property is not permitted. The possession and/or consumption of alcohol in public, within academic and co-curricular buildings, athletic and equestrian facilities, barns and maintenance facilities, and outdoor spaces or any other location other than those areas permitted, is prohibited. Additionally, operating or riding bicycles, skateboards, or operating any motor or electric vehicles while under the influence of alcohol is prohibited.



### Residence Halls

Students who are 21 years of age or over may consume alcohol within their residence hall rooms only, unless they are residing in First Year halls. Alcohol is not permitted in common areas such as hallways, stairwells or elevators, lounges, kitchens or similar areas, including balconies. No alcohol (including empty containers, trophies, etc.) is permitted in the First Year halls. Events in other residence halls must be hosted in compliance with the event registration process.

### College-owned Houses

Students residing in College-owned houses may determine where alcohol may be possessed or consumed within the house by residents of legal age through consensus as a living group. Alcohol may not be possessed or consumed on any porches, balconies, fire escapes, roof/attic areas, stairs or the basement areas of the houses. No fees, charges or donations may be taken or accepted at College-owned house events where alcohol is present. Empty containers in prohibited areas are prohibited. Empty containers or 'trophies' in the possession or living space of students under the age of 21 are prohibited. Events at all College-owned houses must be hosted in compliance with the event registration process.

The Office of Residence Life is responsible for designating residence halls and College-owned houses as alcohol-free or alcohol-permitted. The Office of Residence Life will consult with appropriate committees and bodies in making this designation, keeping relevant laws and policies, residential changes, and the needs of the College in mind.

Students are expected to review their Housing Agreement carefully regarding conditions under which alcohol is permitted. Students may be administratively moved from their current assignment (including termination of the agreement) and/or face disciplinary action, if they are in violation of the agreement.

### OFF-CAMPUS REGULATION

The College does not seek to regulate the personal use of alcohol off campus by faculty, students of legal drinking age and staff. However, the College does expect all community members to observe relevant laws under all circumstances, notably the proscription against serving alcohol to minors.

Leaders and participants of off-campus programs are encouraged to discuss carefully, as a group, the educational opportunities and challenges that arise when living in a culture whose prevailing attitudes, laws and expectations about alcohol use may be different from our own. Off-campus programs should develop group understandings of how best to balance the need to participate appropriately in a foreign culture, to respect the sensibilities of individual group members, and to best represent the Earlham community in other parts of the world.

Violations of the alcohol policy may result in judicial action by the College and/or criminal prosecution.

## DRUG POLICY

The following are prohibited and are deemed to be contrary to the best interests of both the College and the community:

- <sup>35</sup><sub>17</sub> Use, possession, sale, or distribution of illegal substances;
- <sup>35</sup><sub>17</sub> Abuse or resale/trafficking of over-the-counter or prescription drugs; and
- <sup>35</sup><sub>17</sub> Possession of drug paraphernalia, except under proper medical direction.
- <sup>35</sup><sub>17</sub> The College is not a sanctuary protecting those who violate local, State and/or Federal laws concerning illegal substances, and College officials will cooperate with legal authorities whenever necessary and deemed appropriate. Violations will be referred to the judicial system.

## DRUG AND ALCOHOL ABUSE PREVENTION POLICY REQUIRED BY THE FEDERAL GOVERNMENT FOR A DRUG-FREE SCHOOL

Pursuant to the requirement of Public Law 101-226, Earlham College issues the following statement regarding a drug-free school:

### 1. Prohibited Conduct

The unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees on College property or as part of any College activity is prohibited.

### 2. Applicable Legal Sanctions

a. The Indiana Criminal Code classifies drug-related offenses (for example, manufacture or delivery of a controlled substance, engaging in a calculated criminal drug conspiracy, drug trafficking, unauthorized possession, etc.) as either Class C, B or A misdemeanors or Class D, C, B, or A felonies depending on the severity and nature of the conduct. The following criminal penalties are applicable to the identified categories of offenses:

| Category of Offense | Monetary Fines | Imprisonment   |
|---------------------|----------------|----------------|
| Class C Misdemeanor | \$500          | 0 to 60 days   |
| Class B Misdemeanor | \$1,000        | 0 to 180 days  |
| Class A Misdemeanor | \$5,000        | 0 to 1 year    |
| Class D Felony      | \$10,000       | 1/2 to 3 years |
| Class C Felony      | \$10,000       | 2 to 8 years   |
| Class B Felony      | \$10,000       | 6 to 20 years  |
| Class A Felony      | \$10,000       | 20 to 50 years |

b. The applicable federal penalties and sanctions for illegal possession of a controlled substance are set forth in The Controlled Substances Act (21 U.S.C. 959 et. seq.).

### 3. Health Risks Associated With Substance Abuse

The use of illicit drugs and the abuse of alcohol may result in serious health consequences. All students should be aware of the health risks caused by the use of alcohol, and controlled substances (drugs). Consumption of more than two servings of alcohol in several hours can impair coordination and reasoning and make driving unsafe. Consumption of alcohol by a pregnant woman can damage the unborn child. Regular and heavy alcohol consumption can cause serious damage to liver, nervous and circulatory systems, mental disorders, and other health problems. Drinking large amounts of alcohol in a short time may quickly produce unconsciousness, coma, and even death. Use of controlled substances (drugs) can result in damage to health and impairment of physical condition, including: impaired short term memory or comprehension, anxiety, delusions, hallucinations, loss of appetite resulting in a general damage to the user's health over a long term, a drug-dependent newborn if the mother is a drug user during pregnancy, AIDS from "needle sharing" among drug users, and death from overdose.

#### 4. Counseling Services

Students experiencing problems with drug and alcohol abuse are encouraged to seek assistance in Counseling Services. Counseling Services offers individual counseling and referrals to off-campus professionals, assessments, and drug and alcohol support groups for additional assist

#### 5. College Sanctions and Penalties

Earlham College employees and students found in violation of the prohibitions set forth in their respective handbooks will be subject to disciplinary action up to and including termination or dismissal and possible referral for prosecution. Each case will be evaluated on an individual basis. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

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## SEXUAL ASSAULT, SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

Earlham College is committed to the values clearly stated in our *Principles and Practices* document: respect for persons, integrity, peace and justice, simplicity and community. These principles undergird our Policy Prohibiting Sexual Harassment and guide the College disciplinary process. *Principles and Practice* informs us that sexual misconduct is intolerable behavior.

Earlham College recognizes that Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities receiving Federal Financial Assistance. The College does not tolerate sexual misconduct and sex discrimination. Earlham College recognizes its responsibility to increase awareness of sexual misconduct and sex discrimination, prevent its occurrence, promptly and equitably investigate reports of misconduct, and deal fairly and firmly with those who are found in violation of this policy.

The Policy Prohibiting Sexual Harassment sets forth how the College defines and addresses sexual misconduct. All members of the College community, guests and visitors have the right to be free from all forms of sexual misconduct. All members of the campus community, guests and visitors are expected to conduct themselves in a manner that does not infringe upon the rights of others. This applies to all incidents occurring on Earlham's campus, at Earlham's events off-campus and to any incidents occurring off-campus that affect the educational environment for students.

### EARLHAM COLLEGE POLICY DEFINITIONS

Earlham's Policy Prohibiting Sexual Harassment sets forth the following definitions to assist students, faculty and staff in identifying prohibited behavior.

***Sexual Harassment*** Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of Earlham,
  - b. conditions the provision of an aid, benefit, or service of Earlham,
  - c. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to Earlham's education program or activity.

3) ***Sexual Violence*** Sexual assault, defined as:

- a)
- b) Sex Offenses, Forcible:
  - i) Any sexual act directed against another person,
  - ii) without the consent of the Complainant,
  - iii) including instances in which the Complainant is incapable of giving consent.
- c) Forcible Rape:
  - i) Penetration,
  - ii) no matter how slight,
  - iii) of the vagina or anus with any body part or object, or
  - iv) oral penetration by a sex organ of another person,
  - v) without the consent of the Complainant.
- d) Forcible Sodomy:
  - i) Oral or anal sexual intercourse with another person,
  - ii) forcibly,
  - iii) and/or against that person's will (non-consensually), or
  - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age<sup>1</sup> or because of temporary or permanent mental or physical incapacity.
- e) Sexual Assault with an Object:
  - i) The use of an object or instrument to penetrate,
  - ii) however slightly,
  - iii) the genital or anal opening of the body of another person,
  - iv) forcibly,
  - v) and/or against that person's will (non-consensually),
  - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f) Forcible Fondling:
  - i) The touching of the private body parts of another person (buttocks, groin, breasts),
  - ii) for the purpose of sexual gratification,
  - iii) forcibly,
  - iv) and/or against that person's will (non-consensually),
  - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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<sup>1</sup> Per state law.

- g) Sex Offenses, Non-forcible:
  - i) Incest:
    - 1) Non-forcible sexual intercourse,
    - 2) between persons who are related to each other,
    - 3) within the degrees wherein marriage is prohibited by Indiana law.
  - ii) Statutory Rape:
    - 1) Non-forcible sexual intercourse,
    - 2) with a person who is under the statutory age of consent of 18.
- 4) ***Intimate Partner Violence*** Dating Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
    - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a current or former spouse or intimate partner of the Complainant,
  - d. by a person with whom the Complainant shares a child in common, or
  - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
  - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Indiana or
  - g. 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 Indiana.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. For the purpose of determining if stalking has occurred, the following definitions are used:

- **Course of Conduct** means two or more acts including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follow, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable Person** means an individual under similar circumstances and with similar identities to the victim.
- **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

**Consent** is knowing, voluntary and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or existence of a current or previous relationship. Silence or the absence of resistance does not mean consent.

**Lack of Consent** means: (1) the person has not given consent; or (2) the person is incapable of giving consent because of mental, developmental, or physical disability; or (3) force is used or threatened; or (4) the person is incapable of giving consent as a result of judgment-inhibiting intoxication without regard to the intoxicant; or (5) the person is not sufficiently conscious to provide consent; or (6) the person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or the police.

#### **Violence Against Women Act (VAWA) Crime Definitions:**

**Sexual Assault** is an offense that meets the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program

**Sex Offenses** is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.



- ***Fondling*** is the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- ***Incest*** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ***Statutory Rape*** is sexual intercourse with a person who is under the statutory age of consent.

***Domestic Violence*** is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Dating Violence*** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***Stalking*** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### **Explanation of differences in policy definitions and annual statistical reporting**

Earlham College is required to report statistical information about reports of sexual assault, dating violence, domestic violence, and stalking as defined by in the Violence Against Women Act amendments and its implementing regulations.

### **Indiana Criminal law definitions of domestic violence, dating violence, sexual assault and stalking**

Indiana state law does not currently provide a definition of consent, however it does indicate the age of consent as it pertains to sexual activity which is sixteen (16) years of age.

Earlham College's Policy Prohibiting Sexual Misconduct consists of conduct that is deemed inappropriate for the Earlham campus and community. Indiana criminal law as set forth in the Indiana code, often differs from Earlham's policy prohibitions. Relevant and related definitions from Indiana law for domestic violence, sex-related crimes (including rape and sexual battery), and stalking are proved below:

IC 35-42-4-1 Rape (effective July 1, 2014)

Sec. 1.

