

POLICY ON SEXUAL ASSAULT, SEXUAL EXPLOITATION, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

I. STATEMENT OF PURPOSE

Lafayette College is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community. Sexual assault, sexual exploitation, domestic violence, dating violence, and stalking in any form or context are contrary to this principle. Sexual assault, sexual exploitation, domestic violence, dating violence, and stalking can threaten the safety, well-being, educational experience, and career of students, faculty, and staff and will not be tolerated in any form.

This Policy will be widely distributed on campus so that all students, faculty, and staff at the beginning of each academic year. The most current version of this Policy can be found online at sash.lafayette.edu.

An individual found to have violated this Policy will be subject to disciplinary action consistent with the procedures set forth below.

This Policy also prohibits retaliation against individuals for bringing complaints of sexual assault, sexual exploitation, domestic violence, dating violence, or stalking or participating in the processes outlined in this Policy. The College will take disciplinary action against persons who attempt such retaliation.

Through procedures that address both prevention and remedy, this Policy aims to maintain a campus environment that is free of sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.

The College intends to maintain, consistent with this Policy: (1) education and prevention programs that inform the College community about sexual assault, sexual exploitation, domestic violence, dating violence, and stalking; (2) procedures sensitive to complainants in responding to reports of sexual assault, sexual exploitation, domestic violence, dating violence, and stalking, including informing victims of medical, counseling, and support services and available alternative remedies; (3) procedures for determining violations of this Policy which assure fairness to the complainant and the respondent; (4) College disciplinary sanctions for those who commit sexual assault, sexual exploitation, domestic violence, dating violence, or stalking; and (5) an ongoing Presidential Oversight Committee to review the effectiveness of the College's Policy, and relevant programs and procedures.

II. POLICY

Sexual assault, sexual exploitation, domestic violence, dating violence, and stalking violate the standards of conduct expected of every member and visitor within the College community. This policy outlines the formal definitions and administrative remedies that Lafayette College holds with respect to sexual assault, sexual exploitation, domestic violence, dating violence, and

stalking. Therefore, this document contains some language that, by necessity, may be abstract or legalistic. If an individual has questions about the policy, please do not hesitate to contact the Title IX and Equity Coordinator for clarity and guidance.

Amy O’Neill
Title IX and Equity Coordinator
101 Hogg Hall
oneilla@lafayette.edu
(610) 330-5082

III. DEFINITIONS

When used in this Policy, “Complainant” refers to the individual who is identified as the recipient of the Prohibited Conduct. “Respondent” refers to the individual alleged to have engaged in Prohibited Conduct.

Sexual Assault

Sexual assault includes any of the following:

- A. Any intentional, unconsented touching, or threat or attempt thereof, of:
 - (i) An intimate bodily part of another person, such as a sexual organ, buttocks, or breast;
 - (ii) Any bodily part of another person with a sexual organ; or
 - (iii) Any part of another person’s body with the intent of accomplishing a sexual act; or
- B. Unconsented, inappropriate disrobing of another person, or intentional exposure of one’s genitals to another without the other’s consent; or
- C. Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent; or
- D. Rape or involuntary deviate sexual intercourse as defined by the laws of the Commonwealth of Pennsylvania.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. This includes but it not limited to observing, photographing, videotaping, or making other visual or auditory records of sexual activity or stages of undress/nudity, where there is a reasonable expectation of privacy, without the consent of all parties; or the sharing of

visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties.

Consent

It is the responsibility of the initiator of sexual contact to receive consent and to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Consent for purposes of this policy means permission. Consent shall have been deemed to have been given if the other person assents, through an affirmative and voluntary statement or action, to the sexual gesture or activity. Assent obtained through physical force, threats, intimidation, or coercion is not considered consent.