(a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5) when:

- (1) the other person is compelled by force or imminent threat of force;
  - (2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or
  - (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221. 5) cannot be given; commits rape, a Level 3 felony.
- (b) An offense described in subsection (a) is a Level 1 felony if:
- (1) it is committed by using or threatening the use of deadly force;
  - (2) it is committed while armed with a deadly weapon;
  - (3) it results in serious bodily injury to a person other than a defendant; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

IC 35-31.5-2-221.5 "Other sexual conduct" (effective July 1, 2014) Sec. 221.5. "Other sexual conduct" means an act involving:

(1) a sex organ of one (1) person and the mouth or anus of another person; or (2) the penetration of the sex organ or anus of a person by an object.

IC 35-42-4-8 Sexual battery (effective July 1, 2014)

Sec. 8.

(a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

(A) compelled to submit to the touching by force or the imminent threat of force; or

(B) so mentally disabled or deficient that consent to the touching cannot be given; or

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring; commits sexual battery, a Level 6 felony.

(b) An offense described in subsection (a) is a Level 4 felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in

IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

IC 35-45-10-1 "Stalk" defined

Sec. 1. As used in this chapter, "stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

IC 35-45-10-5 Criminal stalking (effective July 1, 2014)

Sec. 5.

(a) A person who stalks another person commits stalking, a Level 6 felony. (b) The offense is a Level 5 felony if at least one (1) of the following applies:

(1) A person:

(A) stalks a victim; and

(B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of:

(i) sexual battery (as defined in IC 35-42-4-8); (ii) serious bodily injury; or

(iii) death.

(2) A protective order to prevent domestic or family violence, a no contact order, other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order:

(A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal (dissolution of marriage and legal separation).

(B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal (delinquent children and children in need of services).

(C) IC 31-32 or IC 31-6-7 before its repeal (procedure in juvenile court). (D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their repeal (protective order to prevent abuse).

(E) IC 34-26-6 (workplace violence restraining orders).

(3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order.

(4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.

(5) The person's stalking of another person violates a protective order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order.

(6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.

(7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.

(8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.

(c) The offense is a Level 4 felony if:

(1) the act or acts were committed while the person was armed with a deadly weapon; or

(2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

IC 35-42-2-1.3 Domestic battery (effective July 1, 2014)

Sec. 1.3.

(a) A person who knowingly or intentionally touches an individual who:

(1) is or was a spouse of the other person;

(2) is or was living as if a spouse of the other person as provided in subsection (c); or (3) has a child in common with the other person; in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Level 6 felony if the person who committed the offense:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2), the court shall review:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

IC 35-42-2-1 Battery (effective July 1, 2014)

Sec. 1.

(a) As used in this section, “public safety official” means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer; (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee; (9) a firefighter; or
- (10) an emergency medical services provider.

(b) Except as provided in subsections (c) through (j), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner; or
  - (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;
- commits battery, a Class B misdemeanor.

(c) The offense described in subsection (b)(1) or (b)(2) is a Class A misdemeanor if it results in bodily injury to any other person.

(d) The offense described in subsection (b)(1) or (b)(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official’s official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in IC 12-10-3-

2).

(6) The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:

- (A) is at least eighteen (18) years of age; and
- (B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(e) The offense described in subsection (b)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(f) The offense described in subsection (b)(1) or (b)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for battery against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(g) The offense described in subsection (b)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(h) The offense described in subsection (b)(1) or (b)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(i) The offense described in subsection (b)(1) or (b)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(j) The offense described in subsection (b)(1) or (b)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

IC 35-45-2-1 Intimidation (effective July 1, 2014)

Sec. 1.

(a) A person who communicates a threat to another person, with the intent:



- (1) that the other person engage in conduct against the other person's will;
- (2) that the other person be placed in fear of retaliation for a prior lawful act; or (3) of:

(A) causing:

- (i) a dwelling, building, or another other structure; or (ii) a vehicle; to be evacuated; or

(B) interfering with the occupancy of:

- (i) a dwelling, building, or other structure; or
- (ii) a vehicle; commits intimidation, a Class A misdemeanor.

(b) However, the offense is a: (1) Level 6 felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(iii) is an employee of a school or school corporation;

(iv) is a community policing volunteer;

(v) is an employee of a court;

(vi) is an employee of a probation department;

(vii) is an employee of a community corrections program;

(viii) is an employee of a hospital, church, or religious organization; or (ix) is a person that owns a building or structure that is open to the public or is an employee of the person; and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Level 5 felony if:

(A) while committing it, the person draws or uses a deadly weapon; or (B) the person to whom the threat is communicated:

(i) is a judge or bailiff of any court; or

(ii) is a prosecuting attorney or a deputy prosecuting attorney. (c) "Communicates" includes posting a message electronically, including on a social networking web site (as defined in IC 35-42-4-12(d)).

(d) "Threat" means an expression, by words or action, of an intention to:

- (1) unlawfully injure the person threatened or another person, or damage property; (2) unlawfully subject a person to physical confinement or restraint;
- (3) commit a crime;
- (4) unlawfully withhold official action, or cause such withholding;
- (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses; (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
- (7) falsely harm the credit or business reputation of the person threatened; or
- (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

IC-35-45-10-2 "Harassment" defined

Sec. 2. As used in this chapter, "harassment" means conduct directed toward a victim that includes but is not limited to repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer- related activities pursuant to labor disputes.

IC 35-45-2-2 Harassment; "obscene message"

Sec. 2.

(a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
- (2) communicates with a person by telegraph, mail, or other form of written communication;
- (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
- (4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:

(A) communicate with a person; or

(B) transmit an obscene message or indecent or profane words to a person; commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;
- (2) the message refers to sexual conduct in a patently offensive way; and
- (3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

## **Reporting and response to victims of sexual assault/sexual violence, dating violence, domestic violence and stalking**

Earlham College has designed a reporting and response process to assist victims of sexual assault/sexual misconduct, dating violence, domestic violence and stalking. Individuals involved in the reporting and response process engage in training to assure students and employees that they possess the appropriate knowledge in assisting in a timely and appropriate manner.

### ***Immediate steps a victim may take***

- Get to a safe place as soon as possible.
- Seek medical attention. After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible, even if there are no obvious signs of physical injury. You may wish to consult with medical personnel quickly regarding: prevention of sexually transmitted infections, pregnancy, evidence collection, and toxicology testing if there are signs that drugs or alcohol may have facilitated the assault. Individuals of any gender can be victims of sexual assault, dating violence, domestic violence or stalking. We encourage victims to seek medical attention at the emergency room of the local hospital

### ***Local Hospital***

Reid Hospital  
1100 Reid Parkway  
Richmond, IN 47374  
765-983-3000  
Reidhealth.org

Reid Hospital has trained Sexual Assault Nurse Examiners (SANE) who conduct forensic examinations and collect the evidence for the sexual assault kits. In Indiana, evidence may be collected even if you choose not to make a report to law enforcement.

SANE services are provided free of charge to all victims, regardless of your decision to involve law enforcement. The SANE program is staffed by registered nurses who have completed specialized education and clinical preparation in the medical forensic care of a patient who has experienced sexual assault or abuse.

### ***Things to know about the SANE exam***

- During the exam you can expect to be examined for internal and external injuries, foreign hair samples, and semen or other body fluids.
- If possible, bring an extra set of clothes and a friend or another supportive person.
- If you think you may want to file a police report in the future, do not shower, drink, eat, douche, or change your clothes prior to the exam. These activities can destroy important physical evidence that is useful should you decide to make a police report. If you've already showered or changed, it's still okay to go to a SANE for an exam. Also, document everything you remember happening with as much detail as possible. If you have changed your clothes, please bring the clothes you were wearing to the hospital.
- You can choose to have forensic evidence collected without immediately filing a police report.

In the event an adult victim chooses not to report the sexual assault incident to law enforcement, evidence obtained from the examination will be securely stored for the period of one year using only a confidential number. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and or sexually transmitted infections. Victims of sexual assault, domestic violence, dating violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs, copies of documents, that would be useful, if applicable, to College adjudicators and investigators, in addition to the police.

### ***Preserve Evidence***

The best way to preserve evidence after an incident has occurred is to immediately seek medical attention after the event. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident with the Title IX Office, he or she should consider speaking with Richmond Police Department to preserve evidence in the event that the victim decides to report the incident to the College at a later date. This preservation of evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. If you wish to press charges or seek a protective order, it is important to preserve and record evidence including: recording a description of the perpetrator (including type of clothing, race, age, height, weight, hair color, eye color, distinguishing marks, etc.), details of events, where events occurred, and the direction of travel of any vehicle involved. Best practices to preserve evidence with respect to sexual offenses include seeking medical attention shortly after the event.

## **Reporting alleged offenses to law enforcement**

If the victim of a sexual assault/sexual. Misconduct, dating violence, domestic violence, or stalking incident wishes to seek the assistance of law enforcement, the victim should contact Earlham Public Safety immediately by calling 765-983-1400. If the individual is off-campus, immediately call 9-1-1 or contact the appropriate law enforcement agency:

### **Law Enforcement Agency    Phone Number**

Richmond Police Dept.        765-983-7247

Wayne County Sheriff        765-973-9393

Indiana State Police        765-778-2121

Talk with an advocate or counselor or contact someone you trust to be with you and support you.

## **Campus and Community Resources and Services for Victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

### **Earlham Resources**

Public Safety:            765-983-1400 (24 Hours)

Health Services:        765-983-1328

Counseling Services:    765-983-1432

Student Life:            765-983-1311

Title IX Coordinator:    765-983-1346

Religious Life :        765-983-1413

Earlham's Title IX website: <https://earlham.edu/title-ix-information/>

### **Community Resources**

Genesis Shelter & Rape Crisis Center:        765-966-0538

Reid Hospital:            765-983-3000

Federal Hate Crimes Reporting Line:        1-800-2-JUSTICE

Child Abuse Hotline:        1-800-252-2873

Rape, Abuse, Incest National Hotline (RAINN)    1-800-656-HOPE(4673)

| On Campus Resources  |                          |   |              |
|--|--------------------------|---|--------------|
| Resources  | Service Provider         | Type of Services Available  | Phone        |
| Counseling   | Counseling Center        | <ul style="list-style-type: none"> <li>• Individual Counseling</li> <li>• Group Counseling</li> <li>• Substance Abuse Counseling</li> <li>• Mental Health Consultation</li> </ul>   | 765-983-1432 |
| Health   | Health Services          | <ul style="list-style-type: none"> <li>• Acute illnesses and injuries</li> <li>• Minor illnesses or injuries</li> <li>• Education on personal health</li> <li>• Health issues and wellness</li> <li>• Medication management</li> <li>• Psychiatric evaluations</li> </ul> | 765-983-1328 |
| Religious Life   | Office of Religious Life | <ul style="list-style-type: none"> <li>• Support in faith connections and traditions</li> <li>• Discovering spiritual paths</li> <li>• Provide opportunities for dialogue</li> </ul>  | 765-983-1386 |
| Dating Violence,<br>Domestic Violence,<br>Sexual Misconduct,<br>Stalking | The Office of Title IX   | <ul style="list-style-type: none"> <li>• Policy and Procedure</li> <li>• Investigations</li> <li>• Interim Measures</li> <li>• Education and Training</li> </ul>  | 765-983-1346 |

### **Assistance for Victims: Rights and Options**

Whether or not a victim elects to pursue a criminal complaint, report the matter to the Title IX Coordinator. If the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault/sexual misconduct, dating violence, domestic violence and stalking with a written explanation of their rights and options.

Such written explanation will include:

- Recommended procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- Information about how the College will protect the confidentiality of victims and other necessary parties;
- Written notification about victim services with the College and in the community;
- A statement regarding the College's provisions about options and assistance for available assistance in and how to request interim and protective measures; and
- Explanation of the procedure for Earlham's disciplinary action against those found responsible for violations of Earlham's policy.

### **Rights of Victims and the College's responsibilities for orders of protection, no contact orders, restraining orders, or similar lawful orders by a criminal, civil, or tribal court or by the College**

Earlham College complies with Indiana law in recognizing Order of Protection, No Contact Orders, Restraining Orders, or other similar lawful orders. If a campus community member or visitor has a valid court order, please inform Earlham's Department of Public Safety. Provide a copy of the valid order to Earlham's Department of Public Safety and to the Title IX Office so the order is on file. If an individual wishes to file a Petition for an Order of Protection, this can be done at the Wayne County Courthouse in Richmond, IN.

### **Sexual Assault Victims' Bill of Rights**

Survivors' Bill of Rights Act of 2016: <http://www.congress.gov/bill/114th-congress/house-bill/5578/>

Victim's Bill of Rights from the Indiana Constitution as amended in 2016:  
[www.http://www.iga.in.gov/legislative/laws/const](http://www.iga.in.gov/legislative/laws/const)

Victims are afforded rights by the federal government, the state, and the College. All students have the right to emotional and physical safety.



**Federal Laws entitles sexual assault victims to the following rights:**

- The accuser and accused have the same opportunity to have others present throughout disciplinary proceedings.
- Both parties shall be informed of the outcome of any disciplinary proceeding
- At no time can a victim be required to keep the outcome confidential.
- Victims shall be informed of their options to notify law enforcement.
- Victims shall be notified of counseling services available on and off campus.
- Victims shall be notified of options for changing academic and living situations.
- Victims may obtain a free forensic exam from Reid Hospital by a Sexual Assault Nurse Examiner without filing a police report or involving the police in any way. Other hospital charges may apply.

**Indiana state law outlines the following rights:**

- A victim has the right to be treated with fairness, dignity and respect throughout the criminal justice process.
- A victim has the right to be informed, upon request, when a person who is accused of committing or convicted of committing a crime perpetrated directly against the victim, is released from custody or has escaped. This includes release or escape from a mental health facilities.
- A victim has the right to have the victims' safety considered in determining release from custody of a person accused of committing a crime against the victim.
- A victim has the right to information, upon request, about the disposition of the criminal case involving the victim or the conviction, sentence and release of a person accused of committing a crime against the victim.
- A victim has the right to be heard at any proceeding involving sentence or a post conviction release decision. A victim's right to be heard may be exercised, at the victim's discretion, through an oral or written statement, or submission of a statement through audiotape or videotape.
- A victim has the right to make a written or oral statements for use in preparation of the presentence report. The victim also has the right to read pre-sentence reports relating to the crime committed.
- The alleged felony or misdemeanor was committed against the victim by a person who:
  - Is or was a spouse of the victim;
  - Is or was living as if a spouse of the victim; or
  - Has a child in common with the victim
- A victim has the right to confer with a representative of the prosecuting attorney's office after a crime allegedly committed against the victim has been charged; before the trial of a crime allegedly committed against the victim; and before any disposition of a criminal case involving the victim. This right applies in the following situations:
  - The alleged felony was directly committed against the victim.
  - The alleged felony or misdemeanor was an offense against the person, which includes the crimes of: battery, domestic battery, aggravated battery, battery by body waste, criminal recklessness, intimidation, harassment, invasion of privacy, or pointing a firearm

## **Reporting Sexual Assault/Sexual Violence, Dating Violence, Domestic Violence, or Stalking to the Office of Title IX**

The College strongly encourages all members of its community to report violations of Earlham College policy violations to law enforcement, it is the victim's choice whether or not to make such a report. It is important to call Public Safety at 765-983-1400 (non-emergency) or 911 (emergency) to report an assault. You do not have to press charges, but the information you give the police or Public Safety can prevent a future assault and be used to learn more about trends, locations and methods of assault. It may also be used to help identify the same assailant if they use assault someone else. Victims have the right to decline to notify law enforcement. Earlham's Campus Security Authorities can assist any victim with notifying law enforcement if the victim desires. A person may opt to report the incident to Earlham's Title IX Coordinator Leah Reynolds at 765-983-1346.

The Title IX Coordinator has the authority to investigate allegations of sex discrimination and misconduct, including sexual assault/sexual misconduct, dating violence, domestic violence, and stalking as prohibited by federal and state law. The Title IX Coordinator may appoint Title IX investigators, as necessary, to fulfill the obligations of the Title IX Coordinator as required by this policy. The Title IX Coordinator is also responsible for providing annual training to members of the Earlham community regarding the applications and implementation of policies and procedures related to Title IX and the Campus SaVE Act.

Reports of all domestic violence, dating violence, stalking and sexual assault made to Earlham's Public Safety will automatically be referred to the Title IX Coordinator for investigation whether or not the complainant chooses to pursue criminal charges. Additionally, individuals who are designated as "Responsible Employees" are required to make a report to the Title IX Coordinator when they received a report of sexual violence/sexual misconduct, dating violence, domestic violence and stalking. Resident Assistants, Teaching Assistants, Hall Directors, Coaches, Teaching Faculty, Administrative Faculty, and Staff are all considered responsible employees.

### **Title IX Coordinator Contact**

Phone: 765-983-1346

Online Reporting: [https://cm.maxient.com/reportingform.php?EarlhamCollege&layout\\_id=30](https://cm.maxient.com/reportingform.php?EarlhamCollege&layout_id=30)

Email: [bishost@earlham.edu](mailto:bishost@earlham.edu)

Reports made to the Title IX Coordinator will be kept private but not confidential. For confidential communication, please contact Earlham Counseling Center.

The College has procedures designed to be sensitive to victims who report sexual assault, domestic violence, dating violence, or stalking, including information individuals about their rights to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, and other services on and off campus as well as additional remedies to prevent contact between complainant and an accused party, such as changes to housing, academic accommodations, protective orders, transportation, working situations, if available. The College may implement accommodations or protective measures, if a party requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator Leah Reynolds at 765-983-1346 to discuss such measures.

When a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow:

### **Student Procedures for Investigations and Resolution of Sexual Misconduct**

Earlham will act on any formal or informal notice/complaint of violation of the policy on Sexual Harassment (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

## **2. Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Earlham initiates a prompt initial assessment to determine the next steps the College needs to take.

The College will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## **3. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>2</sup> engages in an initial assessment, which is typically one to five academic days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

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<sup>2</sup> If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue, based on the nature of the complaint.
  - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. OR and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is just procedural, and does not limit Earlham’s authority to address a complaint with an appropriate process and remedies.

#### **a. Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Threat Assessment Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Threat Assessment Team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the Threat Assessment Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the Recipient's process for VRA can be found below in Appendix E.

#### **b. Dismissal (Mandatory and Discretionary)<sup>3</sup>**

Earlham must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by Earlham (including buildings or property controlled by recognized student organizations), and/or Earlham does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

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<sup>3</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

Earlham may dismiss a formal complaint or any allegations if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the recipient; or
- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### **4. Counterclaims**

Earlham is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

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

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



## **5. Right to an Advisor**

The parties may each have one Advisor<sup>4</sup> of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>5</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

### **a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Earlham community.

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

If the parties choose an Advisor from outside the pool of those identified by Earlham, the Advisor may not have been trained by the College and may not be familiar with College's policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **b. Advisors in Hearings/Earlham-Appointed Advisor**

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Earlham will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

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<sup>4</sup> This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally).

<sup>5</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, Earlham will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the hearing panel during the hearing.

#### **c. Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Earlham cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Earlham is not obligated to provide an attorney.

#### **d. Pre-Interview Meetings**

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

#### **e. Advisor Violations of Earlham's Policy**

All Advisors are subject to the same policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Earlham officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>6</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

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<sup>6</sup> Subject to the state law provisions or Earlham's policy above.

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

**f. Sharing Information with the Advisor**

Earlham expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Earlham also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Earlham is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Earlham will comply with that request at the discretion of the Title IX Coordinator.

**g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Earlham. Earlham may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

**h. Expectations of an Advisor**

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

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### **i. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) academic days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) academic days before the hearing.

### **j. Assistance in Securing an Advisor**

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/> ]

## **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Earlham's policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Earlham encourages parties to discuss this with their Advisors before doing so.

### **a. Informal Resolution**

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism [including mediation, restorative practices, etc.];
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### **b. Alternate Resolution**

Alternate Resolution is an informal process including mediation or restorative practices by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Earlham policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

## **7. Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found at <https://earlham.edu/title-ix-information/>.

**a. Pool Member Roles**

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

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices]
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

**b. Pool Member Appointment**

The Nominating Committee appoints the hearing officers and the Title IX Coordinator appoints the other members of the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Earlham can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles. If necessary, the Title IX Coordinator reserves the right to select external members to serve in a role within the pool.

**c. Pool Member Training**

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of Earlham's Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses



- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are Earlham's employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: <https://earlham.edu/title-ix-information/>

#### **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Earlham presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Earlham's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Earlham's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,

- Detail on how the party may request disability accommodations during the interview process,
- A link to Earlham's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Earlham records, or emailed to the parties' Earlham-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

Earlham will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) academic day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation usually within two (2) academic days of determining that an investigation should proceed.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President of Student Life.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) academic days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Earlham will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## **13. Delays in the Investigation Process and Interactions with Law Enforcement**

Earlham may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Earlham will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

Earlham's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

#### **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Recipient does not intend to rely in reaching a determination, for a ten (10) academic day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) academic days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

### **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Earlham will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. Investigator(s) will audio record all interviews of all involved parties and attach all recordings to the case file. Recordings will be made available to parties upon written request to the Investigator or Title IX Coordinator.

## **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) academic days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate hearing panel from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-makers depending on the context of the alleged misconduct.

## **19. Hearing Decision-maker Composition**

Earlham will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.



## **21. Notice of Hearing**

No less than ten (10) academic days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) academic days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) academic days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) academic days prior to the hearing.
- Whether parties can or cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 academic day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) academic days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) academic days prior to the hearing so that appropriate arrangements can be made.

## **23. Pre-Hearing Preparation**

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) academic days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have provided a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) academic days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) academic days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) academic day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

## **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with the Title IX Coordinator, or ask the Title IX Coordinator to attend pre-hearing meetings.

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

## **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator, who will act as a non-voting hearing facilitator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## **30. Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, Earlham may require the party to use a different Advisor.

### **31. Recording Hearings**

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided and will determine the appropriate sanction(s).||

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) academic days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 academic days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Earlham records, or emailed to the parties' Earlham-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Earlham's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.



### **34. Statement of the Rights of the Parties (see Appendix C)**

### **35. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either Earlham-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Earlham.

- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Earlham-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript,
- *Other Actions*: In addition to or in place of the above sanctions, the Earlham may assign any other sanctions as deemed appropriate.