If the person initiating sexual activity knew or reasonably should have known that the other was incapacitated, assent will not constitute consent. Incapacitation means that a person lacks the ability to make informed judgments about whether or not to engage in the sexual activity. A person may be incapacitated as a result of the consumption of alcohol and/or other drugs, or due to a temporary or permanent physical or mental health condition. One is not expected to be a medical expert in assessing incapacitation, but is expected to look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.

Silence, in and of itself, cannot be interpreted as consent. Previous relationship and prior consent do not imply consent to future sexual acts and consent to one type of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn at any time.

Domestic Violence

Domestic violence means crimes of violence, including causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of serious bodily injury, restraining another's liberty or freedom of movement, or stalking, where such conduct is committed by: (1) a current or former spouse or intimate partner of the complainant; (2) a person with whom the complainant shares a child; (3) a person who is cohabitating or has cohabitated with the complainant as a spouse or intimate partner; (4) a person similarly situated to a spouse of the complainant; or (5) any other person against an adult or youth complainant who is protected from that person's acts under Pennsylvania's domestic or family violence laws.

Dating Violence

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer emotional distress. Stalking may include repeatedly following, monitoring, surveilling, harassing, threatening, or intimidating or communicating to or about another by telephone, mail, electronic communication, social media, or any other action, device, or method.

IV. EDUCATION AND PREVENTION PROGRAMS

The Title IX Coordinator, Deputy Title IX Coordinator or a designee shall have oversight for a College-wide education and prevention program on sexual assault, sexual exploitation, domestic violence, dating violence, and stalking, which includes both new student, faculty, and employee orientation programming, and ongoing prevention and awareness programs for students, faculty, and staff. The Title IX Coordinator or a designee shall also coordinate training of counselors, student life staff, campus disciplinary board members, the Department of Public Safety, group leaders, and members of living groups to respond effectively to sexual assault, sexual exploitation, domestic violence, dating violence, and stalking; providing of crisis intervention counseling and referrals; disseminating literature on sexual assault, sexual exploitation, domestic violence, dating violence, and stalking; providing information on positive and safe options for bystander intervention; providing information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks and violence; and providing students and employees with a written explanation of existing counseling, health, mental health, victim advocacy, legal assistance, and other support services available both on campus and in the community.

Notices and statistics of reported incidents of sexual assault, sexual exploitation, domestic violence, dating violence, or stalking will be reported to the College community as required by law or as otherwise appropriate.

In addition, a Presidential Oversight Committee, appointed by the President and consisting of faculty, students, and staff members, shall conduct periodic reviews of the Policy, as well as related procedures, and programs, and recommend to the President and the faculty revisions necessary to comply with federal or state law and to support institutional goals. The President shall appoint the Chair of the committee. When federal, state, or local law necessitates that changes be made to this Policy in a more timely fashion than the typical procedures will allow, the Committee may, in consultation with the President, implement changes on an interim basis pending final approval by the Faculty. This Oversight Committee is also charged by the President to oversee the College's sexual harassment Policy and procedures.

V. REPORTING, RESOURCES, AND CONFIDENTIALITY

A. GENERAL INFORMATION REGARDING CONFIDENTIALITY

An individual who has experienced sexual or gender-based harassment (which includes sexual assault, sexual exploitation, domestic violence, dating violence, and stalking) has a variety of available options and resources for support. Individuals are encouraged to familiarize themselves with their options and responsibilities before disclosing a potential violation of this policy to a College employee. When the College has notice of a potential violation of this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation(s). If you have any questions or concerns regarding the reporting requirements of individuals, please do not hesitate to ask them. An inquiry into an individual's reporting obligations will not, by itself, trigger an investigation.