#### **b. Employee Sanctions**

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

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

### **36. Withdrawal or Resignation While Charges Pending**

Students: If a student has an allegation pending for violation of the Policy on Sexual Harassment Earlham may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Earlham, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. A hold will be placed on their ability to be readmitted. They may also be barred from Earlham property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Earlham unless and until all sanctions have been satisfied.

During the resolution process, the College may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.

All Earlham responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **37. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 3 academic days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will decide the appeal. No appeal decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

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

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the appeal decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) emailed, and/or provided a hard copy of the request with the approved grounds and then be given 3 academic business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the appeals decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 3 academic days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision in no more than 7 academic days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Earlham-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Earlham may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

## **c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- [The results of a remand to a Decision-maker(s) cannot be appealed]. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **38. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Earlham's ability to provide these services.

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

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **40. Recordkeeping**

Earlham will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Earlham will make these training materials publicly available on the College's website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Earlham will also maintain any and all records in accordance with state and federal laws.

#### **Interim and Protective Measures Available for Parties**

During the initial meeting, the Title IX coordinator will assess the situation, gather preliminary information, and provide information to the complainant about available options, services, and resources. The Title IX Coordinator, during this time, will discuss possible interim measures with the complainant. Information regarding interim measures will be provided to the victim in writing through a copy of the Policy Prohibiting Sexual Misconduct. Interim measures are intended to provide additional safety of the complainant and the campus community. Interim measures may be imposed whether or not the Title IX Coordinator pursues an investigation. In some cases, the College will implement interim measures without request from the complainant. Interim measures may consist of counseling, housing assistance, academic assistance, no contact orders, or other measures deemed appropriate. Determinations about appropriate interim measures will be made on a case-by-case basis by the Title IX Coordinator.



Upon receipt of a report of dating violence, domestic violence, sexual assault/sexual misconduct, or stalking, the College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and work changes. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures.

At the party's request, and to the extent of the party's cooperation and consent, the College will work cooperatively to assist individuals in obtaining accommodations. If reasonably available, a party may be offered changes to academic, living, transportation, protective measures or working environment whether or not the complainant chooses to report the crime to law enforcement. Examples of such accommodations include but is not limited to: transferring an individual's class to another section, switching the format of an individual's class structure such as in-person to online, changing residence halls, or changing work hours. A safety escort may also be provided to a student, faculty, or staff member who is a victim of VAWA offense.

To receive assistance in this area, please contact Earlham's Title IX Coordinator. The Title IX Coordinator may also issue a College mutual no contact order during the course of a sexual assault, dating violence, domestic violence, or stalking incident. If the College receives a report that a mutual no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the violating party (student, employee) and will impose sanctions if the violating party is found responsible for violation of the no contact order. College no contact orders do not have the same force of law in Indiana as a court ordered no contact order or order of protection.

### **Privacy and Confidentiality**

Students may request that directory information on file with the College be withheld from third parties by contacting the Registrar's Office. Employees may request that directory information be withheld from public postings by contacting the Office of Human Resources. Whether or not a victim has opted out of allowing the College to share directory information, personally identifiable information about the victim and other necessary parties will be treated as private and only shared with persons who have a legitimate need to know. For example, those who are investigating, adjudicating the report, or those involved in providing support services to the victim, including interim measures such as work, living, or academic modifications and protective measures. By only sharing personally identifiable information with individuals who have a legitimate need to know, the college will maintain as confidential, any modifications or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability to the College to provide the accommodation or protective measures.

### **Prohibition on Retaliation**

Retaliation against an individual for reporting a violation of this policy, supporting a complainant or respondent, or participating in an investigation is a serious violation of this policy and will be treated as another possible instance of harassment or discrimination. No one at the College may reprimand or discriminate against a person for having initiated in good faith an inquiry or complaint.

### **Time Frame for Investigations and Resolution**

The College's disciplinary process includes a prompt, fair and impartial process from the initial investigation through to the final resolution process. In all instances, the process will be conducted in a manner that is consistent with the College's policy and that is transparent to the complainant and the respondent. Usually the resolution of dating violence, domestic violence, sexual assault and stalking complaints are completed within 60 days of the initial report, however, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. College officials who are involved in the investigation or adjudication of dating violence, domestic violence, sexual assault, or stalking complaints are trained annually on issues pertaining to these topics, how to conduct an investigation and hearing process, and tools for protecting the safety of victims throughout the process.

### **Earlham's Primary and Ongoing programs and Initiatives for Prevention of Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

#### *Overview*

Earlham College takes the safety of our students seriously and we strive to create an environment and culture that is safe and respectful for all community members. Sexual misconduct and intimate partner violence prevention and response are crucial to creating a safe, supportive and healthy environment for students, faculty and staff. The programming provided at Earlham includes education on sexual misconduct, dating violence, domestic violence and stalking. The College engages in a comprehensive prevention program that is intended to be culturally relevant, inclusive, sustainable, responsive, informative and effective.

Our prevention program consists of primary prevention strategies, secondary prevention strategies and tertiary prevention strategies. Our program begins with new student orientation and new employee orientation in the fall semester and extends throughout the full academic year. Following the student curriculum for our comprehensive Title IX prevention program:

## Title IX Comprehensive Education Program Curriculum Framework

### I. Overall educational goals for program:

This Title IX comprehensive education program is designed to be infused with primary prevention strategies, secondary prevention strategies and tertiary prevention strategies throughout the academic year. When implemented strategically, the overarching goal achieved should be a culture where students not only expect and hold accountable administrators for being compliant with Title IX, but inherently students will begin to hold themselves and each other accountable for knowing the various aspects of Title IX including how to locate institution's policy, procedures, resources, and reporting avenues, and for students to respect and value each other in a way that doesn't translate to a possible Title IX incident.

### II. Competency-based goals and objectives:

|   |  |   |
|---|--|---|
| Unit 1: Upstander Intervention Training   |  |   |
| <b>Learning Goals:</b><br><br><b>Explore:</b> Students will conceptualize differences between bystander and upstander intervention. |  | <b>Timeframe:</b><br><br><ul style="list-style-type: none"> <li>• New Student Orientation</li> <li>• Transfer Student Orientation</li> <li>• International Student Orientation</li> </ul> |
| <b>Format:</b><br><br>Peer to Peer  | <b>Unit Objective:</b><br><br>After the end of this unit, students will be able to describe the differences between upstander intervention and bystander intervention and how to implement safe upstander intervention strategies when encountering a potential Title IX incident. | <b>Summative Assessment:</b><br><br><ul style="list-style-type: none"> <li>• Pre and Post survey</li> <li>• Reporting Party assessment (non-complainant reporting)</li> </ul>             |

|   |   |   |
|---|---|---|
| Unit 2: Consent Program   |   |   |
| <b>Learning Goals:</b><br><br><b>Explore:</b> Students will develop knowledge on what consent means, does not mean, and the role alcohol plays in consent (drunk v. incapacitated).<br><br><b>Experience:</b> Students will participate in a live, interactive, theatrical performance on college hook-up and party culture.<br><br><b>Connect:</b> Students will be able to convey meaning between the knowledge they have learned through the explore phase, coupled with the experience phase and synthesis how to obtain consent during any sexual encounter. |   | <b>Timeframe:</b><br><br><ul style="list-style-type: none"> <li>• Second month of semester</li> </ul>   |
| <b>Format:</b><br><br><ul style="list-style-type: none"> <li>• Poster Campaign</li> <li>• Live, interactive, theatrical performance</li> </ul>  | <b>Unit Objective:</b><br><br>After the end of this unit, students will be able to synthesis and relate knowledge to personal experiences moving forward. | <b>Summative Assessment:</b><br><br><ul style="list-style-type: none"> <li>• Pre and Post survey</li> <li>• Clery Data</li> <li>• Annual case assessment</li> </ul> |

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|--|--|---|
| Unit 3: Healthy Relationship Training  |  |   |
| <b>Learning Goals:</b><br><br><b>Explore:</b> Students will develop knowledge on signs of a healthy relationship vs. an unhealthy relationship |  | <b>Timeframe:</b><br><br><ul style="list-style-type: none"> <li>• October or third month of semester</li> </ul>   |
| <b>Format:</b><br><br><ul style="list-style-type: none"> <li>• Peer to Peer</li> <li>• One Love Training</li> </ul>                            | <b>Unit Objective:</b><br><br>After the end of this unit, students will be able to synthesis and relate knowledge to personal experiences and observations moving forward. | <b>Summative Assessment:</b><br><br><ul style="list-style-type: none"> <li>• Pre and Post survey</li> <li>• Clery Data</li> <li>• Annual case assessment</li> </ul> |

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|--|---|---|
| Unit 4: Compliance-Policy, Procedures, and the Law   |   |   |
| <b>Learning Goals:</b><br><br><b>Explore:</b> Students will develop knowledge on Earlham’s Title IX policy and procedures and Federal and state laws surrounding Title IX. |   | <b>Timeframe:</b> <ul style="list-style-type: none"> <li>Before semester ends.</li> </ul>   |
| <b>Format:</b> <ul style="list-style-type: none"> <li>In-class Lecture</li> <li>Peer to Peer</li> <li>Poster Campaign</li> </ul>   | <b>Unit Objective:</b><br><br>After the end of this unit, students will be able to explain and locate Earlham’s Policy and Procedures Prohibiting Sexual Misconduct; Students will have knowledge on Title IX as a federal law and what it says; Students will have knowledge on how Title IX intersects with VAWA and Clery; | <b>Summative Assessment:</b> <ul style="list-style-type: none"> <li>Pre and Post survey</li> <li>First semester survey</li> </ul> |

|  |  |   |
|--|--|---|
| Unit 5: Online Learning Module   |  |   |
| <b>Learning Goals:</b><br><br><b>Explore:</b> Students will master the knowledge of Title IX policy, procedures, law, consent, upstander intervention, and establishing healthy relationships. |  | <b>Timeframe:</b> <ul style="list-style-type: none"> <li>Beginning of second semester</li> </ul>                              |
| <b>Format:</b> <ul style="list-style-type: none"> <li>Online learning module</li> </ul>  | <b>Unit Objective:</b><br><br>After the end of this unit, students will be highly knowledgeable in Title IX. | <b>Summative Assessment:</b> <ul style="list-style-type: none"> <li>Pre and Post survey</li> <li>Online assessment</li> </ul> |

This program is designed to:

- Make clear that Earlham's policy prohibits crimes of domestic violence, dating violence, stalking and sexual assault;
- Educate on the definitions of domestic violence, dating violence, stalking and sexual assault according to Indiana law;
- Define consent and identify what behaviors and actions constitute consent as it relates to sexual activity and in accordance with Earlham policy.
- Provide examples and education on safe and positive options for bystander and upstander intervention that could be carried out by an individual in a proactive or reactive way that can potentially prevent harm or intervene where there is a risk of domestic violence, dating violence, sexual assault, or stalking.
- Educate on risk reduction, including options designed to decrease perpetration and bystander in action and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that may facilitate violence.
- Provide information regarding:
  - Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking occurs;
  - Confidentiality and privacy as it relates to investigations and assistance;
  - Support services that exists both on and off campus; and
  - Interim measures

### **Primary Prevention and Awareness Programs for Incoming Students**

During New Student Orientation, students and parents are provided with information about campus and community resources for sexual violence prevention and response. All new incoming students, during orientation, participate in a peer-to-peer led training on bystander and upstander intervention.

All residential life staff, including resident assistance, hall directors, and professional staff, receive training not only on responding to sexual and interpersonal violence but also on resources that are available for prevention, education, risk reduction and awareness. In addition to these efforts, all employees and students receive an annual electronic communication from the Office of Title IX that provides information on how to file a complaint for anyone who experiences or witnesses sexual or interpersonal violence.

### **Ongoing Prevention and Awareness Programs for Students**

As part of our ongoing programming, Earlham has several ongoing campus-wide initiatives and programs.

## Step Up-Bystander Intervention Training

- The Division of Student Life offers bystander intervention training to student groups to make them aware of the importance of safely and effectively intervening when they see dangerous or unacceptable behavior. This program is not being coordinated through the Office of Title IX where Student Government Association will take the lead and facilitate peer-to-peer bystander intervention training moving forward.

## Sexual Assault Awareness Month

- Earlham college partners with IU East in organizing a joint event named “SAAM SLAM” an open mic, poetry, awareness event, that allows for spoken word on sexual assault/sexual misconduct.
- The Office of Title IX hosts multiple events during the month of April to bring awareness to sexual assault/sexual misconduct such as kicking off the month of with “Consent isn’t Cheezy.”
- Teaching faculty present culturally relevant forums during the month of April as well to assist in educating the campus community on sexual assault. One such event is “Hip-hop culture and Rape in the black community.”

## Domestic Violence Awareness Month

- During the month of October, Earlham partners with IU East in “Walk A Mile In Her Shoes” event that is dedicated to bringing awareness to dating violence, domestic violence and sexual assault.

## Listings of Ongoing Prevention and Awareness Programs from Academic Year 2019-2020

Abbreviations for behaviors: SA-Sexual Assault, DOV-Domestic Violence, DAV-Dating Violence, S-Stalking, C-Consent, B-Bystander Intervention

| Program                  | Date        | Target Audience  | Location       | Behavior              |
|--------------------------|-------------|------------------|----------------|-----------------------|
| Sex Signals              | August 2019 | New Students     |                | SA, C, B              |
| Walk A Mile In Her Shoes | 10/08/19    | Earlham Campus   | IU East        | DAV, DOV, S,          |
| Hip Hop and Title IX     | 10/23/19    | Students         | LBC 211 A/B    | SA, C, B              |
| Escalation Workshop      | 01/11/20    | RA’s Students    | CST 300        | DAV, DOV, S, B        |
| Escalation Workshop      | 02/27/20    | Student Athletes | AWC Classroom  | DAV, DOV, S, B        |
| Escalation Workshop      | 03/02/20    | Students         | AWC Classroom  | DAV, DOV, S, B        |
| Consent isn’t Cheezy     | 04/09/20    | Students         | AWC Fieldhouse | SA, C, B              |
| SAAM SLAM                | 04/16/20    | Earlham Campus   | IU East Campus | SA, SOV, DAV, S, C, B |
| Denim Day                | 04/29/20    | Earlham Campus   | Earlham Campus | SA                    |

For more information about programs or to request a program, contact the Office of Title IX at 765-983-1346.



## Risk Reduction

Our intentions are not to victim blame and we recognize that abusers are solely responsible for their abuse, the following are strategies to help reduce one's risk of sexual assault or harassment. This list was taken from the Rape, Abuse and Incest National Network.

Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact Public Safety or law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you may try:

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Safe and Positive Options for Bystander Intervention

Bystanders can play a critical role in the prevention of sexual assault, dating violence and domestic violence. Bystanders are people who are not directly involved in the perpetuation of violence yet they recognize the warning signs of such behavior. They also serve as witnesses to the violence. At Earlham, we strive to promote a culture of accountability where bystanders are actively engaged in the prevention of violence without causing harm further harm. Below are some ways to an active bystander adapted from the Step Up program.

You can assist directly or indirectly. Direct assistance is you speaking with the person directly. Indirect assistance is you speaking to another person who you feel could be helpful or give you guidance and direction. If you do not act immediately, don't ignore the situation. Just because you don't act right then and there doesn't mean you can't do it later! Whatever the response you choose, remember the following in emergency situation:

- Calm the person
- Gather information
- Look at options
- Provide support
- Know appropriate referrals
- Do not become trapped
- Look for the best exit strategies for those involved
- Be clear and direct with all of your requests
- Make safe choices
- Understand boundaries and limits; don't try to be a hero
- Intervene early if possible
- Engage other bystanders
- Call 9-11 if it is not safe or prudent for you to help directly

Reporting of statistics under the Clery Act uses federal offenses definitions that allow comparability across campuses, regardless of the state in which the campus is located. These definitions are listed under the Crime Statistics section of this report.

### APPLICABLE INDIANA LAW

The following information on recently revised Indiana laws regarding sexual assault, domestic violence, and stalking is provided in accordance with the VaWA Amendments to the Clery Act.

IC 35-42-4-1 Rape (effective July 1, 2014)

Sec. 1.

(a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5) when:

- (1) the other person is compelled by force or imminent threat of force;
- (2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or

(3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221. 5) cannot be given; commits rape, a Level 3 felony.

(b) An offense described in subsection (a) is a Level 1 felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon;

(3) it results in serious bodily injury to a person other than a defendant; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug

(as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

\* Indiana legal code does not define or elaborate on the meaning of "consent."

IC 35-31.5-2-221.5 "Other sexual conduct" (effective July 1, 2014)

Sec. 221.5. "Other sexual conduct" means an act involving:

(1) a sex organ of one (1) person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.

IC 35-42-4-8 Sexual battery (effective July 1, 2014)

Sec. 8.

(a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

(A) compelled to submit to the touching by force or the imminent threat of force; or

(B) so mentally disabled or deficient that consent to the touching cannot be given; or

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring; commits sexual battery, a Level 6 felony.

(b) An offense described in subsection (a) is a Level 4 felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

IC 35-45-10-1 "Stalk" defined

Sec. 1. As used in this chapter, "stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

IC 35-45-10-5 Criminal stalking (effective July 1, 2014)

Sec. 5.

- (a) A person who stalks another person commits stalking, a Level 6 felony.
- (b) The offense is a Level 5 felony if at least one (1) of the following applies:
  - (1) A person:
    - (A) stalks a victim; and
    - (B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of:
      - (i) sexual battery (as defined in IC 35-42-4-8);
      - (ii) serious bodily injury; or
      - (iii) death.
  - (2) A protective order to prevent domestic or family violence, a no contact order, or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order:
    - (A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal (dissolution of marriage and legal separation).
    - (B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal (delinquent children and children in need of services).
    - (C) IC 31-32 or IC 31-6-7 before its repeal (procedure in juvenile court).
    - (D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their repeal (protective order to prevent abuse).
    - (E) IC 34-26-6 (workplace violence restraining orders).
  - (3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order.
  - (4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.
  - (5) The person's stalking of another person violates a protective order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order.
  - (6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.
  - (7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:
    - (A) tribe;
    - (B) band;
    - (C) pueblo;
    - (D) nation; or
    - (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.
  - (8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.

(c) The offense is a Level 4 felony if:

- (1) the act or acts were committed while the person was armed with a deadly weapon; or
- (2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

#### IC 35-42-2-1.3 Domestic battery (effective July 1, 2014)

##### Sec. 1.3.

(a) A person who knowingly or intentionally touches an individual who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person as provided in subsection (c); or
- (3) has a child in common with the other person; in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or
- (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Level 6 felony if the person who committed the offense:

- (1) has a previous, unrelated conviction:
  - (A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); or
  - (B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or
- (2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2), the court shall review:

- (1) the duration of the relationship;
- (2) the frequency of contact;
- (3) the financial interdependence;
- (4) whether the two (2) individuals are raising children together;
- (5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and
- (6) other factors the court considers relevant.

#### IC 35-42-2-1 Battery (effective July 1, 2014)

##### Sec. 1.

(a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter; or
- (10) an emergency medical services provider.

(b) Except as provided in subsections (c) through (j), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person; commits battery, a Class B misdemeanor.

(c) The offense described in subsection (b)(1) or (b)(2) is a Class A misdemeanor if it results in bodily injury to any other person.

(d) The offense described in subsection (b)(1) or (b)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:

(A) is at least eighteen (18) years of age; and

(B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.



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- (e) The offense described in subsection (b)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.
- (f) The offense described in subsection (b)(1) or (b)(2) is a Level 5 felony if one (1) or more of the following apply:
- (1) The offense results in serious bodily injury to another person.
  - (2) The offense is committed with a deadly weapon.
  - (3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.
  - (4) The person has a previous conviction for battery against the same victim.
  - (5) The offense results in bodily injury to one (1) or more of the following:
    - (A) A public safety official while the official is engaged in the official's official duties.
    - (B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
    - (C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.
    - (D) An endangered adult (as defined in IC 12-10-3-2).
- (g) The offense described in subsection (b)(2) is a Level 5 felony if:
- (1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and
  - (2) the person placed the bodily fluid or waste on a public safety official.
- (h) The offense described in subsection (b)(1) or (b)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).
- (i) The offense described in subsection (b)(1) or (b)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
- (j) The offense described in subsection (b)(1) or (b)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:
- (1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
  - (2) An endangered adult (as defined in IC 12-10-3-2).

#### IC 35-45-2-1 Intimidation (effective July 1, 2014)

##### Sec. 1.

- (a) A person who communicates a threat to another person, with the intent:
- (1) that the other person engage in conduct against the other person's will;
  - (2) that the other person be placed in fear of retaliation for a prior lawful act; or
  - (3) of:
    - (A) causing:
      - (i) a dwelling, building, or another other structure; or
      - (ii) a vehicle; to be evacuated; or
    - (B) interfering with the occupancy of:
      - (i) a dwelling, building, or other structure; or
      - (ii) a vehicle; commits intimidation, a Class A misdemeanor.

- (b) However, the offense is a:
- (1) Level 6 felony if:
    - (A) the threat is to commit a forcible felony;
    - (B) the person to whom the threat is communicated:
      - (i) is a law enforcement officer;
      - (ii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
      - (iii) is an employee of a school or school corporation;
      - (iv) is a community policing volunteer;
      - (v) is an employee of a court;
      - (vi) is an employee of a probation department;
      - (vii) is an employee of a community corrections program;
      - (viii) is an employee of a hospital, church, or religious organization; or
      - (ix) is a person that owns a building or structure that is open to the public or is an employee of the person; and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;
    - (C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or
    - (D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and
  - (2) Level 5 felony if:
    - (A) while committing it, the person draws or uses a deadly weapon; or
    - (B) the person to whom the threat is communicated:
      - (i) is a judge or bailiff of any court; or
      - (ii) is a prosecuting attorney or a deputy prosecuting attorney.
- (c) “Communicates” includes posting a message electronically, including on a social networking web site (as defined in IC 35-42-4-12(d)).
- (d) “Threat” means an expression, by words or action, of an intention to:
- (1) unlawfully injure the person threatened or another person, or damage property;
  - (2) unlawfully subject a person to physical confinement or restraint;
  - (3) commit a crime;
  - (4) unlawfully withhold official action, or cause such withholding;
  - (5) unlawfully withhold testimony or information with respect to another person’s legal claim or defense, except for a reasonable claim for witness fees or expenses;
  - (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
  - (7) falsely harm the credit or business reputation of the person threatened; or
  - (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

#### IC-35-45-10-2 “Harassment” defined

Sec. 2. As used in this chapter, “harassment” means conduct directed toward a victim that includes but is not limited to repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.