B. REPORTING OPTIONS

1. Reporting to Title IX Coordinators:

The Title IX and Equity Coordinator is responsible for overseeing the College's response to reports of sexual and gender-based harassment (which includes sexual assault, sexual exploitation, domestic violence, dating violence, and stalking). Therefore, the College strongly encourages all individuals to report a potential violation of this policy directly to the Title IX and Equity Coordinator or one of the Deputy Title IX Coordinators:

Amy O'Neill
Title IX and Equity Coordinator
101 Hogg Hall
(610) 330-5082
oneilla@lafayette.edu

Lisa Rex
Deputy Coordinator
Director of Human Resources-Employment
12 Markle Hall
(610) 330-5060
rexl@lafayette.edu

Jennifer Dize
Deputy Coordinator
Director of Student Conduct
Kirby House
(610) 330-5082
dizej@lafayette.edu

Terrence Haynes
Deputy Coordinator
Assistant Director of Residence Life

South College 125
(610) 330-3290
haynest@lafayette.edu

Reports can be made in person during regular business hours. Appointments are encouraged. Individuals may also report to the Title IX Coordinators through the reporting tool located at <http://sash.lafayette.edu>. The reporting tool is only monitored during regular business hours and should not be used in emergencies or situations where an immediate response is required. In such situations, call a SASH advisor (610) 330-5964 or Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency)

a. Notice Received by the Title IX and Equity Coordinator

When the Title IX and Equity Coordinator receives information about a potential violation of this policy, the Title IX and Equity Coordinator will conduct a Title IX assessment. The first step of this assessment will usually be a meeting with the Title IX and Equity Coordinator and the complainant. The Title IX and Equity Coordinator will invite appropriate administrators to participate throughout the assessment.

b. Title IX Assessment

As part of the Title IX assessment, the College will assess the nature of the allegation, address immediate needs of the complainant and the campus community, discuss available procedural options, determine the complainant's preference for resolution, provide the complainant with information about resources both on and off campus, and assess for pattern evidence or other similar conduct by the respondent. This assessment will continue until the College has sufficient information to determine an appropriate course of action. If the complainant requests confidentiality or asks that a complaint not be pursued, the Title IX and Equity Coordinator will consider this request in the context of the College's responsibility to provide a safe and non-discriminatory environment for all members of the College community. The College, through the Title IX and Equity Coordinator, will take reasonable steps to respond in a manner consistent with the complainant's request; however, the response may be limited. Additionally, there may be situations in which the College must override a request in order to meet its Title IX obligations.

2. Confidential Reporting and Resources:

Several campus professionals are designated confidential resources where members of the community can seek counseling and guidance. Professional, licensed mental health professionals and pastoral counselors whose official responsibilities include providing mental-health counseling or pastoral care to members of the College community are not required to report any information about an incident to the Title IX and Equity Coordinator without an individual's permission. In rare circumstances, these individuals may have other reporting obligations under the law (for example, abuse of a minor). The following is the contact information for these individuals:

The Counseling Center
Bailey Health Center, 2nd Floor
(610) 330-5005
Call for information about walk-in hours and appointments
College Chaplain, Alex Hendrickson
115C Farinon
(610) 330-5959

Available during regular business hours

3. Private Reporting (Mostly Confidential):

Some College employees, designated under Private Reporting, can talk to a complainant without being required to disclose the name of the complainant or other personally identifiable information to the Title IX and Equity Coordinator. These employees are only required to share a limited report to inform the Title IX and Equity Coordinator of the date, time, general location, and nature of the allegations. This general information is necessary in order for the College to track patterns appropriately, evaluate the scope of the problem, and formulate appropriate campus-wide responses. The following is contact information for those who serve in this private reporting role:

Bailey Health Center (Medical)
607 High St.
(S.W. Corner of High & McCartney Sts.)
(610) 330-5001

SASH Advisors are members of the College faculty and staff who are trained to provide general informal and resource referral regarding sexual and gender-based harassment (which includes sexual assault, sexual exploitation, domestic violence, dating violence, and stalking). Individuals do not have to provide any identifiable information when speaking to a SASH Advisor. While SASH Advisors may generally keep any personally identifiable information private, this cannot be guaranteed. There may be times when this information must be shared with the Title IX and Equity Coordinator to ensure an appropriate institutional response.