#### IC 35-45-2-2 Harassment: “obscene message”

Sec. 2.

(a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
  - (2) communicates with a person by telegraph, mail, or other form of written communication;
  - (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
  - (4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:
    - (A) communicate with a person; or
    - (B) transmit an obscene message or indecent or profane words to a person;
- commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;
- (2) the message refers to sexual conduct in a patently offensive way; and
- (3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

#### OTHER SEXUAL OFFENSES

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

## CONSENT

Indiana legal code does not define or elaborate on the meaning of, “consent.”

For the purpose of Earlham’s Sex/Gender Harassment, Discrimination and Misconduct policy, Consent is defined as:

...clear, and knowing, and voluntary [or affirmative, conscious and voluntary], words or actions, that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. In order to give consent, one must be of legal age. Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy. Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.

## SEX CRIMES PREVENTION ACT/SEX OFFENDER REGISTRATION

In accordance to the Campus Sex Crimes Prevention Act (CSCPA) of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Earlham College is providing a link to the Indiana Sex and Violent Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under state law, to each institution of higher education in that State which that person is enrolled, employed or carrying on a vocation at the institution.

A list of all registered sex offenders in Indiana is available from The Indiana Sex and Violent Offender Registry. The registry may be accessed via the internet at:  
[www.state.in.us/serv/cji\\_sor](http://www.state.in.us/serv/cji_sor).

## CAMPUS PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, SEXUAL HARASSMENT, AND OTHER ACTS OF SEX AND GENDER DISCRIMINATION

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment.

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the

College will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations; changes in housing for the victim or the responding student; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, that individual will be connected with a counselor, as well as an off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the College provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. The Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Coordinator is also responsible for assuring that training is conducted annually for all investigators, hearing officers, panelists, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with Indiana law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim's identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. The role of advisors is described in detail here:

## V. Conduct Policy: Social Violations

### A. Conduct Authorities for Social Violations

(10) Two Support People, one for the accused and one for the complainant, may be chosen to accompany each party to any meeting related to the conduct process and to the hearing. A Support Person is a member of the college community: faculty, staff member or student who has successfully completed training through the Office of Student Development. Members of Earlham Counseling Services, Safety and Security, and Residence Life staff may not be used as a Support Person.

The role of the Support Person is to provide support, advice, or assistance to the person requesting his or her presence. The Support person is to advise the student in preparing for the hearing, understanding the conduct processes and potential outcomes, and to offer consultation during the hearing itself. During a Conduct Council, the Support Person functions solely as an adviser to the student requesting their presence and may not address the Council unless requested by the Council to do so. The Support Person is not permitted to serve as a witness, examine parties or witnesses or provide statements to the Council.

(11) In SCC cases of Sexual Misconduct, in addition to the Support Person (see V:A:10), the complainant and/or accused may bring a second support person who is a college community member trained in issues regarding sexual misconduct to any meeting related to the conduct process and hearing.

Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the College's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Both Title IX and the Clery Act provide protections for whistleblowers that bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The College does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator, Dana North, Director of Human Resources, and/or to officials of the U.S. Department of Education.

### PROTECTION ORDERS

Victims of Sexual Assault, Stalking, Dating or Domestic Violence may also seek assistance through the Wayne County (IN) Court system by obtaining a Protection Order, which can be enforced by the police.

The Indiana Civil Protection Order Act, or ICPOA, is a set of laws passed by the Indiana General Assembly in 2002 that overhauled Indiana's response to domestic and family violence. The ICPOA is based largely on the Model Code on Domestic and Family Violence, which was developed by the National Council of Juvenile and Family Court Judges, on existing Indiana law, and on the Uniform Interstate Enforcement of Domestic Violence



Protection Orders Act. Under the ICPOA, Courts can issue Orders to protect people from domestic or family violence, stalking, or a sex offense. These Court Orders are called “Protection Orders” or “Orders for Protection,” and the terms are used interchangeably. There are two (2) kinds of Protection Orders—an Ex Parte Protection Order, which is issued without a hearing, and a Protection Order Issued after a Hearing. Protection Orders last for two (2) years, unless the Judge decides on a different duration.

The person asking for the Order is called the “Petitioner.” The Petitioner needs to file a Petition in a Court of record, against the other person, called the “Respondent.” There are two (2) different kinds of Petitions a person can file: one kind allows a person to seek protection for himself or herself, and another kind allows a Petitioner to ask for protection on behalf of a child. IMPORTANT NOTICE: In order to file a case, a Petitioner must have the Respondent’s:

<sup>35</sup><sub>17</sub> Correct name;

<sup>35</sup><sub>17</sub> Correct date of birth or Social Security number; and,

<sup>35</sup><sub>17</sub> Correct, current address.

The petition for a protection Order must contain “specific allegations.”

Flash v. Holtzclaw, 789 N.E.2d 955 (Ind. Ct. App. 2003).

The ICPOA was passed to promote the protection and safety of all victims of domestic or family violence, sexual assault, and stalking, and to prevent future violence against such victims. In order to apply for protection under this law, a Petitioner needs to have been a victim of:

<sup>35</sup><sub>17</sub> Domestic or family violence;

<sup>35</sup><sub>17</sub> Stalking; or,

<sup>35</sup><sub>17</sub> A sex offense.

"Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

(1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.

(2) Placing a family or household member in fear of physical harm.

(3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

For purposes of Indiana Code (IC) § 34-26-5, domestic and family violence also includes stalking (as defined in IC § 35-45-10-1) or a sex offense under IC § 35-42-4, whether or not the stalking or sex offense is committed by a family or household member. Indiana Code § 34-6-2-44.8 and Parkhurst v. Van Winkle, 786N.E.2d 1159 (Ind. Ct. App. 2003).



The Respondent must be either a:

- <sup>35</sup><sub>17</sub> Family or household member of the Petitioner; or,  
<sup>35</sup><sub>17</sub> Person who has committed stalking or a sex offense against the Petitioner.

"Family or household member" means:

- (1) a person who is a current or former spouse;
- (2) a person who is dating or has dated;
- (3) a person who is engaged or was engaged in a sexual relationship;
- (4) a person who is related by blood or adoption;
- (5) a person who is related or was related by marriage;
- (6) a person who has an established legal relationship or previously established a legal relationship:
  - (A) as a guardian;
  - (B) as a ward;
  - (C) as a custodian;
  - (D) as a foster parent; or
  - (E) in a capacity similar to those listed in clauses (A) through (D);
- (7) a person who has a child in common; and
- (8) a minor child of a person in a relationship described in subdivisions (1) through (7). IC § 34-6-2-44.8.

In order for a person to ask for an Order for Protection because he or she was a victim of Stalking or a sex offense, it is not necessary for criminal charges to be filed. However, a victim of one of these kinds of crimes should always seek help from the police or sheriff and the prosecutor.

Information on obtaining a Protection Order can be directed to the Wayne County Prosecutor's Office at 765-973-9394.

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## CRIME STATISTICS

Crime statistics are compiled pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, designated by calendar year, January 1 through December 31.

Statistics are gathered from crimes reported to the Department of Public Safety, Student Life, and other campus officials with significant student advising responsibility, and local law enforcement agencies.

Religious Life and Counseling Services are encouraged to refer persons they are counseling to report crimes on a voluntary confidential basis for inclusion in the annual crime statistics.

### DEFINITIONS

The included crime categories are defined as:

#### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

#### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

#### Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

#### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### Domestic Violence

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Drug Violations

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

### Liquor Law Violation

The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

### Murder and Non-Negligent Manslaughter

The willful (non- negligent) killing of one human being by another.

### Negligent Manslaughter

The killing of another person through gross negligence.

### Robbery

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

Sex Offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

<sup>35</sup><sub>17</sub> Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

<sup>35</sup><sub>17</sub> Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

<sup>35</sup><sub>17</sub> Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

<sup>35</sup><sub>17</sub> Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

## Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

## Weapons Violations

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

Following is a listing of the total number of reportable crimes occurring during the stated years.

| TOTAL CRIMES REPORTED   | 2017 | 2018 | 2019 |
|---|------|------|------|
| Aggravated Assault  | 0    | 0    | 0    |
| Arson   | 0    | 0    | 0    |
| Burglary  | 3    | 0    | 0    |
| Criminal Homicide (including Murder and Non-Negligent Manslaughter) | 0    | 0    | 0    |
| Motor Vehicle Theft   | 0    | 0    | 0    |
| Negligent Manslaughter  | 0    | 0    | 0    |
| Robbery   | 1    | 0    | 0    |
| Sex Offenses (forcible)   | *    | *    | *    |
| Rape  | 2    | 2    | 2    |
| Fondling  | 1    | 0    | 3    |
| Sex Offenses (non-forcible)   | *    | *    | *    |
| Incest  | 0    | 0    | 0    |
| Statutory Rape  | 0    | 0    | 0    |
| Domestic Violence   | 0    | 0    | 0    |
| Dating Violence   | 0    | 0    | 5    |
| Stalking  | 0    | 0    | 1    |

\* The definitions and statistical categories for sex offenses are categorized as rape, fondling, incest and statutory rape

The following is a listing of the total number of persons arrested for the stated violations.

| TOTAL ARRESTS         | 2017 | 2018 | 2019 |
|-----------------------|------|------|------|
| Drug Law Violations   | 0    | 0    | 1    |
| Liquor Law Violations | 0    | 0    | 0    |
| Weapons Violations    | 0    | 0    | 0    |

Following is a listing of the total number of judicial referrals to the Dean of Students, for the stated violations.

| JUDICIAL REFERRALS    | 2017 | 2018 | 2019 |
|-----------------------|------|------|------|
| Drug Law Violations   | 26   | 37   | 30   |
| Liquor Law Violations | 24   | 47   | 19   |
| Weapons Violations    | 0    | 0    | 0    |

The next compilation of statistics repeats the categories of reported crimes; however, these categories are now broken down by the locations where they occurred at or near Earlham College for the noted calendar years.

The categories of locations are the following:

On-campus - Any College owned or controlled property or building within the contiguous geographical area of the campus;

Student Housing – A Subset of reported On-Campus Crimes. These crimes will be reported for both On-Campus and Residential Facilities locations. For example, if a crime is reported for Student Housing, it will also be reported for that On-Campus location. For this reason, the total number reported below may not match the total number reported above.

Non-campus building or property - Those owned or controlled by Earlham College, used in relation to the College's educational purposes and frequented by students but that are not contiguous to the geographic area of a College campus; and

Public property – Streets, sidewalks and thoroughfares within the campus or immediately adjacent to and accessible from the campus.

| 2019                        | On<br>Campus | Student<br>Housing | Non-<br>Campus | Public<br>Property |
|-----------------------------|--------------|--------------------|----------------|--------------------|
| Aggravated Assault          | 0            | 0                  | 0              | 0                  |
| Arson                       | 0            | 0                  | 0              | 0                  |
| Burglary                    | 0            | 0                  | 0              | 0                  |
| Criminal Homicide           | 0            | 0                  | 0              | 0                  |
| Motor Vehicle Theft         | 0            | 0                  | 0              | 0                  |
| Negligent Manslaughter      | 0            | 0                  | 0              | 0                  |
| Robbery                     | 0            | 0                  | 0              | 0                  |
| Sex Offenses (forcible)     | -            | -                  | -              | -                  |
| Rape                        | 0            | 2                  | 0              | 0                  |
| Fondling                    | 3            | 0                  | 0              | 0                  |
| Sex Offenses (non-forcible) | -            | -                  | -              | -                  |
| Incest                      | 0            | 0                  | 0              | 0                  |
| Statutory Rape              | 0            | 0                  | 0              | 0                  |
| Domestic Violence           | 0            | 0                  | 0              | 0                  |
| Dating Violence             | 3            | 2                  | 0              | 0                  |
| Stalking                    | 1            | 1                  | 1              | 0                  |



| 2018                        | On<br>Campus | Student<br>Housing | Non-<br>Campus | Public<br>Property |
|-----------------------------|--------------|--------------------|----------------|--------------------|
| Aggravated Assault          | 0            | 0                  | 0              | 0                  |
| Arson                       | 0            | 0                  | 0              | 0                  |
| Burglary                    | 0            | 0                  | 0              | 0                  |
| Criminal Homicide           | 0            | 0                  | 0              | 0                  |
| Motor Vehicle Theft         | 0            | 0                  | 0              | 1                  |
| Negligent Manslaughter      | 0            | 0                  | 0              | 0                  |
| Robbery                     | 0            | 0                  | 0              | 0                  |
| Sex Offenses (forcible)     | -            | -                  | -              | -                  |
| Rape                        | 0            | 2                  | 0              | 0                  |
| Fondling                    | 0            | 0                  | 0              | 0                  |
| Sex Offenses (non-forcible) | -            | -                  | -              | -                  |
| Incest                      | 0            | 0                  | 0              | 0                  |
| Statutory Rape              | 0            | 0                  | 0              | 0                  |
| Domestic Violence           | 0            | 0                  | 0              | 0                  |
| Dating Violence             | 0            | 0                  | 0              | 0                  |
| Stalking                    | 0            | 0                  | 0              | 0                  |

| 2017                        | On<br>Campus | Student<br>Housing | Non-<br>Campus | Public<br>Property |
|-----------------------------|--------------|--------------------|----------------|--------------------|
| Aggravated Assault          | 0            | 0                  | 0              | 1                  |
| Arson                       | 0            | 0                  | 0              | 0                  |
| Burglary                    | 2            | 1                  | 0              | 0                  |
| Criminal Homicide           | 0            | 0                  | 0              | 0                  |
| Motor Vehicle Theft         | 0            | 0                  | 0              | 0                  |
| Negligent Manslaughter      | 0            | 0                  | 0              | 0                  |
| Robbery                     | 0            | 0                  | 0              | 1                  |
| Sex Offenses (forcible)     | -            | -                  | -              | -                  |
| Rape                        | 0            | 2                  | 0              | 0                  |
| Fondling                    | 1            | 0                  | 0              | 0                  |
| Sex Offenses (non-forcible) | -            | -                  | -              | -                  |
| Incest                      | 0            | 0                  | 0              | 0                  |
| Statutory Rape              | 0            | 0                  | 0              | 0                  |
| Domestic Violence           | 0            | 0                  | 0              | 0                  |
| Dating Violence             | 0            | 0                  | 0              | 0                  |
| Stalking                    | 0            | 0                  | 0              | 0                  |

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## HATE CRIMES

Federal law requires colleges to report the incidence of hate crimes on their campus. Colleges must separately identify which of the crimes defined below involve victims who were intentionally selected because of their actual or perceived race, gender, religion, sexual orientation ethnicity, or disability.

Offense definitions relating to hate/bias-related crime

Statistics as per the UCR Hate Crime Reporting Guidelines

Hate crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

The following crime categories are reported in the crime statistics

- <sup>35</sup><sub>17</sub> Murder and Non-negligent manslaughter
- <sup>35</sup><sub>17</sub> Sex offenses
- <sup>35</sup><sub>17</sub> Robbery
- <sup>35</sup><sub>17</sub> Aggravated assault
- <sup>35</sup><sub>17</sub> Burglary
- <sup>35</sup><sub>17</sub> Motor vehicle theft
- <sup>35</sup><sub>17</sub> Arson
- <sup>35</sup><sub>17</sub> Larceny-theft
- <sup>35</sup><sub>17</sub> Simple assault
- <sup>35</sup><sub>17</sub> Intimidation
- <sup>35</sup><sub>17</sub> Destruction/damage/vandalism of property

### Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### Simple Assault

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

### Intimidation

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

### Destruction/Damage/Vandalism of Property

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

None of the crimes listed above were categorized as a hate crime. Moreover, Earlham College has not received a report of a hate crime that falls outside the above categories of crime.

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## FIRE SAFETY

### INTRODUCTION

The Higher Education Opportunity Act requires all institutions of higher education that maintain on-campus housing to publish an annual Fire Safety Report. This report contains the information required by the HEOA for Earlham College including fire safety practices and a fire log with statistics regarding residential facility fires.

### FIRE SAFETY INFORMATION/POLICIES

#### Fire and Safety Equipment:

Fire safety equipment (fire alarms, extinguishers, exit lights, emergency lights, smoke alarms, and hoses) are located in strategic areas of halls and houses for your safety. Use these only for emergencies. Do not prop fire doors open.

We, at Earlham College, do our best to provide for the personal safety and security of each resident. Smoke detectors and fire extinguishers have been placed around campus to protect lives and possessions. For one's own safety, please do not remove batteries from smoke detectors or discharge fire extinguishers. Tampering with these safety items is considered a serious offense. The law requires Earlham College to have these fire safety items in place, and the law also covers tampering with fire extinguishers and smoke detectors. Therefore, any person caught tampering with the smoke detectors or fire extinguishers may be handed over to law enforcement authorities as well as face judicial proceedings from the college.

Fire escapes are for emergencies only. Individuals may not use fire escapes for any other reason. Do not block windows (this includes lofts and large pieces of furniture).

#### Flammable Objects:

Combustibles, gasoline, explosives, or highly flammable chemicals are not permitted in the residence halls. Halogen Lamps, candles, oil lamps, incense, and other open flame objects are not permitted in the residence halls. Possession of these items in rooms even if not being used, is prohibited.

Live Christmas trees are not permitted in residence hall rooms or lounges.

No electrical lights are permitted on metal trees.

#### Electrical Appliances:

Students may use the following electrical devices in their rooms: clocks, electric fans, floor lamps, shavers, microwaves, stereo equipment, hair dryers, curling irons, television sets, and computer equipment.

Personally owned hot plates, broilers, toaster units, toasters, lava lamps, space heaters, halogen lamps, and room air conditioners are NOT permitted because of the possibility of power failures, overloaded electrical circuits, and fire hazards. Electrical appliances as well as all extension cords must be UL approved. Too many appliances attached to an extension cord may create a fire hazard. Heavy-duty extension cords are required for distances of more than six feet. A power strip is required when using more than two appliances at any wall receptacle.

Refrigerators, microwaves and other appliances acceptable to campus policies, but older than ten years, are prohibited in the residence halls.

Christmas Lights must be UL approved, fused, and in-line style.

#### Building Decorations:

Due to the increased fire hazards/risks that they present, hay, leaves, sticks, live Christmas trees, large posters, lava lamps, halogen lamps, artificial Christmas trees over 3 feet tall or other flammable items are not permitted anywhere in college buildings. The use of fire retardant decorations is desired in decorating residence halls and other buildings.

#### Emergency Procedures:

Because Residence Life staff has been trained in proper emergency procedures, residents and their guests must adhere to all directives given by any staff member. Failure to comply will result in disciplinary action.

Every year college and university students experience a growing number of fire-related emergencies. There are several causes for these fires; however most are due to a general lack of knowledge about fire safety and prevention. Cooking is the leading cause of fire injuries on college campuses, closely followed by careless smoking and arson. Students tampering with fire safety equipment may be fined in accordance with local, state, and federal ordinances.

#### THE CAUSE...

Many factors contribute to the problem of residence hall housing fires.

- <sup>35</sup><sub>17</sub> Improper use of 911 notifications systems delays emergency response.
- <sup>35</sup><sub>17</sub> Student apathy is prevalent. Many are unaware that fire is a risk or threat in the environment.
- <sup>35</sup><sub>17</sub> Evacuation efforts are hindered since fire alarms are often ignored.
- <sup>35</sup><sub>17</sub> Building evacuations are delayed due to lack of preparation and pre-planning.
- <sup>35</sup><sub>17</sub> Vandalized and improperly maintained smoke alarms and fire alarm systems inhibit early detection of fires.
- <sup>35</sup><sub>17</sub> Misuse of cooking appliances, over-loaded electrical circuits and extension cords increase the risk of fires.

#### YOUR RESPONSE...

When a fire alarm sounds:

1. Grab a towel or article of clothing to place over face.
2. Check the room door for heat.
3. Close room windows.
4. Leave room lights on.
5. Stay low to the floor and calmly proceed to the nearest exit.
6. Residence Life staff will check rooms to ensure everyone has evacuated.

ALWAYS, ALWAYS, ALWAYS take a fire alarm seriously. Your safety is dependent on your response during drills and/or in the actual event of a fire. Failure to evacuate may result in fines and or disciplinary action.

#### EDUCATION AND TRAINING INFORMATION

Resident students are offered in-service training from Public Safety during the school year. Information related to policies, procedures, and evacuation is discussed. Residence Life staff are responsible to supervise evacuation when a building alarm is activated.

Residence Life staff receive annual in-service training from the Department of Public Safety on fire safety topics including prevention, suppression, and response.

#### EVACUATION PROCEDURES

Evacuation procedures are posted on all residence hall rooms (back side of door). The posting includes evacuation routes, safe zone, alarm pull stations, fire extinguisher locations and assembly areas.