SASH Advisor on call 24/7: (610) 330-5964

4. Reporting to Responsible Employees

A Responsible Employee is a College employee who has the authority to redress sexual or gender-based misconduct or who has the duty to report sexual or gender-based misconduct, or whom a student could reasonably identify as having this authority or duty.

Lafayette College has designated all faculty (including visiting faculty) and all administrators as Responsible Employees. Examples of administrators include: Public Safety Officers or other Campus Security Personnel, Residence Life Staff, and Campus Life Staff including Athletic

Coaches and Trainers. Resident Advisors are also Responsible Employees. For a complete list of Responsible Employees, visit <http://sash.lafayette.edu>.

According to this Policy, whenever a Responsible Employee is told or becomes aware of any information related to alleged sexual or gender-based misconduct, the Responsible Employee must share all relevant information about the alleged incident with the Title IX and Equity Coordinator or a Deputy Title IX Coordinator. The Responsible Employee is only responsible for sharing what was disclosed and should not attempt to investigate the allegations. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report.

Before a complainant reveals any information to the Responsible Employee, the Responsible Employee will do her or his best to ensure that the complainant understands the limitations on confidentiality and the obligation of the Responsible Employee to disclose personally identifiable information to the Title IX and Equity Coordinator. If, as a result, the complainant prefers to consult with a confidential resource the Responsible Employee should assist with an appropriate referral prior to the complainant's disclosure of details pertinent to the sexual misconduct.

If the complainant decides to report an incident to a Responsible Employee, but requests that the Responsible Employee maintain confidentiality or requests that no investigation into the incident be conducted or disciplinary action be taken, the Responsible Employee should inform the complainant that the Title IX and Equity Coordinator will review the information and consider the request for such confidentiality/non-action, but should explain that confidentiality/non-action cannot be guaranteed.

5. Reporting to Public Safety:

The Department of Public Safety is available 24 hours a day to receive complaints regarding sexual or gender-based harassment (which includes sexual assault, sexual exploitation, domestic violence, dating violence, and stalking) and may be reached at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency). A complainant who wishes to file a criminal complaint regarding sexual misconduct may also contact the Department of Public Safety.

The College's website for Sexual Violence Prevention, Education and Response (sash.lafayette.edu) provides the most comprehensive and current list of available on- and off-campus resources and support services for complainants and respondents.

C. AMNESTY STATEMENT

Sometimes, individuals are hesitant to report to College officials an incident of sexual assault, sexual exploitation, domestic violence, dating violence or stalking because they fear that they themselves may face disciplinary sanctions as a result of their own violation of College Policy. To encourage reporting, and the free exchange of information, the College will generally not proceed with disciplinary proceedings against an individual involved in an investigation related to sexual assault, sexual exploitation, domestic violence, dating violence, or stalking for

misconduct that occurred in relation to the reported incident provided the misconduct did not jeopardize the health or safety of others.

D. EXTERNAL REMEDIES

Sexual assault, exploitation, domestic violence, dating violence, and stalking are criminal acts which may also subject the respondent to criminal and civil penalties under federal and state law. Lafayette College expects all members of the College community to uphold the laws of the Commonwealth of Pennsylvania and the United States regarding sexual assault, domestic violence, dating violence, and stalking. In addition to any sanction that may be imposed by the College for violations of this Policy, a member of the College community who commits sexual assault, domestic violence, dating violence, or stalking may be subject to criminal sanctions and personal civil liabilities independent of those imposed by the College. Nothing in this Policy shall prevent the complainant or the accused from filing a complaint with the appropriate local, state, or federal agency or in a court with jurisdiction.

E. FORMAL COMPLAINT PROCEDURE

Persons wishing to file formal complaints internally to Lafayette College of sexual assault, sexual exploitation, domestic violence, dating violence, or stalking will be directed to the Title IX and Equity Coordinator or designee who will review the allegations and conduct an initial Title IX assessment (See Section V.B.1.a. above). Once the assessment is complete, the Title IX and Equity Coordinator or designee will appoint an investigator or team of investigators to conduct an investigation.