## FIRE SAFETY DATA

### RESIDENTIAL FIRE SAFETY SYSTEMS

| LOCATION            | PULL ALARMS | ALARMS MONITORED ON CAMPUS | SPRINKLERS | SMOKE DETECTION | FIRE EXTINGUISHERS | EVACUATION PLANS POSTED | # OF DRILLS (ACAD. YR) |
|---------------------|-------------|----------------------------|------------|-----------------|--------------------|-------------------------|------------------------|
| RESIDENCE HALLS     |             |                            |            |                 |                    |                         |                        |
| Barrett Hall        | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Bundy Hall          | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Earlham Hall        | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Hoerner Hall        | X           | X                          |            | X               | X                  | X                       | 2                      |
| Mills Hall          | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Olvey-Andis Hall    | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Warren Hall         | X           | X                          | X          | X               | X                  | X                       | 2                      |
| Wilson Hall         | X           | X                          | X          | X               | X                  | X                       | 2                      |
| RESIDENCE HOUSES    |             |                            |            |                 |                    |                         |                        |
| Bright              |             | X                          |            | X               | X                  | X                       |                        |
| Cadbury             |             | X                          |            | X               | X                  | X                       |                        |
| Cunningham (CCC)    |             | X                          |            | X               | X                  | X                       |                        |
| Cutter              |             | X                          |            | X               | X                  | X                       |                        |
| Darby               |             | X                          |            | X               | X                  | X                       |                        |
| Doan                |             | X                          |            | X               | X                  | X                       |                        |
| Edwards             |             | X                          |            | X               | X                  | X                       |                        |
| Fell                |             | X                          |            | X               | X                  | X                       |                        |
| Foster              |             | X                          |            | X               | X                  | X                       |                        |
| Fry                 |             | X                          |            | X               | X                  | X                       |                        |
| Gurney              |             | X                          |            | X               | X                  | X                       |                        |
| Hicks               |             | X                          |            | X               | X                  | X                       |                        |
| Hobbs               |             | X                          |            | X               | X                  | X                       |                        |
| Hole                |             | X                          |            | X               | X                  | X                       |                        |
| Jay                 |             | X                          |            | X               | X                  | X                       |                        |
| JCC (Beit Kehillah) |             | X                          |            | X               | X                  | X                       |                        |
| Kelly               |             | X                          |            | X               | X                  | X                       |                        |
| Marmon              |             | X                          |            | X               | X                  | X                       |                        |
| Marshall            |             | X                          |            | X               | X                  | X                       |                        |
| Mott                |             | X                          |            | X               | X                  | X                       |                        |
| Penn                |             | X                          |            | X               | X                  | X                       |                        |
| Reece               |             | X                          |            | X               | X                  | X                       |                        |
| Rowntree            |             | X                          |            | X               | X                  | X                       |                        |
| Russell             |             | X                          |            | X               | X                  | X                       |                        |
| Thornburg           |             | X                          |            | X               | X                  | X                       |                        |
| Wilbur              |             | X                          |            | X               | X                  | X                       |                        |
| Wildman (French)    |             | X                          |            | X               | X                  | X                       |                        |
| Woodman             |             | X                          |            | X               | X                  | X                       |                        |



## REPORTED RESIDENTIAL FIRES 2019

| LOCATION            | NUMBER OF FIRES | CAUSE OF FIRE | NUMBER OF INJURIES | NUMBER OF DEATHS | VALUE OF PROPERTY DAMAGED |
|---------------------|-----------------|---------------|--------------------|------------------|---------------------------|
| RESIDENCE HALLS     |                 |               |                    |                  |                           |
| Barrett Hall        |                 |               |                    |                  |                           |
| Bundy Hall          |                 |               |                    |                  |                           |
| Earlham Hall        |                 |               |                    |                  |                           |
| Hoerner Hall        |                 |               |                    |                  |                           |
| Mills Hall          |                 |               |                    |                  |                           |
| Olvey-Andis Hall    |                 |               |                    |                  |                           |
| Warren Hall         |                 |               |                    |                  |                           |
| Wilson Hall         |                 |               |                    |                  |                           |
| RESIDENCE HOUSES    |                 |               |                    |                  |                           |
| Bright              |                 |               |                    |                  |                           |
| Cadbury             |                 |               |                    |                  |                           |
| Cunningham (CCC)    |                 |               |                    |                  |                           |
| Cutter              |                 |               |                    |                  |                           |
| Darby               |                 |               |                    |                  |                           |
| Doan                |                 |               |                    |                  |                           |
| Edwards             |                 |               |                    |                  |                           |
| Fell                |                 |               |                    |                  |                           |
| Foster              |                 |               |                    |                  |                           |
| Fry                 |                 |               |                    |                  |                           |
| Gurney              |                 |               |                    |                  |                           |
| Hicks               |                 |               |                    |                  |                           |
| Hobbs               |                 |               |                    |                  |                           |
| Hole                |                 |               |                    |                  |                           |
| Jay                 |                 |               |                    |                  |                           |
| JCC (Beit Kehillah) |                 |               |                    |                  |                           |
| Kelly               |                 |               |                    |                  |                           |
| Marmon              |                 |               |                    |                  |                           |
| Marshall            |                 |               |                    |                  |                           |
| Mott                |                 |               |                    |                  |                           |
| Penn                |                 |               |                    |                  |                           |
| Reece               |                 |               |                    |                  |                           |
| Rowntree            |                 |               |                    |                  |                           |
| Russell             |                 |               |                    |                  |                           |
| Thornburg           |                 |               |                    |                  |                           |
| Wilbur              |                 |               |                    |                  |                           |
| Wildman (French)    |                 |               |                    |                  |                           |
| Woodman             |                 |               |                    |                  |                           |

## REPORTED RESIDENTIAL FIRES 2018

| LOCATION            | NUMBER OF FIRES | CAUSE OF FIRE | NUMBER OF INJURIES | NUMBER OF DEATHS | VALUE OF PROPERTY DAMAGED |
|---------------------|-----------------|---------------|--------------------|------------------|---------------------------|
| RESIDENCE HALLS     |                 |               |                    |                  |                           |
| Barrett Hall        |                 |               |                    |                  |                           |
| Bundy Hall          |                 |               |                    |                  |                           |
| Earlham Hall        |                 |               |                    |                  |                           |
| Hoerner Hall        |                 |               |                    |                  |                           |
| Mills Hall          |                 |               |                    |                  |                           |
| Olvey-Andis Hall    |                 |               |                    |                  |                           |
| Warren Hall         |                 |               |                    |                  |                           |
| Wilson Hall         |                 |               |                    |                  |                           |
| RESIDENCE HOUSES    |                 |               |                    |                  |                           |
| Cadbury             |                 |               |                    |                  |                           |
| Cunningham (CCC)    |                 |               |                    |                  |                           |
| Cutter (German)     |                 |               |                    |                  |                           |
| Darby               |                 |               |                    |                  |                           |
| Doan                |                 |               |                    |                  |                           |
| Edwards             |                 |               |                    |                  |                           |
| Fell                |                 |               |                    |                  |                           |
| Foster              |                 |               |                    |                  |                           |
| Furnas              |                 |               |                    |                  |                           |
| Gurney              |                 |               |                    |                  |                           |
| Hicks               |                 |               |                    |                  |                           |
| Hobbs               |                 |               |                    |                  |                           |
| Hole                |                 |               |                    |                  |                           |
| Jay                 |                 |               |                    |                  |                           |
| JCC (Beit Kehillah) |                 |               |                    |                  |                           |
| Kelly               |                 |               |                    |                  |                           |
| Marmon              |                 |               |                    |                  |                           |
| Marshall            |                 |               |                    |                  |                           |
| Millers Farm        |                 |               |                    |                  |                           |
| Mott                |                 |               |                    |                  |                           |
| Penn                |                 |               |                    |                  |                           |
| Reece               |                 |               |                    |                  |                           |
| Rowntree            |                 |               |                    |                  |                           |
| Russell             |                 |               |                    |                  |                           |
| Thornburg           |                 |               |                    |                  |                           |
| Wilbur              |                 |               |                    |                  |                           |
| Wildman (French)    |                 |               |                    |                  |                           |
| Woodman             |                 |               |                    |                  |                           |

## REPORTED RESIDENTIAL FIRES 2017

| LOCATION            | NUMBER OF FIRES | CAUSE OF FIRE | NUMBER OF INJURIES | NUMBER OF DEATHS | VALUE OF PROPERTY DAMAGED |
|---------------------|-----------------|---------------|--------------------|------------------|---------------------------|
| RESIDENCE HALLS     |                 |               |                    |                  |                           |
| Barrett Hall        |                 |               |                    |                  |                           |
| Bundy Hall          |                 |               |                    |                  |                           |
| Earlham Hall        |                 |               |                    |                  |                           |
| Hoerner Hall        |                 |               |                    |                  |                           |
| Mills Hall          |                 |               |                    |                  |                           |
| Olvey-Andis Hall    |                 |               |                    |                  |                           |
| Warren Hall         |                 |               |                    |                  |                           |
| Wilson Hall         |                 |               |                    |                  |                           |
| RESIDENCE HOUSES    |                 |               |                    |                  |                           |
| Bright              |                 |               |                    |                  |                           |
| Cadbury             |                 |               |                    |                  |                           |
| Cunningham (CCC)    |                 |               |                    |                  |                           |
| Cutter (German)     |                 |               |                    |                  |                           |
| Doan                |                 |               |                    |                  |                           |
| Darby               |                 |               |                    |                  |                           |
| Edwards             |                 |               |                    |                  |                           |
| Fell                |                 |               |                    |                  |                           |
| Foster              |                 |               |                    |                  |                           |
| Furnas              |                 |               |                    |                  |                           |
| Gurney              |                 |               |                    |                  |                           |
| Hicks               |                 |               |                    |                  |                           |
| Hobbs               |                 |               |                    |                  |                           |
| Hole                |                 |               |                    |                  |                           |
| Jay                 |                 |               |                    |                  |                           |
| JCC (Beit Kehillah) |                 |               |                    |                  |                           |
| Kelly               |                 |               |                    |                  |                           |
| Marmon              |                 |               |                    |                  |                           |
| Marshall            |                 |               |                    |                  |                           |
| Millers Farm        |                 |               |                    |                  |                           |
| Mott                |                 |               |                    |                  |                           |
| Penn                |                 |               |                    |                  |                           |
| Reece               |                 |               |                    |                  |                           |
| Rowntree            |                 |               |                    |                  |                           |
| Russell             |                 |               |                    |                  |                           |
| Thornburg           |                 |               |                    |                  |                           |
| Wilbur              |                 |               |                    |                  |                           |
| Wildman (French)    |                 |               |                    |                  |                           |
| Woodman             |                 |               |                    |                  |                           |

For the purposes of these statistics, a fire is defined as:  
Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

## BETHANY SEMINARY CRIME STATISTICS

|                                   | On-Campus |      |      | Student Housing |      |      | Non-Campus |      |      | Public |      |      |
|-----------------------------------|-----------|------|------|-----------------|------|------|------------|------|------|--------|------|------|
|                                   | 2019      | 2018 | 2017 | 2019            | 2018 | 2017 | 2019       | 2018 | 2017 | 2019   | 2018 | 2017 |
| Aggravated Assault                | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Arson                             | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Negligent Manslaughter            | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Burglary                          | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Motor Vehicle Theft               | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 1      | 0    | 0    |
| Murder/Non-Negligent Manslaughter | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Robbery                           | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 1    |
| Sexual Offenses                   |           |      |      |                 |      |      |            |      |      |        |      |      |
| Rape                              | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Fondling                          | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Incest                            | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Statutory Rape                    | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Stalking                          | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Domestic Violence                 | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Dating Violence                   | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| ARRESTS                           |           |      |      |                 |      |      |            |      |      |        |      |      |
| Liquor Law Violations             | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Drug Violations                   | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Weapons Violations                | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| NON-ARREST CAMPUS REFERRALS       |           |      |      |                 |      |      |            |      |      |        |      |      |
| Alcohol                           | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Drug Violations                   | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |
| Weapons Violations                | 0         | 0    | 0    | 0               | 0    | 0    | 0          | 0    | 0    | 0      | 0    | 0    |

Bethany Seminary had no reported Hate Crimes during this reporting period.

## BETHANY SEMINARY FIRE SAFETY DATA

| LOCATION        | PULL ALARMS | ALARMS MONITORED ON SITE | SPRINKLERS | SMOKE DETECTION | FIRE EXTINGUISHERS | EVACUATION PLANS POSTED | # OF DRILLS (ACAD. YR) |
|-----------------|-------------|--------------------------|------------|-----------------|--------------------|-------------------------|------------------------|
| Patterson House |             |                          |            | X               | X                  | X                       | 2                      |
| Mullen House    |             |                          |            | X               | X                  | X                       | 2                      |
| Brethren House  |             |                          |            | X               | X                  | X                       | 2                      |

Bethany Seminary had no reported fires in 2017, 2018 or 2019.