VI. DISCIPLINARY PROCEEDINGS

When appropriate, disciplinary proceedings will be initiated. If the complainant requests disciplinary proceedings not be instituted, the Title IX and Equity Coordinator or designee will consider this request in the context of the College's responsibility to provide a safe and non-discriminatory environment for all members of the College community. There may be situations in which the College must override a request in order to meet its Title IX obligations.

The investigator(s) and Title IX and Equity Coordinator or designee will provide the results of investigations to the appropriate responsible College Officer. This includes complaints against: (i) students to the Vice President for Campus Life or a designee; (ii) faculty to the Provost; and (iii) staff members to the Associate Vice President of Human Resources. If the respondent is a student, discipline will be handled in accordance with the procedures noted in the Student Code of Conduct which can be found in the Student Handbook. If the respondent is a faculty or staff member, the responsible College Officer will commence disciplinary action according to the disciplinary procedures applicable to the accused individual(s). The responsible College Officer will inform the complainant and the respondent of the applicable policies and procedures to be followed.

In situations involving sexual assault, sexual exploitation, domestic violence, dating violence, or stalking, the applicable disciplinary procedures as referenced in this document will be adapted as necessary to ensure the following:

1. The disciplinary process will be prompt, fair, and equitable, and will be conducted by annually trained and impartial officials who do not have a conflict of interest or a bias for or against the complainant or the respondent.
2. Both the complainant and respondent will have the same opportunities to be accompanied to any related meeting or proceeding by others including an adviser of their choice. Applicable disciplinary procedures should be reviewed for information regarding the way in which an adviser may participate in these meetings and proceedings, but any restrictions placed on an adviser's participation will be applied equally to both parties.
3. The decision of finding an individual responsible for a violation of sexual assault, sexual exploitation, domestic violence, dating violence or stalking will be made using the "more likely than not" standard.
4. Both the complainant and the respondent will be simultaneously notified, in writing, of:
 - a. the outcome of any disciplinary proceedings
 - b. the procedures to appeal the outcome, if applicable
 - c. any changes to the outcome prior to the outcome becoming final
 - d. the final determination and sanction, if any, following any appeal or when the appeal period lapses.

A. SANCTIONS

As appropriate, a complaint will lead to disciplinary sanctions as follows:

For staff and faculty, College sanctions, up to and including separation from the College, will be imposed upon those determined to have violated this Policy.

For students, sanctions, up to and including expulsion from the College, will be imposed upon those determined to have violated this Policy. A complete list of sanctions that may be imposed is set forth in the College's Student Code of Conduct.

For members of a College affiliated group or organization determined to have violated this Policy, the group or organization is subject to sanctions up to and including revocation of the College's recognition of or affiliation with the group or organization. A complete list of sanctions that may be imposed is set forth in the College's Student Code of Conduct.

VII. RETALIATION PROHIBITED

Retaliation against any individual who makes, or assists with, a report or complaint of sexual assault, sexual exploitation, domestic violence, dating violence, or stalking is strictly prohibited. Any person who engages in such retaliation shall be subject to disciplinary action.

VIII. TITLE IX-RELATED COMPLAINTS

If the complainant or the accused feels that this policy or relevant procedures are not compliant with Title IX, or that the College has not carried out its duties appropriately as outlined in this policy, he/she may raise these concerns with the Title IX Coordinator or a Deputy Coordinator, the Vice President for Campus Life (for students), the director of Human Resources (for

employees) or the President of the College. For information about Title IX, visit the [DOE website \(http://www2.ed.gov/policy/rights/guid/ocr/sex.html\)](http://www2.ed.gov/policy/rights/guid/ocr/sex.html).

Individuals may also direct complaints to the Department of Education's Office for Civil Rights:

Philadelphia Office

The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Fax: (215) 656-8605
Email: OCR.Philadelphia@ed.gov